

Newlyn plc

Equal Opportunities in Employment Policy Statement & Recruitment and Selection Procedures

A Duty of Care towards Employees and Prospective Employees
Including Statements on Disability, Age and Racial Equality etc.

Part of the Newlyn Risk Management Strategy



CONTENTS

Index	2
POLICY STATEMENT	3-5
PROCEDURES	6-15
1. Responsibilities of Employees	7
2. Responsibilities of Managers	7
3. Implementing the Policies	8
3.1 Training and Awareness	8
3.2 Staff Recruitment	8
3.2.1 Advertising Vacancies	8
3.2.2 At Interview	9
3.2.3 Post Interview	9
4. Once in Employment	9
4.1 Part-time Employees	10
4.2 Fixed-term Employees	10
4.3 Job Sharing	10
5. Health and Safety	10
6. Complaints Process	10
7. Equality Statements and Compliance	11
7.1 Race	11
7.2 Disability	11
7.3 Gender, Sex and Sexual Orientation Discrimination	12
7.4 Equal Pay	13
7.5 Discrimination on the Grounds of Religion	13
7.6 Age	14
7.7 Rehabilitation of Offenders	14
7.8 Data Protection	15
7.9 Human Rights	15
8. Monitoring Equal Opportunity and Dignity at Work	16
Definitions	17

Newlyn plc Equal Opportunities Policy Statement

Valuing diversity is one of the core principles of Newlyn plc. The company commits to promote diversity and equality when delivering its services, recruiting its workforce and dealing with its many stakeholders. As a nationwide company, on a daily basis Newlyn deals with the many diverse communities of its clients, and in order to deliver its services lawfully, fairly, and efficiently, appreciating and promoting equality is essential to the company's reputation and success.

The company recognises that everyone is different and strives to help every individual meet his or her full potential. The Company aims to treat the people it serves, interviews or employs, fairly, consistently and with respect. It also requires its employees to treat others in the same way.

Framework and Monitoring

Newlyn will be guided by the Race Relations Act 1976, the Race Relations (Amendment) Act 2000, the Sex Discrimination Act 1975 & 1986, the Disability Discrimination Act 1995, the Equality Act 2010 and any other appropriate legislation and/or regulations as a framework for action to support the company's initiatives (see additional information about the policy below and "Definitions on p16 of this document). These initiatives will focus on but not be limited to eight main headings:

- **Direct discrimination** – someone is treated less favourably than another person because of a protected characteristic
- **Associative discrimination** – Direct discrimination against someone because they associate with another person who possesses a protected characteristic – applies to age, disability, gender reassignment, sex
- **Combined (dual) discrimination** – someone who feels they had experienced discrimination because of two protected characteristics
- **Discrimination by perception** – Direct discrimination against someone because the others think they possess a particular protected characteristic – applies to disability, gender reassignment, sex
- **Indirect discrimination** – can occur when you have a rule or policy that applies to everyone but disadvantages a particular protected characteristic – applies to disability, gender reassignment
- **Harassment** – employees are able to complain of behaviour they find offensive even if it is not directed at them
- **Victimisation** – someone is treated badly because they have made/supported a complaint or grievance under the Act

The company will comply with its statutory obligations in a positive manner. Monitoring equality of opportunity in employment and recruitment forms part of Newlyn's business planning process and is therefore subject to audit under the Company's ISO 9001 Quality Management System.

The company will ensure that its employment practices provide equality of opportunity for both current and prospective employees and that no one who is subjected to a service from the company, or any staff member, receives less favourable treatment; neither will it tolerate any form of behaviour or activity that discriminates on the grounds of:

- age
- race
- colour
- ethnic and national origin
- nationality
- gender
- sexual orientation
- gender re-assignment
- religious beliefs
- disability
- marital status
- family responsibilities
- socio-economic background
- unrelated or spent criminal convictions
- trades union activity

The company will operate according to a set of procedures designed to ensure that none of the groups identified above will be disadvantaged because of conditions or requirements which cannot be justified. It will also prepare a plan of execution for these procedures robustly supported by training and monitoring initiatives. These procedures will include and not be limited to the following:

- the physical environment (buildings) in terms of access and resources
- training and development opportunities
- work experience
- staff attitudes
- employment policies, conditions and procedures
- payment
- links with or the influence of external bodies or third parties

Recruitment and Selection

All applicants, both internal and external, will be treated equally and fairly throughout the recruitment, selection and appraisal processes and the company will make best effort to ensure that everyone is dealt with in line with Newlyn's Recruitment and Selection Policy, and that decisions are made on merit and in line with the job and skills requirements set out for the vacancy. The company will take measures to advertise situations vacant in such a way as to fully include minority groupings. Vacancies will be advertised in a variety of channels so that all sections of the community are given the opportunity to apply.

Complaints

All complaints regarding discrimination either pre- or post- employment will be taken seriously and complainants will not be victimised.

Training and Awareness

The **Managing and Operations Director** is responsible for implementing the company's Equal Opportunities Policy. The Managing and Operations Director will ensure that **managers, team leaders, and supervisors** of the company have specific duties in setting the policy standard and are examples of good practice. This delegated group will be operationally responsible for implementing the policy and for ensuring that their reports are aware of their responsibilities in ways that are easily understandable. These delgated groups will also constitute the formal channel/s for consultation. Finally, **all employees** have an obligation to comply with the policy and to make sure that members of local communities, clients, those subject to the company's services and their Newlyn colleagues are treated with dignity and respect at all times. Training for all staff to help them fulfil their obligations will be provided. The outcomes of policy implementation will be made known to all staff as part of the company's communication, monitoring and feedback process.

Clients, suppliers and members of the local community will be made aware of Newlyn's Equal Opportunities Policy when dealing with the company. Prospective employees will be made aware when receiving information concerning job vacancies.

The company will with best effort select suppliers with similar values and where practical obtain conformation in writing to this effect.

Should the company encounter discrimination by anyone it will take appropriate action. Examples might include disciplinary action and possible dismissal and termination of supplier contracts.

Signed 

Managing and Operations Director

Date: 30 March 2016

Next review date: 01 April 2017

Newlyn plc Recruitment and Selection Procedures



1. RESPONSIBILITIES OF EMPLOYEES

All Newlyn staff are expected to be aware of, to support and to actively promote all aspects of the company's Equal Opportunity Policy and Recruitment and Selection Policy. They are also challenged to question their own attitudes. Discrimination is often unintentional and due to lack of thought. Every employee should ask him/herself whether anything he/she says or does could be perceived as being discriminatory.

The company requires its employees to:

- follow the company's Equal Opportunities Policy, Recruitment and Selection Policy and any other guidance from the Directors about the Policy and Statutory Requirements
- inform management if they come across any procedures or practices which seem unfair or discriminatory
- seek advice from management if they are not sure what to do
- attend training events designed to help implement the policies
- be aware that **as well as the company, individual employees can be held personally liable for breaches of the law**. In addition to any training, staff need to **make themselves aware** of the legal requirements of the Equal Pay Act 1970 (amended 1984), Race Relations Act 1976, Sex Discrimination Acts 1975 and 1986 and the Disability Discrimination Act 1995, copies of which together with official guideline are available from Human Resources. Everyone should know that it is unlawful to discriminate on grounds of disability, gender, marital status or race and/or induce others to discriminate or victimise and/or harass individuals who complain about discrimination
- take proper action if they observe any procedures or practices which seem unfair or discriminatory and to raise any recurring problems with their line manager

2. RESPONSIBILITIES OF MANAGERS

The company requires its managers to be an example, to help set the policy standard, to comply with their responsibilities as an individual, and to:

- promote the company's Equal Opportunities Policy and Recruitment Selection Policy and seek to fulfil policy aims
- carry out any equal opportunities monitoring, reviews of procedures and practices, or other developments set out in the Equal Opportunities action plan (this document)
- make sure their reports comply with individual responsibilities for equal opportunities, and that staff receive the training and guidance in order to treat colleagues and prospective colleagues fairly and consistently and with tolerance and respect
- when filling a vacancy, ensure that staff involved in the recruitment process receive training about how to put the company's Equal Opportunities Policy and Recruitment and Selection Policy into practice
- liaise with the Human Resources Manager in managing recruitment and employment issues
- be sensitive to the personal circumstances of their staff, e.g. any responsibilities for dependants, or cultural/religious needs, when work or annual leave arrangements are involved
- take all allegations or complaints of discrimination seriously

- channel complaints about discrimination from employees and prospective employees through the company's **Staff Grievance Procedure**.

3. IMPLEMENTING THE POLICIES

The Managing and Operations Director has overall responsibility for implementing the company's Equal Opportunities Policy and Recruitment and Selection Policy. Each manager will take the lead on actions for their department.

3.1 Training and Awareness

- Managers and staff involved in the recruitment process will receive training from human resources relating to how to put the company's Equal Opportunities Policy and Recruitment and Selection Policy into practice.
- All members of staff will be kept informed in ways they can understand about the company's Equal Opportunities Policy and Recruitment and Selection Policy.
- As part of the company's **business planning function** the management team will consider an **action plan (procedures)** relating to the implementation and subsequent development of the Equal Opportunities Policy and Recruitment and Selection Policy. This function is subject to review under the company's EN ISO 9001 Quality Management System.
- A full review of policy and procedures will be held at least once annually.
- Guidelines/procedures concerning the company's Equal Opportunities Policy and Recruitment and Selection Policy, and the rules to be complied with, will be given to all employees during the induction process.
- Training will be provided for **all staff** to help them fulfil their equal opportunities..

3.2 Staff Recruitment

The company aims to make sure that:

- all jobs are open to all
- applicants are made aware of the company's Equal Opportunities Policy and Recruitment and Selection Policy when receiving advice concerning job vacancies
- once in employment, training and promotion opportunities are equally available to all employees of the company

3.2.1 Advertising Vacancies

The company will ensure that:

- all vacancies have a job description and person specification setting out the relevant requirements in terms of background and experience for the position
- any agencies (including job centres and schools career advisors) and any publications used for advertising vacancies are informed of the company's Equal Opportunities Policy and Recruitment and Selection Policy in writing
- advertisements do not stereotype. All vacancy advertising will state that Newlyn is committed to being an Equal Opportunity employer and where possible carry an Equal Opportunities insignia or logotype and the "Two Ticks" disability insignia endorsed by JobCentre Plus

- vacancies are advertised in a variety of channels so that all sections of the community are given the opportunity to apply

3.2.2 At Interview

- all applicants must be given equal consideration, with subsequent selection based solely on merit
- all applicants will have been supplied with a job description and a person specification, setting out the relevant requirements for the vacancy
- application and interview questions and tests must be relevant to the job and unbiased
- all interviewees will be asked a core set of common questions pertinent to the vacancy
- all job applicants will be informed of the company's Equal Opportunities Policy and Recruitment and Selection Policy
- applicants with a disability who have the appropriate skills and experience are presumed to be able to do the job unless there is evidence to the contrary
- every reasonable effort is made to give applicants with a disability the opportunity to demonstrate their suitability for the job and to make the workplace suitable for them if selected
- in compliance with Rehabilitation of Offenders Act 1974 and the Criminal Record Bureau Code of Practice, spent criminal convictions which are considered not relevant to the job will not be taken into consideration

3.2.3 Post Interview

- unsuccessful applicants wishing to know the reasons for not being selected will be given an explanation
- applicants who feel that they have been discriminated against must be given information on how to complain and must not be subsequently subjected to unfair treatment

4. ONCE IN EMPLOYMENT

The company will ensure that:

- all employees are treated fairly and consistently
- training opportunities, support and appraisal, will be offered and conducted without regard to considerations such as but not limited to; age, disability, gender, marital status, nationality, race, religious beliefs or sexual orientation (see Newlyn's policy document)
- no assumptions must be made about differing career expectations, for example between men and women, or between racial groups. (see Newlyn's policy document)
- every reasonable effort must be taken in advance of any start date to make the workplace suitable for employees with a disability
- internal applicants for vacancies must be treated in the same way as external applicants.

