



Equal Opportunities Policy

Including Statements on:

DISABILITY

RACE EQUALITY

AGE EQUALITY

DISCIPLINARY & GRIEVANCE PROCEDURES

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About the Policy

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, codes of practice and complies with the following legislation with regard to employment:

- Disabled Persons Employment Act 1994
- Disability Discrimination Act 1995
- Rehabilitation of Offenders Act 1974
- Religious Discrimination Regulations
- Sexual Orientation Regulations
- The Equal Pay Act 1970 (amendment 1984)
- The Freedom to Information Act 2000
- The Human Rights Act 1998
- The Sex Discrimination Act 1975 and 1986
- Employment Equality (Age) regulations 2006

The policy is reviewed on a regular basis in line with legislative changes.

Policy Statement

ESP recognises that everyone is different. It welcomes this diversity, and wishes to help every individual meet his or her full potential. The Company aims to treat the people it serves or employs, fairly, consistently and with respect. It also expects its employees and service users to treat each other in the same way.

The Company will ensure that no-one who is entitled to a service from the Company, nor any staff member receives less favourable treatment or any irrelevant consideration in terms of the following, and will not tolerate any form of behaviour or activity that discriminates on the grounds of:

- Age
- Learning difficulties
- Race, Colour or Religious beliefs
- Socio-economic background
- Gender
- Sexual orientation or Gender re-assignment
- Marital status or Family responsibilities
- Unrelated criminal convictions

The Company also seeks to ensure that none of these groups will be disadvantaged because of conditions or requirements which cannot be justified. This includes the following list which is in no way exclusive:

- The physical site environment in terms of access to the sites and resources
- Recruitment and selection of staff
- Promotional and training and development opportunities
- Work experience
- Staff attitudes
- Employment policies, conditions and procedures
- Payment
- Links with external bodies

Acts of Discrimination, Victimization or Harassment found to be taken against an employee will be treated under the Company's disciplinary policy as acts of gross misconduct.

All complaints about discrimination will be treated seriously and complainants will not be victimized.

Policy Aims: Service Provision

THE COMPANY AIMS TO MAKE SURE THAT...

1. The same quality and level of service is available for everyone who is eligible throughout the country.
2. Everyone is encouraged to make use of the services to which they are entitled. Particular attention will be paid to those people who have not taken advantage of what is available in the past.
3. Eligibility criteria for services are used only where they are necessary and relevant, and are applied consistently.
4. Services are provided to meet service users' actual needs, rather than their presumed needs.
5. The Company's offices, facilities and services are accessible to all service users.
6. Everyone is given the opportunity to comment on service proposals. The Company is particularly keen to involve people who have not taken opportunities to comment in the past.
7. Everyone can talk to the Company and feels able and encouraged to do so: to ask a question, request a service, or make a suggestion, comment or complaint.
8. Everyone is kept informed, in ways they can understand, about the Company's services, the Company's performance, and its Equal Opportunities policy.
9. It is as easy as possible for people to complain, if they think discrimination has taken place, or to suggest how the Company could strengthen its practical approach to equal opportunities.
10. Anyone who complains about discrimination is not victimised.

Policy Aims: Staff Recruitment

Statutory Requirements

The Company will seek to comply with its statutory obligations in a positive manner. Essentially the law imposes an obligation 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.

Recruitment, Selection and Development.

The Company's recruitment and selection procedures are designed to comply with legislation, the Company Equal Opportunities Policy and best practice. Job descriptions and person specifications are drafted in such a way to identify which are the essential requirements of the post. Consideration will be given to making reasonable adjustments to person specifications to accommodate the needs of disabled people.

THE COMPANY AIMS TO MAKE SURE THAT...

1. All jobs are open to all.
2. All applicants are given equal consideration, with selection based solely on merit.
3. All jobs have a description and a person specification, setting out the relevant requirements for the job; irrelevant qualifications will not be required.
4. All job applicants are informed of the Company's Equal Opportunities policy.
5. Any agencies (including job centres and schools) and publications used for advertising vacancies are informed of the Company's Equal Opportunities policy, and are expected to comply with it.
6. Advertisements do not stereotype. They state that ESP is committed to being an Equal Opportunity employer.

