

Simply Education Client AWR Request Guidance Note

This document is approved and authorised for application within
The MCG Group Holdings Ltd and all associated subsidiary
companies.

Signed  Colm McGinley, CEO

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Requests for AWR information to Simply Education or our clients

Simply Education recommends dealing with any queries about equal treatment on an informal basis. However, if an agency worker believes that s/he has not received his/her equal treatment rights, the regulations allow the agency worker to request a written statement from an agency requesting information about the treatment that the agency worker has received (though s/he can only do this once s/he has completed the 12 week qualifying period).

To trigger this formal procedure, the agency worker must make the request in writing by emailing compliancequeries@themcgggroup.com. Once Simply Education receives this request we will have 28 days to respond and to comply with the regulations. The written response will include the following information:

- Relevant information relating to the basic working and employment conditions of the client's workers.
- The factors Simply Education considered when determining the basic working and employment conditions which applied to the agency worker at the time s/he allegedly did not receive the equal treatment they claim they were entitled to receive.
- Relevant information which explains the basis on which the client's comparable employee was identified and the relevant terms and conditions applicable to that employee.

If Simply Education does not comply with this request, the agency worker can instead request a written statement from the client as to the information about the relevant basic working and employment conditions that apply to the client's own workers, once 30 days from the date of the original request to the agency has passed.

Requests for information regarding Day One rights

If an agency worker believes that the right to access the client's collective facilities and amenities or to receive information about relevant client vacancies has been breached, the agency worker can request information directly from the client about the access facilities and vacancies which is offered to the client's own workers. The agency worker can go directly to the client in respect of these rights without contacting the agency in the first instance.

What happens if Simply Education or the client fails to respond to the request for information

The failure to respond to an agency worker's request for information by either the agency or client may have serious consequences in the event that an agency worker makes a claim to an Employment Tribunal for either a failure to provide equal treatment (basic working and employment conditions) or a failure to provide access to collective facilities and amenities and vacancies. If an Employment Tribunal finds that Simply Education or the client deliberately and without good reason failed to provide the information requested, or that any written statement given in response to an information request is evasive or equivocal, it will be able draw an inference that the agency worker's rights have been breached.