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## EQUAL OPPORTUNITIES POLICY

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### 1. Policy Statement

- 1.1 The Directors of MOONSTONE CARE UK are committed to achieving a working environment which provides equality of opportunity and freedom from discrimination on the grounds of race, religion, belief, sexual orientation, age, disability, gender reassignment and sex.

### 2. Aim of the Policy

- 2.1 The aim of MOONSTONE CARE UK is to promote equal treatment for all employees and service users irrespective of race, colour, sexual orientation, nationality, ethnic origin, religion, political belief, disability, age, gender, or marital status; and that this is managed in compliance with equal opportunities legislation and accepted codes of good organisation. We aim to ensure that no job applicant, staff member, volunteer, organisation or individual we provide services to will be discriminated against by us.

#### Definition

- 2.2 The Directors of MOONSTONE CARE UK understand discrimination to mean the treatment of one person more or less favourably than another on the grounds of race, religion, belief, sexual orientation, age, disability, gender reassignment and sex. There are four different types of discrimination:<sup>1</sup>

#### Direct Discrimination

Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have (see perception discrimination below), or because they associate with someone who has a protected characteristic (see discrimination by association below).

For example a job advertisement which states that "Only those who have English as their first language may apply".

#### Discrimination by association

Applies to race, religion or belief, sexual orientation, age, disability, gender reassignment and sex. This is direct discrimination against someone because they associate with another person who possesses a protected characteristic.

#### Perception discrimination

Applies to age, race, religion or belief and sexual orientation, disability, gender reassignment and sex. This is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic.

#### Indirect discrimination

Applies to age, race, religion or belief, sex, sexual orientation, marriage and civil partnership, disability and gender reassignment. Indirect discrimination would occur when we have a condition, rule, policy or even a practice in Moonstone Care that applies to everyone but particularly disadvantages people who share a protected characteristic. Indirect discrimination can be justified if we can show that we acted reasonably in managing the business, ie that it is

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<sup>1</sup> ACAS the Equality Act What's new for employers

'a proportionate means of achieving a legitimate aim'. A legitimate aim might be any lawful decision we make in running Moonstone Care. Being proportionate really means being fair and reasonable, including showing that we've looked at 'less discriminatory' alternatives to any decision we make.

For example, a line manager who only offers overtime to full time members of staff (the group being directly discriminated against will be part timers but where female part timers form the majority of the part time group they would be eligible to claim indirect discrimination on the grounds of gender).

### **3. Equal Opportunities Policy**

3.1 The organisation is committed to a policy of equal opportunities for all and requires all employees to abide by and adhere to this general principle and to the requirements of the Code of Practice laid down by the Equalities and Human Rights Commission. In particular in this organisation:

- (a) discrimination on the grounds of protected characteristics including race, colour, ethnic or national origin, religion, class, disability, special needs, on grounds of sex or marital status or membership or non-membership of a trade union will not be practiced or tolerated.
- (b) The organisation expects all employees, of whatever grade or authority, to abide by and adhere to this general principle.
- (c) staff will be promoted, employed and treated fairly on the basis of their ability and merits and accordingly to their suitability and no one will be disadvantaged by a condition or requirement, which is not justified by the genuine needs of their job or of the proposed job.
- (d) The organisation is committed to challenge any form of discrimination it encounters.
- (e) In order to provide equal employment and advancement opportunities to all individuals, employment decisions at the organisation will be based on merit, qualifications and abilities.
- (f) employees or service users with questions or concerns about any type of discrimination in the organisation are encouraged to bring these issues to the attention of the management or owner.
- (g) Any breach of this policy should be reported to the on duty manager or to a senior, responsible member of organisation staff; breaches will be dealt with through the organisation's disciplinary procedures.

### **4 Legislation and Codes of Practice**

MOONSTONE CARE UK abides by the current legislation & Codes of Practice. The Equality Act 2010 Act replaces previous legislation (such as the Race Relations Act 1976 and the Disability Discrimination Act 1995). The Equality Act covers the same groups that were protected by existing equality legislation – age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity. These are now called 'protected characteristics'.