7. Vacancies are advertised in a variety of different ways so that all sections of the community are encouraged and given opportunity to apply.
8. People under-represented in the Company's workforce are encouraged to apply.
9. Criminal Convictions, which are not relevant to the job, will not be taken into consideration.
10. 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.
11. 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.
12. Application and interview questions and tests are relevant to the job and unbiased. All interviewees should be asked a core set of common questions.
13. Managers and staff involved in the recruitment process receive training about how to put the Company's Equal Opportunities policy, as it relates to recruitment and selection into practice.
14. Any unsuccessful applicant wishing to know the reasons for not being selected is given an explanation. All applicants will be made aware that they can ask for, and receive, feedback.
15. Applicants who feel that they have been discriminated against are given information on how to complain, and are not subsequently victimised.
16. Regular monitoring takes place, of the numbers of job applicants from different gender, disability and ethnic groups.
17. Regular reporting and consultation takes place, regarding equality issues in the workforce.

Policy Aims: Employment

THE COMPANY AIMS TO MAKE SURE THAT...

1. All employees are treated fairly and consistently in their terms of employment, training opportunities, support and appraisal, regardless of any irrelevant consideration, including age; disability; gender; marital status; nationality; race; religious beliefs or sexual orientation.
2. Employees are expected to be aware of, and to actively promote all aspects of the Company Equal Opportunity Policy.
3. Every reasonable effort is taken to make the workplace suitable for employees with a disability.
4. No assumptions are made about differing career expectations, for example between men and women, or between racial groups.
5. Internal applicants for vacancies are treated the same way as external applicants.
6. Meetings for employees are normally arranged within normal core working hours, unless there is a mutual agreement amongst those taking part.
7. Request for part-time working is taken into consideration taking into account of the work requirements and individual needs.
8. Every reasonable effort is taken to vary or adapt work requirements where these conflict with cultural or religious needs.
9. Managers and personnel staff receive training on equal opportunities as it relates to employment practice.
10. Any employee who feels that discrimination has taken place is given information on how to make a complaint, and is not subsequently victimised.

Policy Aims: The Company's wider role

THE COMPANY AIMS TO MAKE SURE THAT...

1. The Company promotes the needs of all sections of the community in representations and in dealing with other organisations at all levels.
2. The Company does not support groups, organisations or businesses that actively promote discrimination.
3. The Company sets an example as an Equal Opportunities service provider and employer, raises awareness of equal opportunities issues, and encourages other organisations throughout the area to adopt a similar approach.
4. All businesses supplying services on behalf of this Company comply with equal opportunities legislation.

Implementing the Policy

1. The Managing Director has overall responsibility for implementing the Company's Equal Opportunities policy. Each manager will take the lead on actions for their department's services. This will include actions relating to recruitment and employment practice, and the overall development and monitoring of the policy.
2. The Company's management team will consider an action plan for the implementation and subsequent development, of the Equal Opportunities policy, when it will also receive an annual monitoring and review.
3. Guidelines on the Company's Equal Opportunities policy, and the rules to be complied with, will be sent to all employees.
4. Training for staff, to help them fulfil their equal opportunities responsibilities will be provided.
5. Written instructions on equality matters will be provided to managers, team leaders, and supervisors who have a specific duty to help set the policy standard and be an example. They will implement the Company's Equal Opportunities policy and make sure staff are aware of their responsibilities. All employees have a responsibility to comply with the policy and to make sure service users and other employees are treated with dignity and respect.
6. Service users will be made aware of the Equal Opportunities policy when dealing with the Company. Job applicants will be made aware of this policy when receiving information about job vacancies.
7. Service and operational procedures will be reviewed regularly, and changes will be made where necessary to bring them into line with the Company's Equal Opportunities policy.
8. A variety of monitoring mechanisms will be put in place in order to identify improvements and provide an action plan for senior managers.

Monitoring the Policy

ESP is keen to ensure that its Equal Opportunity policy remains current and addresses all areas relating to the diversity of its workforce. Regular monitoring of staff must take place and be reported to senior managers and directors on a minimum quarterly basis and after any major recruitment drive and form part of the Equal Opportunities Action Plan. Monitoring of staff will take place in several ways:

Regular Reports

Reports should be produced to monitor numbers of employees from different cultural backgrounds, those with disabilities and of different gender. The reports should cover staff:

- in post
- applying for jobs
- taking up training and development opportunities
- promoted
- transferred
- disciplined and dismissed
- leaving employment

If monitoring reveals under-representation of the groups above, the company undertakes to address the imbalance, for example, by taking “Positive action” which is permitted under the Sex Discrimination and Race Relations Acts.