4.1 Part-time employees

The company will ensure that permanent or fixed term part-time workers are not treated less favourably than comparable full-timers. In order to ensure adherence to the regulations listed at the end of this section, the company will ensure that part-time employees will:

- receive, pro-rata, the same rates of pay
- not be excluded from training on the grounds of part-time working
- receive holiday entitlement pro rata to a comparable full-timer
- have made available to them any career break schemes, contractual maternity leave or paternity leave available to full-time workers
- not be treated less favourably when workers are selected for redundancy

4.2 Fixed-term employees

The company aims to ensure that employees on fixed-term contracts are treated no less favourably than comparable permanent employees.

This may include for example:

- employees covering maternity leave
- employees carrying out a specific task or project

Under the regulations listed at the end of this section, fixed-term employees have the right to the same terms and conditions of employment as comparable permanent employees

4.3 Job Sharing

The company aims to ensure that employees considering job-sharing arrangements are treated no less favourably than comparable full time employees.

Compliance

The Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000
Prevention of Less Favourable Treatment Regulations 2000

5. HEALTH AND SAFETY

Newlyn seeks advice from relevant bodies with regard to the design and refurbishment of its buildings to take account of any related Equal Opportunities, Health and Safety or Environmental issues such as, but not limited to, disability access and other facilities for the disabled.

6. COMPLAINTS PROCESS

Any employee or prospective employee who feels that discrimination has taken place must be given information in writing concerning how to make a complaint. The company takes the view that not all complaints are destructive and that many will assist Newlyn in strengthening its practical approach to equal opportunities.

Employees or prospective employees who file a complaint concerning Equal Opportunities must not subsequently be subjected to unfair treatment.

Confidentiality will be maintained during any investigatory process to the extent that this is practical and appropriate in the circumstances. The company is committed to taking appropriate action with respect to all complaints of harassment; and harassment by a third party; which are upheld.

Any employee who is found to have discriminated against or harassed another employee in violation of this policy will be subject to disciplinary action under the company's disciplinary procedure. Such behaviour may be treated as gross misconduct and could render the employee liable to summary dismissal. In addition, line managers who had knowledge that such discrimination or harassment had occurred in their departments but who had taken no action to eliminate it will also be subject to disciplinary action under the Company's disciplinary procedure.

Copies of the company's **Complaints/Grievance Procedures** are available from human resources. The Complaints/Grievance procedures should be freely available and easy to use.

7. EQUALITY STATEMENTS AND COMPLIANCE

7.1 Race

The company will promote development of staff regardless of race, nationality and ethnic origin. The company is committed to tackling racial discrimination wherever and however it occurs within the company and to promoting good race relations. All managers and staff members are expected to adhere to and promote the policies and procedures which will make race equality a reality within the company.

Compliance

Race Relations Act 1976

Race Relations Act (Amendment) Regulations 2000

Race Relations Act (Amendment) Regulations 2003

7.2 Disability

The Disability Discrimination Act 1995 gives disabled people at work protection from discrimination.

The company will seek to comply with its statutory obligations in a positive manner. The company welcomes every individual and will with best effort ensure that employees with disabilities can participate fully and equally in all aspects of working life. The law imposes a series of obligations on employers not to discriminate against disabled people on grounds relating to their disability unless their disability makes them unable to perform a key function of the job, or it is too expensive or impracticable for some other reason to change physical features of the premises or change other arrangements which place disabled employees at a disadvantage. The company welcomes the Disability Discrimination Act 1995 and actively seeks to respond flexibly to its current and prospective employees individual training needs and requirements for specialist or modified facilities.

In addition to complying with the requirements of current legislation relating to disability discrimination, the company will follow procedures designed to provide fair consideration and selection of disabled job applicants and to satisfy their training and development needs. Applicants with a disability who have the appropriate skills and experience are presumed to be able to do the job unless there is evidence to the contrary.

Every reasonable effort is made to give applicants with a disability the opportunity to demonstrate their suitability for the job and to make the workplace suitable for them if they are selected.

The company will ensure that every reasonable effort is made to improve access and facilities for disabled visitors to its buildings.

All employees are expected to show consideration towards disabled colleagues, clients and visitors.

