

OUR COMMITMENT TO EQUALITY AND DIVERSITY

Barclay Simpson embraces equality and diversity and will seek to promote their benefits in all of its business activities. We will further develop our business culture to encourage, value and manage that belief. We will seek to widen the media in which we recruit to ensure as diverse an employee and candidate base as possible. We will strive to make sure that our clients meet their own equality and diversity targets.

We intend to eliminate discrimination and encourage diversity amongst our workforce. Our aim is that our employees will be truly representative of all sections of society and each person feels respected and able to give of their best.

We will review on an on-going basis all aspects of recruitment to avoid unlawful or undesirable discrimination as defined in the Equality Act 2010. Barclay Simpson will treat everyone equally irrespective of sex, sexual orientation, gender reassignment, marital or civil partnership status, pregnancy or maternity, age, disability, colour, race, nationality, national origin, religion or belief and places an obligation upon all staff to respect and act in accordance with the policy.

Our commitment:

- To create an environment in which individual differences and the contributions of all our staff are recognized and valued
- Every employee is entitled to a working environment that promotes dignity and respect to all. No form of intimidation, bullying or harassment will be tolerated.
- Training, development and progression opportunities are available to all staff.
- Training in equality and diversity practice will be provided to all staff in order to prevent discrimination, harassment and victimisation.
- Equality in the workplace is good management practice and makes sound business sense.
- We will review all our employment practices and procedures to ensure fairness.
- Breaches of our equality policy will be regarded as misconduct and could lead to disciplinary proceedings.
- This policy will be monitored and reviewed annually.
- This policy is fully supported by the directors of Barclay Simpson.

Barclay Simpson wants its own employees to be representative of the society from which it is drawn to secure the widest pool of talent possible. Selection for employment, promotion, training or any other benefit will be on the basis of aptitude and ability. All employees will be helped and encouraged to develop their full potential and the talents and resources of our employees will be fully utilised to maximise the efficiency of the organisation.

Barclay Simpson shall not discriminate unlawfully when deciding which candidate or temporary worker is submitted for a vacancy or assignment, or in any terms of employment or terms of engagement for temporary workers. Barclay Simpson will ensure that each candidate is assessed only in accordance with the candidate's merits, qualifications and abilities to perform the relevant duties required by the particular vacancy.

Barclay Simpson will not accept instructions from clients that indicate an intention to discriminate unlawfully.

DISCRIMINATION

Protection from unlawful discrimination is provided by the Equality Act 2010 in relation to the following protected characteristics:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion and belief
- sex
- sexual orientation

Unlawful discrimination can take a number of forms:

Direct discrimination

Direct discrimination occurs where one individual treats or would treat another individual less favourably because of a protected characteristic. In the case of pregnancy and maternity, direct discrimination can occur simply if the individual has the protected characteristic without needing to compare treatment to someone else.

It is unlawful for a recruitment consultancy to discriminate against a person on the grounds of a protected characteristic:

- in the terms on which the recruitment consultancy offers to provide any of its services;
- by refusing or deliberately omitting to provide any of its services;
- in the way it provides any of its services.

Direct discrimination would also occur if a recruitment consultancy accepted and acted upon a job registration from an employer which states that certain persons are unacceptable due to a protected characteristic, unless one of the exceptions as defined in the Equality Act 2010 applies. For instance, if the employer can show that a particular protected characteristic is central to a particular job they can insist that only someone who has that particular protected characteristic is a suitable candidate.

Indirect discrimination

Indirect discrimination occurs where an agency or employer applies a provision, criterion or practice generally, which disadvantages a minority group in the community on the basis of a protected characteristic. For example, offering interviews on a Friday only and thereby excluding observant Muslims from the process.

Indirect discrimination would also occur if a recruitment consultant accepted and acted upon an indirectly discriminatory instruction from an employer.

If the vacancy requires characteristics which amount to a genuine occupational requirement or the instruction is lawfully discriminatory due to a statutory exception or objective justification, Barclay Simpson will not deal further with the vacancy unless the client provides written confirmation of such genuine occupational requirement, exception or justification.

