

# Dyfed-Powys Police

## Equal Opportunities Policy

HQ Policy Ref. No.: 15/01

<b>Author:</b>	<b>Human Resources Policy Manager</b>	<b>Department:</b>	<b>Human Resources</b>
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<b>Human Rights Act Certification Force Legal Adviser:</b>	<b>Samantha Gainard</b>	<b>Date:</b>	<b>10.08.05</b>
<b>Approved by:</b>	<b>ACC Edwards</b>	<b>Date:</b>	<b>12.08.05</b>
<b>Ratified by:</b>	<b>Corporate Strategy Board</b>	<b>Date:</b>	<b>15.08.05</b>
<b>Review Date:</b>	<b>December, 2007</b>		

## Document History

<b>Version</b>	<b>Date</b>	<b>Author</b>	<b>Reason for Change</b>
2.0	18/11/03	Chief Supt. G. Thomas	Social / political / legislative change addition to 'lawful authority' and review of 'HR' compliance.
3.0	27/05/05	M. Waller	Updating to ensure integration with other relevant policies and inclusion of legislative changes.
3.0	22/12/06	M. Waller	Review carried out current and correct.

## Consultation Circulation List

All Heads of Department / Divisional Commanders	British Association of Women in Policing
Police Federation	National Black Police Association
Superintendents' Association	Gay Police Association
UNISON	

## **Policy Contents**

This Policy has been drafted in accordance with the Human Rights Act, 1998.

## **Equal Opportunities Policy**

### **1. Equal Opportunities Policy**

- 1.1 The Equal Opportunities Policy Statement is contained in **Appendix 'A'** of this Policy.
- 1.2 In the exercise of any power directive of authority under this Policy all members of staff must follow a clearly defined decision making process by detailing their objectives, assessing all available and relevant information and feasible options, documenting decisions made and reviewing outcomes in accordance with the guidance contained in **Appendix 'A'** of this policy.
- 1.3 This decision making process will be the subject of scrutiny by Professional Standards Department.

### **2. Aim and Lawful Authority**

- 2.1 The aim of this policy is to ensure that Dyfed-Powys Police will provide a fair and equitable working environment for its staff, which seeks to maintain the dignity of men and women at work.
- 2.2 That the exercise of any power, authority or direction under this policy is necessary in a democratic society for:
  - the protection of health and morals;
  - the protection of the rights and freedoms of others;
  - public safety;
  - prevention of disorder or crime.

#### **2.3 Lawful Authority**

The lawful authority for the exercise of the power and duty outlined in this policy are:

Equal Pay Act, 1970;

Employment Protection Consolidation Act, 1974;

Health and Safety at Work Act, 1974;

Sex Discrimination Act, 1975 (as amended 1986 and 1999);  
Race Relations Act, 1976 (as amended 1986);  
Welsh Language Act, 1993;  
Criminal Justice and Public Order Act 1994;  
Disability Discrimination Act, 1995;  
Employment Rights Act 1996;  
Protection from Harassment Act, 1997;  
Employment Relations Act, 1999;  
Race Relations (Amendment) Act, 2000;  
Sex Discrimination (Gender Reassignment Regulations), 1999;  
Equal Pay Provisions of the Employment Act, 2002;  
Part Time Workers (Less Favourable Treatment) Regulations, 2000;  
Employment Act, 2002;  
Fixed Term Workers (Prevention of Less Favourable Treatment) Regulations, 2002;  
Discrimination on the Grounds of Sexual Orientation, 2003;  
Discrimination on the Grounds of Religion / Belief, 2003;  
Gender Recognition Act, 2004.

#### **4. Derogations**

This policy deals with the internal relationships between the Force and its staff as it affects equal opportunities standards and behaviour.

#### **5. Enforcement and Reporting**

5.1 It will be the responsibility of all staff, supervisors and managers to ensure strict compliance with this policy.

5.2 Reporting requirements are outlined in **Appendix 'A'** of this document.

#### **6. Accessibility, Redress and Review**

- 6.1 This document will be published and made readily available to all police officers, police staff, special constables and volunteers within Dyfed-Powys Police via the Force Intranet system or where this facility is not available and at the discretion of Divisional Commanders/Heads of Department, through paper dissemination.
- 6.2 The document will be made available to the general public via the Force external Internet site on [www.dyfed-powys.police.uk](http://www.dyfed-powys.police.uk) or upon written requests made to the Force Policy Co-ordinator.
- 6.3 The operation of this policy will be subject to internal and external review via the Equality of Service Delivery Management Group and other interested bodies such as the HMIC, Equal Opportunities Commission, Disability Rights Commission and Commission for Racial Equality.
- 6.4 Any person(s) who has/have cause to feel aggrieved by any matter outlined in this policy may seek redress either via the Professional Standards Department or via the Force Grievance Procedure.
- 6.5 In exercising their rights as detailed in 6.3 above the individual in making representations will have the right of equal access to information and may also seek legal advice.

**7. Human Rights Generic Audit Compliance List**

**Policy Name:** Equal Opportunities Policy

**Policy Owner:** Human Resources      **Audited by:** Human Resources Policy Manager

<b>Issue</b>	<b>Question</b>	<b>Response</b>	<b>Page Ref</b>
<b>Auditing for potential interference / and/or direct or indirect discrimination</b>	Have the contents of this policy (and any attendant powers, authorities and directions contained within it) been audited for potential interference with an individuals rights?	Yes.	
	Have the contents of this policy been audited for the potential for it to be discriminatory. In relation to the application or provision of such rights?	Yes	

<b>Key Human Rights principles</b>	Does the policy contain a statement explaining what the legal basis is for the policy (and any attendant powers, authorities or directions given within it)?	Yes	Page 3 Para 2.3
<b>Key Human Rights principles (Cont.)</b>	Does the policy provide details of what could be considered a legitimate aim(s) for the potential interference with an individuals rights by virtue of exercising the policy and its attendant powers, authorities or directions?	Yes	Page 3 Para 2.1
<b>Key Human Rights principles (Cont.)</b>	Are supervisors and practitioners made aware of the need to follow a clearly defined decision making process in considering all information, and deciding on courses of action?	Yes	Page 3 Para's 1.2 & 1.3
<b>Key Human Rights principles (Cont.)</b>	Is it explicit within the policy what the minimum standards are in relation to the documentation of such decision making?	Yes	Page 3 Para 1.2
<b>Key Human Rights principles (Cont.)</b>	Is it explicit within the policy as to how it removes barriers to quality in key personnel areas, e.g. recruitment and selection, career progression?	Yes	Pages 9 – 11
<b>Key Human Rights principles (Cont.)</b>	Is it explicit as to how the policy contributes to maximising the potential of individuals across a diverse workforce?	Yes	Pages 9 – 11
<b>Key Human Rights principles (Cont.)</b>	Does the policy provide managers and practitioners with clear guidance on establishing the: <ul style="list-style-type: none"> <li>• Legal basis of their actions</li> <li>• Aim of their actions (legitimate aims can only be established by virtue of the exemptions and derogation's given in the act)</li> </ul>	Yes  - do –	Pages 3 & 4 (2.3)

	<ul style="list-style-type: none"> <li>• Justification and proportionality of their actions in seeking to achieve their aim(s)</li> <li>• Intended action is the least intrusive and damaging option to achieving the aim(s)</li> <li>• Need to document clearly the decision making process and outcomes of action.</li> </ul>	- do - - do - - do -	
<b>Delineating between policy and tactics</b>	Does the policy incorporate police tactics, which would make it impractical to publish the contents? (NB: due to publication requirements it is suggested that tactical material is not included in policy documentation for security reasons).	No	
<b>Rights, publication audit and inspection</b>	Does the policy contain a statement in favour of public disclosure or, if this is inappropriate, justification of any reservation to this rule on public interest/other grounds?	Yes	
	Does the policy contain:- <ul style="list-style-type: none"> <li>• a clearly defined statement of rights when a power, authority or direction is being exercised, including the right to make representations, access to legal advice etc?</li> <li>• a statement about the availability of the policy (method of proposed publication to public). A clearly defined appeals procedure?</li> <li>• a recommendation about maintaining audits and inspection of decision making?</li> </ul>	Yes  - do -  - do -	

	<ul style="list-style-type: none"> <li>a recommendation about the level of independent scrutiny of decision making and complaints?</li> </ul>	- do -	
<b>Certification of compliance</b>	Does the policy contain a certification that it has been drafted in accordance with the Human Rights Act and the principles underpinning it?	Yes	
<b>Legal vetting</b>	Has this policy been through legal vetting for human rights compliance?	Yes	
<b>Policy review</b>	Has the policy got a review date to ensure ongoing compliance in light of emergent UK and European legislation, Human Rights Case Law, social and political pressures to change?	Yes	

### **CERTIFICATE OF COMPLIANCE**

This policy has been drafted in accordance with the Human Rights Act and has been reviewed on the basis of its contents and the supporting evidence and it is deemed compliant with that Act and the principles underpinning it.

Signed: S Gainard (Force Legal Adviser)

Name: Samantha Gainard

Department: Legal Services HQ

### **REVIEW**

This Policy is due for review by:

Date: December, 2007

## **Staff Equal Opportunity Guidance**

### **Contents**

#### **1. Purpose of Policy**

This policy outlines:

- (a) Dyfed-Powys Police's commitment to Equality of Opportunity as employers and service providers.
- (b) The responsibilities of and standards of behaviour expected of all police officers, police staff, special constables and volunteers towards each other and towards members of the public (examples of appropriate behaviour are contained in **Appendix 1**).

#### **(a) Equal Opportunities Statement of Commitment**

Dyfed-Powys Police aspires to provide a policing service that strives to sustain public confidence by demonstrating fairness, tolerance and understanding in its dealings with all sections of the community, policing with integrity and respect for the rights of the individual.