Recruitment

As part of the interview process all applicants whether successful or not shall be asked to complete a questionnaire as to age, marital status, cultural background, sexual orientation and whether he/ she has a disability. These sheets will be collated and used to determine if the advertising media used is reaching all communities, if the job specification or description is alienating any particular group and if the working conditions are favourable to all.

Staff Questionnaires

Staff will be periodically surveyed with regard to their working terms and conditions, ease of communication within the Company, promotional and training opportunities available and general questions giving rise to improvement in job satisfaction. This will provide senior management with a forum for agreeing and implementing changes and receiving feedback from all staff.



Staff Appraisal

During the staff appraisal scheme managers should allow staff the opportunity to raise any issues under the Equal Opportunities Initiative. Any areas highlighted of a minor nature be reported to senior management and where appropriate changes made immediately and any major issues be reported to senior managers and where appropriate be incorporated into the Company's action plan.

Responsibilities of Company employees

THE COMPANY REQUIRES ITS EMPLOYEES TO.

1. Follow the Company's Equal Opportunities policy and any other guidance from the Company about the policy and legal requirements.
2. Serve everyone fairly and consistently with tolerance and respect.
3. Ask service users what they want or need. Employees should not assume they already know what service users need or that people from certain groups all have the same needs or know what is available.
4. Be sensitive to any difficulties that service users may face, and try to help. Presume that there can be a way around those difficulties, unless it is shown otherwise.
5. Tell their managers if they come across any procedures or practices, which seem unfair or discriminatory.
6. Seek advice from their managers if they are not sure what to do.
7. Challenge their own attitudes. Discrimination is often unintentional and due to lack of thought. Every employee needs to ask him/herself whether anything he/she says or does could be perceived as being discriminatory.
8. Attend any training events to help with implementing and following this policy.
9. Be aware that individual employees as well as the Company itself can be held personally liable for breaches of the law. 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. It is unlawful to discriminate on grounds of disability, gender, marital status or race; induce others to discriminate; and victimise or harass individuals who complain about discrimination.

Responsibilities of Managers

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

1. Promote the Company's Equal Opportunities policy, and seek to fulfil the policy aims.
2. Carry out any equal opportunities monitoring, reviews of procedures and practices, or other developments set out in the Equal Opportunities Action Plan.
3. Make sure their staff comply with individual responsibilities for equal opportunities, and that they receive the training and guidance they need in order to treat service users and colleagues fairly and consistently, with tolerance and respect.
4. Make sure when filling a vacancy in their team, that any staff involved in the recruitment process receive training about how to put the Company's Equal Opportunities policy into practice. Also to liaise with the personnel officer in managing recruitment and employment issues.
5. 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. Managers need to consider requests for part time working taking into account of work requirements and individual needs.
6. Take proper action if they come across any procedures or practices which seem unfair or discriminatory and to raise any recurring problems with their line manager.
7. Take all allegations or complaints of discrimination seriously. Channelling complaints about discrimination from:
 - a. Residents, service providers or job applicants through the complaints procedure.
 - b. Employees through the Company's staff complaints process.

Harassment in the Workplace

Harassment means any unwanted conduct affecting the dignity of women and men at work. All employees of this Company have a right to be treated with dignity. Therefore, harassment at work will not be permitted or tolerated. Any person who feels that they have suffered harassment has the right to make a complaint.

The aim of this policy is to ensure that discrimination caused by harassment does not occur in the workplace, and, if it does occur, to ensure that adequate procedures are readily available to deal with the problem and prevent its recurrence. Such harassment pollutes the working environment and can have a devastating effect upon the health, confidence, morale and performance of those affected by it. The anxiety and stress produced by such harassment commonly leads to those subjected to it taking time off work due to sickness, being less efficient at work, or leaving their job to seek work elsewhere. This policy applies in full to harassment based on a person's disability, sexual orientation, age, political views, membership or non-membership of a trade union, social class or religion. In addition this policy applies to harassment caused by general bullying not related to any such reasons.