Discrimination arising from disability

Direct discrimination against a person occurs when a person is treated unfavourably because of disability, either their own disability or because someone they are associated with has a disability. This only applies if the employer knew or could reasonably have been expected to know that the person is disabled or is associated with someone who has a disability.

Indirect discrimination occurs when a practice, criterion or provision which cannot be objectively justified is applied to everyone but results in person with a disability being placed at a disadvantage.

An employer has a duty to make reasonable adjustments and to provide auxiliary aids and services. Where a provision, criterion or practice applied by or on behalf of an employer, or any physical feature of the employer's premises, places a disabled person at a substantial disadvantage in comparison with persons who are not disabled, it will be the duty of an employer to take such steps as are reasonable, in all the circumstances of the case, to remove the provision, criterion, practice or physical feature.

Agencies must take reasonable steps to provide auxiliary aids or services if this would make it easier for the disabled person to use their services. For instance, an appropriate auxiliary aid or service can include the provision of information on audiotape or provision of a sign language interpreter.

Barclay Simpson will not discriminate against a disabled person on the grounds of disability:

- in the arrangements i.e. application form, interview or arrangements for selection for determining to whom a job should be offered; or
- in the terms on which employment or engagement of temporary workers is offered; or
- by refusing to offer, or deliberately not offering the disabled person a job for reasons connected with their disability; or

- in the opportunities afforded to the person for receiving any benefit, or by refusing to afford, or deliberately not affording him or her any such opportunity; or
- by subjecting him or her to any other detriment (detriment will include refusal of training or transfer, demotion, reduction of wage, or harassment).

Barclay Simpson will accordingly make career opportunities available to all people with disabilities and every practical effort will be made to provide for the needs of staff, candidates and clients.

Wherever possible Barclay Simpson will make reasonable adjustments to its working environment and to its policies in order to provide and improve means of access for disabled employees and for disabled visitors. However, this may not always be feasible, due to circumstances creating such difficulties as to render such adjustments as being beyond what is reasonable in all the circumstances.

Age discrimination

Barclay Simpson will not discriminate directly or indirectly, harass or victimise any person on the grounds of their age. We will encourage clients not to include any age criteria in job specifications and every attempt will be made to persuade clients to recruit on the basis of competence and skills and not age.

Barclay Simpson is committed to recruiting and retaining employees whose skills, experience, and attitude are suitable for the requirements of the various positions regardless of age.

No age requirements will be stated in any job advertisements on behalf of the company.

Barclay Simpson will request age as part of its recruitment process but such information will not be used as selection, training or promotion criteria or in any detrimental way and is only for compilation of personal data, which the company holds on all employees and workers and as part of its equal opportunities monitoring process.

Age is different to the other protected characteristics. If an employer can show that it is objectively justified, they can make a decision based on someone's age even if this would otherwise be direct discrimination. However, it is very unusual to be able to objectively justify direct age discrimination of this kind.

The following provisions relating to association, perception and victimisation can apply to anyone, even if they do not have one of the protected characteristics themselves.

Associative discrimination

An employer must not treat a job applicant, employee or former employee worse than any other because they are associated with a person who has a protected characteristic. For example, allowing one person to work flexibly so that they can care for an elderly relative while not allowing another person to do so to care for a younger person. If the decision is based on the age of the person being cared for, this would be discrimination because of age by association.

Discrimination by perception

An employer must not treat a job applicant, employee or former employee worse than another because they incorrectly think that they have a protected characteristic. For example, by not giving an applicant the job, even though they are the best qualified person, because they think that the applicant is gay. This is direct discrimination because of sexual orientation.

Discrimination by victimisation

An employer must not treat a job applicant, employee or former employee badly or victimise them because they have complained about discrimination or helped someone else complain or have done anything to uphold their own or someone else's equality law rights.