#### **4.1 Legislation**

Equality Act 2010  
 Rehabilitation of Offenders Act 1974  
 Local Government Act 1995  
 Human Rights Act 1988

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### **4.2 Codes of Practice**

Race Relations Code of Practice

Code of practice for the elimination of discrimination in the field of employment against disabled persons or persons who have had a disability

Equal Opportunities Commission ( now the Equality and Human Rights Commission)

Institute of Personnel and Development Equal Opportunities Code of Practice

### **5. Procedure for Dealing with Complaints of Discrimination**

5.1 Employees or contracted staff who believe that they are subject to discrimination at work, either by the organisation or by another employee, can have recourse to the organisation grievance procedure as set out in their terms of employment. Some discriminatory acts may contravene the Equalities Act 2010. These and other forms of discrimination will be taken seriously by the organisation. Failure to comply with the Equal Opportunities Policy and proven acts of discrimination by an employee will be handled under the organisation's disciplinary procedure.

5.2 Complainants should:

(a) Record the details of what happened or of the specific nature of the complaint

(b) Record details of when and where any occurrence took place

(c) Record the names and contact details of witnesses if appropriate.

All complaints should be dealt with as fully confidential.

### **6. Training**

6.1 All new staff should be encouraged to read the policy on equal opportunities as part of their induction process. Existing staff may be offered training to National Training Organisation standards covering basic information about equal opportunities and discrimination including the following:  
Equalities Act 2010

6.2 Staff are also required to attend ongoing, regular equality training updates to ensure that equal opportunities is always part of their work. Equal opportunities and anti-racism training is compulsory and it is a condition of terms of employment. Directors are responsible for organising and co-ordinating training. A variety of training courses on equal opportunities and related matters organised through the Directors of MOONSTONE CARE UK Agency.

6.3 All existing staff will undergo training and/or briefing to enable them to meet the requirements of this policy and should be offered advice and guidance to ensure they understand their responsibilities under the law and the organisation's policy.

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### **Management Training**

- 6.4 MOONSTONE CARE UK has reviewed all its management induction training wherever relevant has included materials on equality and diversity which are designed to support managers and supervisors in understanding their responsibilities and opportunities under new and emerging legislation. Of particular relevance are courses on:
- recruitment and selection
  - induction courses for new managers
  - interviewing
  - professional development for managers and senior care staff
  - appraisal skills
  - management skills
  - Teaching skills.

### **7. Recruitment & Selection**

- 7.1 Decisions on the recruitment and selection of new staff are based solely on the individual merits of each candidate, their suitability for the job they have applied for (bearing in mind any requirements laid down by the Health and Social Care Act 2008), assessed by the application of selection criteria appropriate to job description. Recruitment procedures are kept under regular review to ensure compliance with this policy.
- 7.2 We seek to recruit employees of the highest potential. All recruitment selection for new staff takes place without reference to the sex of the applicant. MOONSTONE CARE UK selects applicants for employment without regard to marital status, race, ethnic origin, colour, religion, sexual orientation, social background or other irrelevant distinction.
- 7.3 Applications from those with disabilities are considered on exactly the same employment grounds as those from other applicants.

#### **Advertising**

- 7.4 Job advertisements will be widely publicised so as to encourage applications from a broad range of suitable applicants from all backgrounds. All job advertisements placed on behalf of the MOONSTONE CARE UK will state the management commitment to equality of opportunity by including a footnote or final note indicating this. In addition, where further particulars are prepared they should quote in full the MOONSTONE CARE UK Equal Opportunities Policy Statement and make reference to maternity leave provisions. Further particulars will also be made available in large print, tape, or other formats when they are requested by disabled applicants.

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### **Selection criteria**

- 7.5 Selection criteria for all posts will be clearly defined and reflected in the further particulars sent to job applicants, which will also include details of the MOONSTONE CARE UK commitment to equality of opportunity. Job qualifications or requirements which would have the effect of inhibiting applications from members of particular groups, such as those of one sex, persons of a particular marital status or sexual orientation, persons of a particular racial group, or those with a disability, will not be demanded or imposed except where they are justifiable in terms of the job to be done.

### **Interviews**

- 7.6 Wherever suitably qualified persons are available, there will be at least one member of each sex on the bodies responsible for short listing, interviewing, and making or recommending an appointment. Interview questions will relate to the selection criteria. No questions will be based on assumptions about roles in the home and the family, or the assumed suitability of different ethnic groups for the post in question. In particular, questions about private personal relationships, marital status, children, domestic obligations, marriage plans, or family intentions will not be asked at interview. Questions about a candidate's ability to 'fit in' with colleagues may also be construed as unlawful discrimination.
- 7.7 Where it is necessary to obtain information on personal circumstances (for example, in relation to a selection criterion such as flexibility to work irregular hours) or on whether a candidate will be able to work well with colleagues, questions about this will be asked equally of all candidates and, like other questions, will relate only to the job requirements. In the case of disabled applicants who identify themselves at the application stage, appropriate interview arrangements (such as accessible interview rooms or the assistance of a sign interpreter) should be offered to enable candidates to compete on an equal basis.

### **Record Keeping and Monitoring**

- 7.8 MOONSTONE CARE UK monitors all applications and appointments of new staff. Data will be collected on ethnicity, disability, gender and age amongst applicants. Without such information the MOONSTONE CARE UK is unable to comply with the requirements of the codes of practice issued by the Equalities and Human Rights Commission. The data collected is also used to develop positive action initiatives in line with the MOONSTONE CARE UK Equal Opportunities Policy, (See Section 3 of this document).
- 7.9 Details of candidates and of selection decisions (including the rationale for selection or rejection) will be kept for at least six months after an appointment has been made, in case they are required as evidence by an employment tribunal or for other proceedings. The MOONSTONE CARE UK will keep records of the sex, ethnicity, age and disability of its staff and of all candidates and of those shortlisted and appointed. The gender composition of selection panels will also be monitored. Records may be used to determine whether members of one sex or persons of a certain racial group or those with a disability do not apply for employment, or apply in smaller numbers than might be expected, or are shortlisted or appointed in a lower proportion than their application rate, or are concentrated in certain jobs, faculties, or sub-faculties. Where such under-representation is identified, positive action initiatives will be developed in accordance with the provisions of the Equalities Act 2010 and any other relevant national legislation. MOONSTONE CARE UK will investigate the

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practicalities of monitoring progression within employment, including access to training and development, promotion and grading

### 8. Harassment & Bullying

#### Policy

- 8.1 MOONSTONE CARE UK is committed to equal opportunities and to providing an environment in which all employees ("staff"), service users and those for whom MOONSTONE CARE UK has a special responsibility for are treated with dignity and respect, and in which they can work free from any type of discrimination, harassment, or victimisation.
- 8.2 All staff are responsible for upholding this policy and should act in accordance with the policy guidance in the course of their day-to-day work or study, ensuring an environment in which the dignity of other staff, service users, and visitors is respected. Offensive behaviour will not be tolerated. Harassment is seen as non acceptable behaviour, any member of staff seen to be displaying such behaviours will normally face disciplinary action to be taken against them under the MOONSTONE CARE UK disciplinary procedures.
- 8.3 The management of MOONSTONE CARE UK have specific responsibilities. These include setting a good personal example, making it clear that harassment will not be tolerated, being familiar with, explaining, and offering guidance on this policy and the consequences of breaching it, investigating reports of harassment, taking corrective action if appropriate, and ensuring that victimisation does not occur as a result of a complaint. Instances of harassment should be brought directly to the attention of the Managing Director.
- 8.4 MOONSTONE CARE UK is committed to making all staff and service users aware of this policy and providing accompanying guidance and to providing effective training and briefing on it. MOONSTONE CARE UK will take steps to ensure that both the policy and guidance are fully understood and implemented. The policy will form a part of every employment, service user contract, or contract for services. MOONSTONE CARE UK will encourage a culture of non-tolerance of any form of harassment.
- 8.5 Information concerning allegations of harassment should be treated in the strictest confidence. Breaches of confidentiality will normally give rise to disciplinary action.

#### Definition of Harassment<sup>2</sup>

Harassment is "unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual".

Harassment applies to all protected characteristics except for pregnancy and maternity and marriage and civil partnership. Employees can now complain of behaviour that they find offensive even if it is not directed at them, and the complainant need not possess the relevant characteristic themselves.

Employees are also protected from harassment because of perception and association .

#### Third party harassment

Applies to sex, age, disability, gender reassignment, race, religion or belief and sexual orientation.