Harassment is specifically referred to as gross misconduct. A single act of harassment may constitute gross misconduct. Disciplinary action will be taken against any employee who acts in breach of this policy. Disciplinary action may include summary dismissal in the case of a serious breach of this policy or repeated breaches. In other cases, it may include a formal warning, oral or written. Disciplinary action (which may include summary dismissal) will also be taken against any employee who victimises or retaliates against an employee for alleging that harassment has occurred or any employee who makes malicious or vexatious allegations of harassment. Such action will be taken in accordance with the Company's disciplinary procedure.

Breaches of this policy may also result in the employee responsible being held personally liable for compensation if the person who has been harassed takes legal action. In addition, in cases of serious harassment, the employee responsible may be prosecuted in the criminal courts.

Definition of sexual, racial and other harassment

Sexual harassment is unwanted conduct of a sexual nature, or other conduct based on sex affecting the dignity of women and men at work. Such behaviour becomes unacceptable if it is unwanted, unreasonable and offensive to the recipient. It is for each individual to determine what behaviour they find acceptable and what they regard as offensive.

Sexual harassment can include physical, verbal or non-verbal conduct. The following are non-exhaustive examples of inappropriate behaviour:

- Physical or verbal conduct of a sexual nature e.g. unwanted physical contact, even if not obviously sexual, including unnecessary touching, patting, pinching or brushing against another person, unwelcome sexual advances, propositions, lewd comments or pressure of a sexual nature (for example that sexual favours may further a career or that refusal may hinder it).
- Physical or verbal conduct of a non-sexual nature e.g. threatening, insulting, abusive or violent behaviour which is gender related or offensive comments about appearance or dress.
- Non-verbal conduct e.g. display or circulation of sexually suggestive material.
- Racial harassment is unwanted conduct of a racial nature, or other conduct based on race affecting the dignity of women and men at work. Non-exhaustive examples of racial discrimination include physical or verbal conduct of a racial nature e.g. threatening, insulting, abusive or violent behaviour which is race related or offensive comments about appearance, dress, religion or ethnic background.

Other harassment includes: bullying, intimidation, undermining publicly, making unwanted comments. Harassment can be direct or indirect.

Responsibility of Managers

It is the duty of those who are responsible for staff to implement this policy and to take quick corrective action to ensure compliance with the policy. Failure to take appropriate action will be considered to be a failure to meet the responsibilities of the position which in itself is a disciplinary offence. All such persons will receive adequate training.

Responsibility of Employees

It is the responsibility of all employees to comply with the policy and to treat all other employees with respect and dignity.

Complaints Procedure

The Company recognises that any employee who feels that they need to bring a complaint of harassment will feel embarrassed and vulnerable. Those employees will receive support and reassurance and are assured that their complaint will be treated in the strictest confidence. Employees need not fear that they will be victimised for bringing a complaint of sexual or racial harassment. Any person who is found to have victimised or retaliated against another for complaining about or giving evidence about harassment will be subject to disciplinary action.

Similarly, the Company recognises that those who are accused of harassment need to have their views heard and the allegations made against them investigated thoroughly. The Company recognises that, whilst all acts of harassment are serious, any action taken will depend upon the gravity of the alleged harassment.

Wherever possible, an employee who feels that he or she has been the subject of harassment should firstly inform the person responsible that their behaviour is unwelcome and ask them to stop. He/she may be accompanied by a work colleague or Trade Union representative if they so wish. If the harassment continues, or if there are employment consequences, a complaint should be made as follows:

The employee who believes that they are the victim of harassment should report the incident(s) to their immediate supervisor or Manager. If the employee would find this embarrassing or the complaint is against such a person, then the employee should make the complaint to Human Resources.

The person to whom a complaint is made is under a duty to immediately investigate the complaint themselves, or if they feel unable to do so, should refer the complaint to the designated investigator who should be impartial.

All complaints will be handled in a confidential and impartial manner. The investigating officer should firstly discuss the situation with the employee affected. He or she should then make arrangements to interview the employee against whom a complaint has been made. These two procedures should be completed within a week



of the complaint being made, depending on the availability of the parties, and should be fully documented.

Investigations into a complaint will be impartial and independent. Employees against whom a complaint has been made are assured a fair and impartial hearing and the chance to put forward their side of the story. Full details will be given of the complaint in writing before the investigatory interview and the employee concerned will be offered the opportunity to be interviewed in the presence of a fellow employee or other employee representative.

It may also be necessary to place any person accused of harassment on investigatory suspension depending on the circumstances of the particular allegation(s). Any suspension will be in accordance with the disciplinary procedure.

If it is necessary to interview other employees who may have witnessed acts of harassment, these employees can be assured of the same degree of confidentiality.

After hearing both sides of the complaint, the investigating officer should make a decision based on the seriousness of the complaint. If the investigation upholds the complaint, the investigating officer will take prompt action to stop the harassment and to prevent its reoccurrence. The Company's Disciplinary Procedure may be used if appropriate. The investigating officer will inform both parties in writing of the outcome and the action to be taken as soon as that decision is made.

Further, in certain situations, and where possible by mutual agreement, it may be appropriate to relocate or transfer one of the parties concerned. Every effort will be made to relocate the harasser and not the recipient.

There may be situations where the complaint of harassment is not upheld, for example where the evidence against the "harasser" is inconclusive. In these situations, the investigating officer should give consideration to transfer or rescheduling of work patterns so that the individuals concerned do not have to work together. The emphasis should be on rebuilding working relationships.

Disciplinary and Grievance Procedure

ESP operates a disciplinary procedure which is intended to promote fairness and order in the manner in which it deals with individual workers whenever disciplinary action has to be considered or taken.

Workers will usually be disciplined where:

1. There has been a failure to meet the standards of job performance expected by the Company.
2. There is an issue of misconduct (whether during working hours or not); or
3. There has been a breach of any of the terms of the contract of employment (whether expressly provided for in the written contract, contained in express guidance issued by or implied by custom and practice or law).

The same procedure will be followed in all cases although the timescale and outcome may be different in each case.

Each worker is responsible for familiarising him or herself with his or her Statement of Terms and Conditions, and all relevant policy and guidance notes issued by ESP.

Issues of Poor Performance

ESP aim when confronting poor performance will always be to correct, not to punish. Its aim is to assist workers to achieve and maintain the required standard or performance. Formal procedures will only be used when informal action has failed to produce the required improvement or when the disciplinary matter is considered sufficiently serious to merit a more formal approach.

The Procedure

In the first instance ESP will establish the facts surrounding the complaint, if appropriate, taking into account the statements of any available witnesses.

In certain circumstances workers may be suspended from work on full pay whilst investigations are carried out. Suspension in these circumstances will not be regarded as a disciplinary penalty and will not usually last for more than 5 days. A period of suspension may be renewed or extended at the Company's discretion. ESP is committed to ensuring that periods of suspension should be no longer than

required and, in most cases, periods of suspension will be short. However, there will be cases where a period of suspension may continue for longer periods (for example, where a particularly complex or serious allegation is being investigated).

Formal Resolution

After establishing the facts, the Company may conclude that there is no need to use the formal procedure and that either the matter should be dismissed or that it is sufficient to talk the matter over through counselling. This type of counselling would not amount to a disciplinary warning. This type of counselling should always:

1. Identify what the worker has done wrong
2. Identify the standard the worker was expected to reach
3. If appropriate, give a timescale for the improvement required
4. Offer encouragement and coaching to ensure a worker does reach the standard required, and
5. Ensure that a worker understands what is required.

Informal counselling discussions may be confirmed in writing. Workers will often be advised during the informal procedure that they are likely to face formal disciplinary proceedings if their conduct/performance does not improve.

Formal Procedure

Any formal disciplinary action will always ensure that:

1. A proper investigation of the facts is undertaken.
2. A worker is advised of the complaint and given the opportunity to respond to it.
3. A worker is given the opportunity to be accompanied to any disciplinary hearing by a co-worker, full time union official or certified lay union official (a "Companion").
4. A worker (and Companion) are given sufficient time to prepare for the hearing.

5. A worker and Companion are given the opportunity to address the hearing (although the Companion will not have the opportunity to answer questions on the worker's behalf);
6. A worker is given the opportunity to put forward any explanations that may be relevant to whether he or she did or failed to do what is alleged and the circumstances that led to that action or failure.
7. A worker is given the opportunity to put forward any mitigation that might be relevant if the disciplining manager decides to impose a disciplinary penalty.
8. A worker is given the opportunity to appeal any disciplinary penalty (with the exception that a worker has not got the right to appeal the decision of a manager hearing the matter at the final stage of appeal within this procedure).

The types of disciplinary warnings

- **First Warning** – For minor offences or if conduct or performance does not meet acceptable standards, a warning would be given and confirmed in writing as a first warning.
- **Second Warning** – If a sustained improvement in performance does not follow or alternatively, different or more serious problems occur.
- **Final warning** - would be issued and confirmed in writing as a final warning.

The effect of disciplinary warnings

Disciplinary warnings will be placed on a worker's personnel file and will normally remain current for:

1. 6 months for a first warning.
2. 12 months for a second warning, and
3. 12 months for a final warning.

If ESP has cause to further discipline a worker during the period when a warning remains current, a more severe disciplinary warning is likely to be imposed than would be the case if the worker had no current disciplinary warnings. To give an example: if a worker's poor time keeping leads to a first warning and further timekeeping issues arise within six months, those further issues are likely to lead to a more severe disciplinary penalty because of the current warning already in place.

Disciplinary action beyond final warning

If, despite a formal written warning, a worker fails to achieve the standard required or commits another offence, further disciplinary action may be required.

Where a disciplinary hearing could result in a worker's dismissal, the hearing will always be before a Director. The fact that a Director conducts a disciplinary warning should not be seen as a sign that, after hearing the case, the senior manager will dismiss the worker.

A hearing will only take place after a full investigation. This investigation will normally be conducted by the worker's line manager. This may not always be appropriate (such as where an allegation involves the line manager, the allegation is complex or the allegation requires speedy or specialist investigation).

Dismissal with notice

After investigation of the facts and hearing any evidence that the worker's line manager can offer in support of the worker, the disciplining manager may dismiss with notice. Where this occurs, ESP reserves the right to make a payment in lieu of notice.

Dismissal without notice (summary dismissal)

Where a worker has committed a fundamental breach of his or her contract of employment or is guilty of gross misconduct, the worker will be dismissed without notice and will not be paid any sum other than that required by law.

The following is a non-exhaustive list of conduct likely to be considered as gross misconduct:

1. Disorderly or indecent conduct, fighting or physical violence, wilful damage to equipment or property on or off ESP premises
2. Dishonesty/falsification of records
3. Misconduct or breach of health and safety rules that could endanger the safety of plant or personnel
4. Wilful disobedience, alcohol and substance misuse;

5. Acts of discrimination or incitement to discriminate, bullying or any other form of victimisation or intimidation perpetrated against a fellow member of staff, customer or third party in the workplace;
6. Use of abusive language
7. Failure to take reasonable steps to safeguard cash or property belonging to ESP.
8. Being or convicted of a criminal offence which in the opinion of ESP demonstrates unsuitability for further employment with the Company
9. Behaviour grossly prejudicial of the good name of ESP.

Appeal

If any worker feels that he or she has been unjustly disciplined, he or she may appeal at any formal stage of the disciplinary procedure. The grounds for appeal should be specified in writing and given to either the disciplining manager or site personnel contact within 5 working days of dismissal or other disciplinary action.

Appeals should be concluded as soon as practicable, normally within 5 days of ESP receiving the worker's appeal. Where this is not possible (for example, where there is a large amount of paperwork for the manager hearing the appeal to review, further investigations are required or there is some difficulty in agreeing a time when the worker, his or her Companion and the manager hearing the appeal are free to meet) the worker will be told, and kept up to date with the anticipated timescale.

Appeals will be considered by an appropriate manager who has not previously been involved in the case in each case the decision of the manager who hears the appeal will be final.

The manager conducting the appeal should review the notes of the investigation and disciplinary hearing and, if necessary, carry out further investigations. The appeal hearing should focus on the specific issues which the worker highlights which lead him or her to believe that he or she has been unfairly treated. An appeal against a disciplinary decision should not normally be used as a re-hearing of the case, unless there is additional material to introduce which was not available or was overlooked at the original disciplinary hearing.

An appeal against any disciplinary penalty, other than dismissal, will usually involve a review of all the relevant documentation including the worker's grounds of appeal and may involve a further hearing. An appeal against a dismissal will usually involve a further hearing to be attended by the worker and the person who made the decision to dismiss. At the appeal any disciplinary penalty imposed will be reviewed: it may be increased.

The worker should be notified of the outcome of the appeal as soon as possible after the appeal has been held. If a dismissed worker is re-instated he or she will be reimbursed for any loss of earnings for the period between dismissal and re-instatement.

Grievance Procedure

ESP strives, through the high standards it demands of its employees, to maintain a productive and agreeable working environment for all staff.

Situations will arise from time to time however where employees feel that they have a valid complaint against a colleague, manager or the organisation. The Company actively encourages employees to raise such complaints as they arise and to assist in doing this it operates a grievance procedure.

Employees are encouraged to attempt to solve problems informally and directly without entering the formal grievance procedure. Open discussion is often a constructive way of reaching solutions which satisfy all concerned.

Where attempts above fail, or if the Employee feels unwilling or unable to deal with the matter informally, then the formal procedure below should be used;

1. If you have any grievance in relation to your employment, you must set out the grievance in writing and send the statement or a copy to your Supervisor or Manager who will deal with the matter. If the grievance concerns your Supervisor or Manager, you should refer to your next level of Manager, or HR Manager.
2. Once your grievance has been considered, you will be invited to attend a hearing to discuss the issue. At the hearing you may be accompanied by a fellow Employee or by a union representative, if you are a member of a recognised Trade Union.

3. Following the meeting, you will be notified of the Employer's decision in writing.
4. If that decision is unacceptable to you, you may appeal in writing within 5 working days of your received notification of this initial decision to a Director of the Company.
5. Once your appeal has been considered you will be invited to attend an appeal hearing. At the appeal hearing you may be accompanied by a fellow Employee or by a union representative, if you are a member of a recognised Trade Union.
6. Following the appeal meeting you shall be informed of the decision in writing and any such decision shall be final.

Any complaint in relation to sexual or racial harassment or any form of discrimination will be treated in complete confidence.

ESP understands that it is unlawful to victimise any employee who has raised a grievance on the grounds of racial or sexual harassment or any form of discrimination. Therefore ESP will not discipline or dismiss the employee, and the employee will not be transferred to a lower paid/status post. Any transfers that may occur as a result of the grievance will be by mutual agreement between the employee and the Company.

Rights to Accompaniment

If you wish to exercise your right to accompaniment at a Grievance hearing, you may bring a work colleague or a trade union representative with you. The work colleague must be a current employee of the Company who is not otherwise directly connected with the case. In accompanying you at the grievance hearing your chosen companion may make the opening and closing submissions and ensure the conduct of the procedure is as per the Company's policy. Your chosen companion may also discuss the matter with you and guide and support you as appropriate but they should not answer questions on your behalf and any issues that need addressing regarding your conduct must be dealt with by you.

Race Equality Statement

The Company aims to promote lifelong learning to all sections of our community and ensure 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 Company confines.

ESP complies with the following Equal Opportunities legislation:

Commission for Racial Equality

The Commission for Racial Equality (CRE) has a statutory duty to work towards the elimination of racial discrimination, and to promote equality of opportunity and good relations between people of different racial groups. It also has a duty to keep the workings of the Race Relations Act 1976 ('the 1976 Act') under review and to submit proposals for amendment to the Secretary of State for Home Affairs, either when required to do so or when the CRE thinks it necessary.

The Race Relations Act 1976 (as amended) makes it illegal to treat a person less favourably than others on racial grounds.

Race discrimination covers all aspects of employment – from recruitment to pay and training to the termination of a contract. Discrimination covers four areas;

1. Direct discrimination – treating someone less favourably on racial grounds
2. Indirect discrimination – applying practices that might favour one racial group over another
3. Harassment – unwanted conduct that violates a person's dignity and creates a hostile or degrading environment
4. Victimisation – unfair treatment of an employee who has made a complaint about racial discrimination.

Disability Statement

The Company welcomes every individual and aims to ensure that people with disabilities can participate fully and equally in all aspects of working life.

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.

The Company has clear obligations towards all its learners, visitors and employees to ensure that people with disabilities are afforded equal opportunities in respect of all college services and facilities.

The Company will ensure that every reasonable effort is made to improve access for visitors to buildings and 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. When employees become disabled in the course of the employment, reasonable steps will be taken to accommodate their disability by making adjustments to their existing employment or by redeployment to another post, with appropriate training to enable employees to remain in employment wherever possible.

Legislation

ESP complies with the following Equal Opportunities legislation:

Disabled Persons Employment Act 1994 and Disability Discrimination Act 1995

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

The Company makes every effort to ensure that we do not prejudice ourselves with selection of staff in regards to fairness and equal opportunities.

We will make reasonable adjustments to working conditions or the workplace where it would help to accommodate a disabled person.

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

To comply with this, we do not treat a disabled person less favourably because of a reason relating to their disability unless we have a justifiable reason – possibly safety related.

We endeavour to make reasonable adjustments to working conditions or the workplace where it would help to accommodate a disabled person.

Rehabilitation of Offenders Act 1974

Under this Act, many ex-offenders are to be given certain employment rights if their 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 the conviction does not have to be declared for most purposes such as a job application.

Employees are given protection against dismissal or exclusion from any office, profession, occupation, or employment (with some exceptions) and the Company may not prejudice a person in any way because of a spent conviction.

Religious Discrimination Regulations

The Employment Equality (Religion or Belief) Regulations 2003 gives 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.

Sexual Orientation Regulations

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

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

The Equal Pay Act 1970 (amendment 1984)

The Company give 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 related as equivalent under a job evaluation study or
- Work found to be of equal value

A woman is to be regarded as employed on work rated as equivalent with that of any men if, but only if, her job has been given an equal value in terms of the demand made on a worker under various headings (for instance effort, skill, decision), on a study undertaken with a view to evaluating in those terms the jobs to be done by all or any of the employees in an undertaking or group of undertakings, or would have



been given an equal value but for the evaluation being made on a system setting different values for men and women on the same demand under any heading.

Employees may submit a grievance should they feel that they are being discriminated on under the grounds of equal pay and an investigation will be followed under the Company formal Grievance Procedure

The Freedom of Information Act 2000

The Company complies at all times with the Freedom of Information Act in regard to equal opportunities.

Information which is requested by employees is given provided it also complies with Data Protection

The Human Rights Act 1998

The Company recognises this Act which makes it unlawful for a public authority to act in a way which is incompatible with a Convention right.

The Company seeks to ensure that everyone it deals with has

- The right to a fair trial
- 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

Although this Act does not apply directly to the private sector, the Company aims to ensure that workers are treated fairly relating to it.

The Sex Discrimination Act 1975 and 1986

Under 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. It also includes applying requirements or conditions which, though applied equally to all, have a disproportionately detrimental



effect on one sex or on married people and which cannot be shown to be justifiable (for instance to be job-related)

The limited exception is for training of one sex in order to fit them for particular work in which their sex is currently under-represented – for example Bailiffs

Employment Equality (Age) regulations 2006

The Regulations apply to employment and vocational training. They prohibit unjustified direct and indirect age discrimination, and all harassment and victimisation on grounds of age, of people of any 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 and not age.

ESP 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 and in the most exceptional circumstances no age requirements will be stated in any job advertisements on behalf of the Company.

The Company will request age as part of its recruitment process, but information will not be used in any detrimental way and is for compilation of personnel data which the Company holds on all employees and workers.

In accordance with the regulations, 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:

It will allow pay and non-pay benefits to continue which depend on length of service requirements or which recognise and reward loyalty and experience and motivates staff.

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.

Prevention of Less Favourable Treatment Regulations 2000

Part-time employees

The Company aims to ensure that part-time workers are not treated less favourably than comparable full-times. In order to ensure adherence to the regulations, the Company will ensure that they will:

- Receive the same rates of pay
- Not be excluded from training simply because they work part-time
- Receive holiday entitlement pro rata to comparable full-timer
- Have any career break schemes, contractual maternity leave and paternal leave made available to them in the same was as for full-time workers and
- Not be treated less favourably when workers are selected for redundancy

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 such as building or decorating work

Under the regulations, these employees have the right to the same terms and conditions of employment as comparable permanent employees.