PART-TIME WORKERS

This equal opportunities and diversity policy also covers the treatment of those employees and workers who work on a part-time basis. Barclay Simpson recognises that it is an essential part of this policy that part time employees are treated on the same terms, with no detriment, as full time employees (albeit on a pro rata basis) in matters such as rates of pay, holiday entitlement, maternity leave, parental and domestic incident leave and access to our pension scheme. Barclay Simpson also recognises that part time employees must be treated the same as full time employees in relation to training and redundancy situations.

HARASSMENT AND BULLYING

Barclay Simpson believes that everyone should be treated with dignity and respect at work and is committed to providing a work environment free from unlawful harassment on grounds of any of the protected characteristics or any other basis protected by legislation. Harassment will not be tolerated by Barclay Simpson.

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.

Bullying is a type of harassment. It may be characterised as offensive, intimidating, malicious or insulting behaviour, or abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. This policy prohibits harassment by any employee or worker of Barclay Simpson.

Examples of bullying/harassing behaviour include:

- spreading malicious rumours, or insulting someone by word or behaviour (particularly on the grounds of age, race, sex, disability, sexual orientation and religion or belief)
- copying memos that are critical about someone to others who do not need to know
- ridiculing or demeaning someone – picking on them or setting them up to fail
- exclusion or victimisation
- unfair treatment
- overbearing supervision or other misuse of power or position
- unwelcome sexual advances – touching, standing too close, the display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected
- making threats or comments about job security without foundation
- deliberately undermining a competent worker by overloading and constant criticism
- preventing individuals progressing by intentionally blocking promotion or training opportunities.

Barclay Simpson will undertake a thorough investigation of the allegations. If it is concluded that harassment has occurred, disciplinary action will be taken. This may include termination of employment. A person who discriminates or harasses may be personally liable for payment of compensation to the person offended, in addition to any compensation payable by Barclay Simpson. There is no statutory cap on the amount of compensation which may be awarded in discrimination cases. Under the Criminal Justice Act 1994, harassment became a criminal offence, punishable by a fine of up to £5,000 and/or a prison term of up to 6 months. Under the Protection from Harassment Act 1997, the penalties for aggravated harassment are an unlimited fine and/or 5 years imprisonment.

Your right not to be harassed by third parties

The Equality Act 2010 makes Barclay Simpson potentially liable for harassment of its employees by people (third parties) who are not employees of the company, such as customers or clients. Barclay Simpson will only be liable when harassment has occurred on at least two previous occasions, they are aware that it has taken place, and have not taken reasonable steps to prevent it from happening again.

If you believe that you have been unlawfully harassed, you should make an immediate report to Ian Coyle, Operations Director, followed by a written complaint as soon as possible after the incident. Your complaint should include details of the incident, name(s) of the individual(s) involved and the name(s) of any witness(es).

GENDER REASSIGNMENT

Barclay Simpson recognises that any employee or worker may wish to change their gender during the course of their employment with the company.

Barclay Simpson will support any employee or worker through the reassignment.

Barclay Simpson will make every effort to try to protect an employee or worker who has undergone, is undergoing or intends to undergo gender reassignment, from discrimination or harassment within the workplace.

All employees and workers will be expected to comply with Barclay Simpson's policy on harassment in the workplace. Any breach of such a policy will lead to the appropriate disciplinary sanction.

Where an employee is engaged in work where the gender change imposes genuine problems Barclay Simpson will make every effort to reassign the employee or worker to an alternative role in the Company, if so desired by the employee.

Any employee or worker suffering discrimination on the grounds of gender reassignment should make recourse to the Company's grievance procedure.

GRIEVANCE AND MONITORING PROCEDURES

Barclay Simpson has in place procedures for monitoring compliance with this policy and for dealing with complaints of discrimination. These are available from Ian Coyle, Operations Director, and will be made available immediately upon request.

Any discrimination complaint will be investigated fully.

Signed:

(for and on behalf of Barclay Simpson)

Name and position:

Ian Coyle – Operations Director

Date:
