

# Equal Opportunities Policy

## 1. Introduction

Southend Care Ltd is an equal opportunities employer, and is committed to being a successful, caring and welcoming place for all employees. We want to create a supportive and inclusive environment where our employees can reach their full potential without prejudice and discrimination. We are committed to creating a culture where respect and understanding is fostered, and the diversity of people's backgrounds and circumstances is positively valued, and this is reinforced through our company values.

Equality of opportunity, valuing diversity and compliance with the law is to the benefit of all individuals in our organisation, and to those who use our services. We strive to ensure that the work environment is free of harassment, bullying and discrimination and that individuals at all levels within the organisation have a responsibility to treat others with dignity and respect.

Through this policy, and training and development of managers and staff, we aim to promote good practice to eliminate discrimination and harassment as far as is reasonably possible.

## 2. Legislation

The Equality Act 2010 protects individuals on the grounds of sex, race (which includes colour, nationality and ethnic or national origins), age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, religion or belief (including lack of belief) and sexual orientation. These are referred to as "*protected characteristics*".

This policy aims to achieve equality by removing any potential discrimination in the way that our employees are treated by fellow employees or the company, including:

- people with disabilities
- people of different sexual orientations
- transgender people, including those who intend to, have already done so, or are currently undergoing gender reassignment
- people of different races
- people on the grounds of their sex
- those of faith and of no faith
- in relation to their age
- in relation to their social class or medical condition
- people who work part-time

- those who are married or in a civil partnership
- women who are pregnant, have recently given birth or are breastfeeding.

Discrimination can be either direct or indirect. Some of the above are protected characteristics under the Equality Act 2010 and discrimination is prohibited, unless there is a legal exception, under the Equality Act.

### **Direct discrimination**

The Equality Act defines *direct discrimination* as less favourable treatment because of a protected characteristic; it can be intentional or unintentional. An example of direct discrimination would be refusing to employ a woman because she is pregnant.

It can also arise because of perception, when an individual is (wrongly) perceived to have a protected characteristic when they do not, such as when an employee is given a nickname that refers to them as homosexual when they are not.

In limited circumstances, employers can directly discriminate against an individual for a reason related to any of the protected characteristics where there is an occupational requirement. The occupational requirement must be crucial to the post and a proportionate means of achieving a legitimate aim.

### **Indirect Discrimination**

This is where someone is disadvantaged by an apparently neutral provision, criterion or practice (PCP) that is applied “across the board” or “equally across a particular group”. The PCP may have the consequence (usually unintended) of causing a disadvantage, which then actually affects somebody. For example, a PCP relating to clothing or headwear could be applied “equally” but may cause someone with a protected characteristic to be disadvantaged. The PCP could be justified if it is a proportionate means of achieving a legitimate aim.

Indirect discrimination against individuals because they have a relevant protected characteristic is also covered, although pregnancy and maternity does not come under the indirect discrimination provisions in the Act because it specifically protects against this.

### **Victimisation**

This occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion because they made or supported a complaint or raised a grievance under the Equality Act 2010, or because they are suspected of doing so. However, an employee is not protected from victimisation if they acted maliciously or made or supported an untrue complaint.

### **Harassment**

This is where there is unwanted conduct, related to one of the protected characteristics (other than marriage and civil partnership, and pregnancy and maternity) that has the

purpose or effect of violating a person's dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment. It does not matter whether or not this effect was intended by the person responsible for the conduct.

In addition to the requirements of legislation, the Company's Grievance and Anti Bullying & Harassment Policies sets out the expectation that all staff commit to treating one another with respect and dignity and the wish to promote a work environment that is free from unacceptable behaviour.

### **Associative discrimination**

Where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic (although it does not cover harassment because of marriage and civil partnership, and pregnancy and maternity). For example, it is unlawful for an employer to discriminate against an employee because they have a disabled partner.

### **Perceptive discrimination**

Where an individual is directly discriminated against or harassed based on a perception that they have a particular protected characteristic when they do not, in fact, have that protected characteristic (other than marriage and civil partnership, and pregnancy and maternity).

### **Third-party harassment**

This occurs where an employee is harassed and the harassment is related to a protected characteristic (other than marriage and civil partnership, and pregnancy and maternity), by third parties such as service users or customers.

The Employment Rights Act 2025 will introduce from October 2026 that employers will be liable for harassment from third parties, unless they have taken all reasonable steps to prevent it from happening, this is a change to the law that currently states 'reasonable steps'.

### **Failure to make reasonable adjustments**

This occurs where a physical feature or a provision, criterion or practice puts a disabled person at a substantial disadvantage compared with someone who does not have that protected characteristic and the employer has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.

Employers may take positive action in the form of proportionate measures to encourage or train people from an under-represented group to apply for jobs, overcome a perceived disadvantage or meet specific needs based on a protected characteristic. For example, an employer could facilitate women having access to childcare facilities or provide certain religious groups with time off for religious observance.

### **3. Equal opportunities in employment**

It is unlawful to discriminate directly or indirectly in recruitment or employment because a person's "protected characteristic(s)". Discrimination after employment may also be unlawful, refusing to give a reference for a reason related to one of the protected characteristics.

Person and job specifications will be limited to those requirements that are necessary for the effective performance of the job. Candidates for employment or promotion will be assessed objectively against the requirements for the job, taking account of any reasonable adjustments that may be required for candidates with a disability. Disability and personal or home commitments will not form the basis of employment decisions except where necessary.

Southend Care Ltd will comply with its obligations in relation to statutory requests for contract variations. It will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability, where reasonability possible and proportionate.

### **4. Customers, suppliers and other people not employed by the Company**

Southend Care Ltd will not discriminate unlawfully against customers and service users using or seeking to use goods, facilities or services provided by the Company because of their protected characteristics.

Staff should not discriminate against or harass individuals who use our services. It is unlawful to fail to make reasonable adjustments to overcome barriers to using services caused by disability. The duty to make reasonable adjustments includes the removal, adaptation or alteration of physical features, if the physical features make it impossible or unreasonably difficult for disabled people to make use of services. In addition, service providers have an obligation to think ahead and address any barriers that may impede disabled people from accessing a service.

Employers will be liable for acts of unlawful discrimination committed by their employees against other employees or customers in the course of their employment unless they can show that they took such steps as were reasonably practicable to prevent those acts. There is no limit on compensation for unlawful discrimination, which includes compensation for injury to feelings and personal injury.

### **5. Employee responsibilities**

Every employee is required to assist Southend Care Ltd to meet its commitment to provide equal opportunities in employment and avoid unlawful discrimination.

Employees can be held personally liable as well as, or instead of, the Company for any act of unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence.

Acts of discrimination, harassment, bullying or victimisation against employees or customers are disciplinary offences and will be dealt with under the Company's

disciplinary procedure. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

## 6. Grievances and Dignity at Work

If an employee considers they may have been unlawfully discriminated against or harassed, they may use the Company's Grievance or Anti Bullying and Harassment Policies to make a complaint.

The employee will not be penalised for raising a grievance or complaint, even if their grievance or complaint is not upheld, unless their complaint is both untrue and made in bad faith.

## 7. Review of the Policy

This policy will be reviewed periodically by the Company to judge its effectiveness and will be updated in accordance with changes in the law.

The Company will also periodically review how successful it is in providing equal opportunities in employment by other means which may include confidential staff surveys, staff turnover and/or absence levels analysis, and employee leaver's questionnaires.

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