Training and promotion opportunities are equally available to all employees of the company, regardless of disability. Extended probationary periods may be offered to a disabled employee on appointment or promotion if this is considered appropriate by the line manager following discussion with the disabled employee.

Should an employee become disabled in the course of employment, every reasonable step will be taken to accommodate their disability by making adjustments to their existing employment or failing that by redeployment to another post.

Recruitment and Selection

The company's recruitment and selection procedures are designed to comply with legislation, with the company's Equal Opportunity Policy and Recruitment and Selection Policy and with best practice where the company has been able to identify it. Job descriptions and person specifications are drafted in such a way as to identify the essential requirements of the post. Consideration will be given to making reasonable adjustments to person specifications to accommodate the needs of disabled people.

Compliance

Disabled Persons Employment Act 1994
Disability Discrimination Act 1995

7.3. Gender, Sex and Sexual Orientation Discrimination

In compliance with the Sex Discrimination Act, the company does not discriminate on grounds of sex, marriage or because someone intends to undergo, is undergoing or has undergone gender reassignment.

Sex discrimination covers all aspects of employment – from recruitment to pay and training to the termination of a contract. This also includes requirements or conditions which, though applied equally to all, have a disproportionately detrimental effect on one sex or on married people which cannot be shown to be justifiable.

In accordance with The Employment Equality (Sexual Orientation) Regulations 2003, The company will protect employees or prospective employees from discrimination on grounds connected with sexual orientation. This includes 'orientation towards someone of the same sex (lesbian women or gay men), the opposite sex (heterosexual) or of both sexes (bisexual)'.

Newlyn's recruitment and selection procedures, as well as employment practices – such as dress codes and disciplinary procedures – treat everyone fairly regardless of their sexual orientation.

Compliance

The Sex Discrimination Act(s) 1975 and 1986
The Sex Discrimination Act 1975 (Amendment) Regulations 2003
The Employment Equality (Sexual Orientation) Regulations 2003

7.4 Equal Pay

The company gives men and women equal treatment in the terms and conditions of their employment contract provided that they are employed on:

- like work – work that is the same or broadly similar
- work rated as equivalent under a job evaluation study or
- work later determined to be of equal value

Employees may submit a grievance should they feel that they are being discriminated against on the grounds of equal pay. An investigation will be followed under the company's formal **Grievance Procedure**

Compliance

The Equal Pay Act 1970
The Equal Pay Act 1970 (Amendment) Regulations 1984
The Equal Pay Act 1970 (Amendment) Regulations 2003

7.5 Discrimination on the Grounds Of Religion

The Employment Equality (Religion or Belief) Regulations 2003 give protection to people from discrimination on the grounds of all religions and beliefs.

The company's recruitment and selection procedures, as well as employment practices – such as dress codes and disciplinary procedures treat everyone fairly regardless of religion or belief.

Compliance

The Employment Equality (Religion or Belief) Regulations 2003

7.6 Age

The Regulations listed below apply to employment and vocational training. They prohibit unjustified direct and indirect age discrimination and all harassment and victimisation on grounds of age, young or old.

The company will ensure that there is no age criteria or other subjective criteria in job specifications and will recruit on the basis of competence and skill, not age.

Newlyn is committed to recruiting and retaining employees whose skills, experience and attitude are appropriate to the requirements of the various positions regardless of age.

As far as reasonably possible no age requirements will be stated in any job advertisements issued by the company.

The company will require applicants to state their age as part of its recruitment process. This is solely for compilation of personnel data which the company must hold on all employees and workers (pensions, tax, benefits related etc.). This information will not be used in any detrimental way.

In accordance with the regulations listed below, the company will remove the upper age limit for unfair dismissal and redundancy rights, giving older workers the same rights to claim unfair dismissal or receive a redundancy payment as younger workers.

Unless there is a genuine retirement:

- the company will allow pay and non-pay benefits which depend on length of service requirements or which recognise and reward loyalty and experience
- remove the age limits for Statutory Sick Pay, Statutory Maternity Pay, Statutory Adoption Pay and Statutory Paternity Pay, so that the legislation for all four statutory payments applies in exactly the same way to all
- remove the lower and upper age limits in the statutory redundancy scheme

Compliance

Employment Equality (Age) regulations 2006

7.7 Rehabilitation of Offenders

Under the Act listed below, many ex-offenders are given certain employment rights if when convictions become 'spent'. In broad terms anyone who has been convicted of a criminal offence and who is not convicted of a further offence during a specified period becomes a 'rehabilitated person'. The company recognises that such convictions do not have to be declared for most purposes including job applications.