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<sup>2</sup> ACAS the Equality Act What's new for employers

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The Equality Act makes you potentially liable for harassment of your employees by people (third parties) who are not employees of your company, such as customers or clients. You will only be liable when harassment has occurred on at least two previous occasions, you are aware that it has taken place, and have not taken reasonable steps to prevent it from happening again.

- 8.7 Harassment may involve repeated forms of unwanted and unwarranted behaviour, but a one-off incident can also amount to harassment.
- 8.8 Acts of harassment may be unlawful. Harassment on grounds of sex, race, religion, disability, sexual orientation or age may amount to unlawful discrimination. Harassment may also breach other legislation and may in some circumstances be a criminal offence e.g. under the provisions of the Protection from Harassment Act 1998.
- 8.9 Reasonable and proper management instructions administered in a fair and proper way, or reasonable and proper review of a member of staff's or a student's work and/or performance will not constitute harassment. Behaviour will not amount to harassment if the conduct complained of could not reasonably be perceived as offensive.
- 8.10 Examples of behaviour that may amount to harassment may include:
- suggestive comments or body language;
  - verbal or physical threats;
  - insulting, abusive, embarrassing or patronising behaviour or comments;
  - offensive gestures, language, rumours, gossip or jokes;
  - humiliating, intimidating, demeaning and/or persistent criticism;
  - open hostility;
  - isolation or exclusion from normal work or meetings, conversations, or social events;
  - publishing, circulating or displaying pornographic, racist, sexually suggestive or otherwise offensive pictures or other materials;
  - Unwanted physical contact, ranging from an invasion of space to a serious assault.
- (The above list is not intended to be exhaustive.)
- 8.11 Many of the above examples of behaviour may occur through the use of internet, email, or telephone including 'texting'.
- 8.12 Being under the influence of alcohol or otherwise intoxicated will not be admitted as an excuse for harassment, and may be regarded as an aggravating feature.
- Definition of Bullying**
- 8.13 Bullying is a form of harassment. It may be characterised by offensive, intimidating, malicious or insulting behaviour, or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. It may not be based, or may not appear to be based, on gender, race or any other specific factor.

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### 8.14 **Definition of Victimisation**

Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint. MOONSTONE CARE UK will protect any member of staff, student, or visitor from victimisation for bringing a complaint or assisting in an investigation. Victimisation is a form of misconduct which may in itself result in a disciplinary process, regardless of the outcome of the original complaint of harassment.

### 9. **Positive action**

9.1 Underrepresented groups will be encouraged to apply for training and employment opportunities with the company/etc. Wherever possible, special training will be provided for such groups to prepare them to compete on genuinely equal terms for jobs and promotion. However, actual recruitment to all jobs will be strictly on merit.

9.2 Wherever necessary, use will be made of lawful exemptions to recruit suitably qualified people to cater for the special needs of particular groups.

9.3 Wherever possible, efforts will be made to identify and remove unnecessary/unjustifiable barriers and provide appropriate facilities and conditions of service to meet the special needs of disadvantaged and/or underrepresented groups

### 10. **Disciplinary Procedure**

Non compliance with the MOONSTONE CARE UK Equal Opportunities Policy and related procedures for good, practice will be treated as a serious offence. Any allegation or evidence to suggest non-compliance will be responded to with an initial investigation carried out by the care manager/Line manager. After such action a formal decision will be made as to whether the company disciplinary procedure should be followed.

### 11. **Management Responsibility**

The Managing Director of MOONSTONE CARE UK is ultimately responsible for the effective operation of the company's Equal Opportunity Policy and its implementation and practice.

### 12. **Communication & Awareness**

A copy of the MOONSTONE CARE UK Equal Opportunities policy is provided to all manager and staff as part of their induction training. A copy is also kept permanently on the staff notice board.

Other sources of information areas follows:

Acas website

[www.acas.org.uk](http://www.acas.org.uk)

The Equalities and Human Rights Commission

[www.equalityhumanrights.com](http://www.equalityhumanrights.com)



### **13 Review of Policy**

This policy will be regularly reviewed as part of the MOONSTONE CARE UK Quality assurance management system and annual audit. Changes will be made as emerging and new legislation takes effect. Review will also include other company policies that make reference, or have implications for, Equal Opportunities Practice.