In addition, as an organisation using the Criminal Records Bureau (CRB) Disclosure service to assess applicants' suitability or positions of trust, Newlyn plc complies fully with the CRB Code of Practice and undertakes to treat all applicants for positions fairly. It also undertakes not to discriminate unfairly against any subject of a Disclosure on the

basis of a conviction or other information revealed.

The company has a written policy on the Recruitment of Ex-offenders, which is made available to all Disclosure applicants at the outset of the recruitment process (see the Company's Pre-Employment Screening Policy Statement).

Employees with spent convictions are given protection against dismissal or exclusion from any office, profession, occupation, or employment (with some exceptions).

The company will not prejudice a person in any way because of a spent conviction unless considered job relevant.

Compliance

Rehabilitation of Offenders Act 1974
Criminal Record Bureau Code of Practice

7.8 Data Protection

The company complies at all times with the Data Protection Act 1998 with regard to equal opportunities.

Information which is requested by employees about themselves is given provided it is not in conflict with any other legislation.

Compliance

The Freedom of Information Act 2000

7.9 Human Rights

The company recognises the Act listed below which makes it unlawful for a **public authority** to act in a way which is incompatible with a Convention Right.

Although (therefore) this Act does not apply directly to the **private sector**, the company will with best effort ensure that employees are treated fairly according to it.

The company seeks to ensure that everyone it deals with has:

- the right to respect for private and family life, home and correspondence
- freedom of thought, conscience and religion
- freedom of expression
- freedom of assembly and association including **the right to join a trade union**
- the right not to suffer discrimination in the enjoyment of rights under the convention

Compliance

The Human Rights Act 1998

8. MONITORING EQUAL OPPORTUNITY AND DIGNITY AT WORK

The company will regularly monitor the effects of selection decisions and personnel and pay practices and procedures in order to assess whether equal opportunity and dignity at work are being achieved. This will also involve considering any possible indirectly discriminatory effects of its working practices. If changes are required, the company will implement them. The company will also make reasonable adjustments to its standard working practices to overcome substantial disadvantages caused by disability.

NEWLYN plc DEFINITIONS

The company has developed its Equal Opportunities Policy after consultation with interested groups and other organisations that work with the company. The company takes into account best practice and codes of practice and complies with the following legislation with regard to employment:

Race Relations Act 1976

Race Relations (Amendment) Act 2000

Race Relations Act (Amendment) Regulations 2003

The Sex Discrimination Act(s) 1975 and 1986

The Sex Discrimination Act 1975 (Amendment) Regulations 2003

The Employment Equality (Sexual Orientation) Regulations 2003

Disability Discrimination Act 1995

Disability Discrimination Act 2005

Disabled Persons Employment Act 1994

The Equal Pay Act 1970

The Equal Pay Act 1970 (Amendment) Regulations 1984

The Equal Pay Act 1970 (Amendment) Regulations 2003

The Freedom of Information Act 2000

The Human Rights Act 1998

Rehabilitation of Offenders Act 1974

Criminal Records Bureau Code of Practice

Employment Regulations on Religion and Faith (2004)

Employment Regulations on Sexual Orientation (2004)

Religious Discrimination Regulations

Sexual Orientation Regulations

The Employment Equality (Age) Regulations 2006 (Age Discrimination Act)

The Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000

Note: On 1 October 2007 the three formerly discrete organisations merged into the new Equality and Human Rights Commission:

Equal Opportunities Commission (EOC)

Disability Rights Commission (DRC)

Commission for Racial Equality (CRE)

The Equality Act 2010

Newlyn adopts the Codes of Practice of the former commissions, which remain in force.



Women. Men. Different. Equal.
Equal Opportunities Commission



Disability Rights Commission



COMMISSION FOR RACIAL EQUALITY