We recognise that fair treatment for all is the cornerstone of policing with the active co-operation of the public. To achieve this, Dyfed-Powys Police needs to be representative of the communities which it serves. These communities are rich in diversity, gender, race, disability, sexual orientation, language, age, religion, and belief.

We as a Force, wish to celebrate that diversity and use the skills and experience and different perspectives which these individual groups have to the benefit of the wider community and its policing by ensuring:

- We will have fair and transparent policies on recruitment, development and retention.
- We will specify the high standards we expect of all staff of Dyfed-Powys Police in their interactions with each other and the public.
- We will strive to provide an environment in which all staff are treated fairly and with dignity and respect.
- We will enable and support staff to develop their full skills and potential both for themselves and the services they provide for the people of Dyfed and Powys.

Signed: T. Grange, Chief Constable.

**(b) Responsibilities**

**All police officers, police staff, special constables and volunteers** have a personal responsibility for the application of this policy. .

This responsibility to act appropriately and not to discriminate applies both in work or at a work related social function and in all of our dealings with the public and contractors.

The Bullying and Harassment, Fairness at Work and Grievance Procedures provide staff with a range of processes to raise informal / formal complaints in respect of bullying, harassment, discrimination or grievances.

**All supervisors have a duty**, in addition to their individual responsibility, to ensure that they and their staff conform to the standards of behaviour expected by the Force in the Equal Opportunities and Diversity Policies and to manage in accordance with the standards given below, in particular, managers should:

- ♦ not condone inappropriate behaviour by omitting to take action when discrimination, harassment or bullying occurs in their presence;
- ♦ ensure that if they are subsequently made aware of inappropriate behaviour or discrimination, they take suitable action;
- ♦ they themselves or their subordinates do not issue instructions or pressurise others to discriminate.

**Head of Human Resources**

The Head of Human Resources, will co-ordinate the various employment aspects of the policy and will report annually on the operation of the policy to the Equality of Service Delivery Management Group. They will also ensure that employment monitoring information required to ensure that equality is achieved is presented quarterly in accordance with legislative requirements.

**The Equality of Service Delivery Management Group**

Members of the group, chaired by the Chief Officer with Human Resources responsibility, which includes the Police Authority, UNISON and the Staff Associations, support this policy and will work towards the promotion of equal opportunities and the identification and elimination of discrimination in all the Force's activities.

## **Chief Officer with Human Resources Responsibility**

The Chief Officer with responsibility for Human Resources matters chairs the Equality of Service Delivery Management Group. This group covers all equality and diversity issues for the Force and the Dignity Programme as outlined in the People Management Strategy, which is designed to promote equality throughout the Force. They are responsible for ensuring that the requirements of this policy and the related Race Equality Plan and Diversity Strategy are implemented in full, ensuring that monitoring and reviews of service practices in relation to equal opportunities are conducted on an annual basis and that any areas of concerns which are identified, are investigated and appropriate action is taken.

## **Chief Constable**

The Chief Constable has overall responsibility for the effective operation and review of this policy and its implementation within the Force.

## **Police Authority**

The Police Authority has a monitoring and scrutiny role and will receive a report annually on the Force's People Management Strategy. Quarterly reports are presented to the Professional Standards Committee on Equalities Issues.

## **2. Monitoring**

The following will be presented annually to the Equality of Service Delivery Management Group and published via the Annual Report:

- 2.1 The numbers of staff in post.
- 2.2 Monitoring of applicants for jobs, promotion and training (by at least gender and race).
- 2.3 Monitoring of transfers.
- 2.4 Monitoring of those police officers and police staff who:
  - ◆ Receive training;
  - ◆ Are involved in grievances or are the subject of disciplinary action;
  - ◆ Benefit or suffer detriment as a result of performance assessment procedures by analysing applications for training through the PDR process;
  - ◆ Leave their jobs with the Force for whatever reason.

(by gender, race, sexual orientation, disability and age).

**3. Review**

This policy will be reviewed one year after publication or earlier if changes in legislation require.

## **Examples of Standards of Behaviour**

### **Discrimination**

#### **1. Direct Discrimination**

This occurs when a person is treated less favourably (because of his or her gender, marital status, age, race, religious belief, sexual orientation, gender reassignment or language), from the way another person is treated, or would be treated, in the same or similar circumstances.

#### **2. Indirect Discrimination**

This is when a rule, condition or requirement is applied to everyone, but a considerably smaller proportion of people from a particular group, because of their gender, marital status, disability, religion, race, sexual orientation, religion or gender reassignment, language, age, would be able to comply with the rule, condition or requirement.

#### **3. Discrimination in Employment**

It is unlawful for a person, to discriminate:

- In recruitment practices, i.e. before the individual is appointed;
- In the terms under which they offer employment, e.g. conditions of service and pay;  
or
- By refusing or deliberately omitting to offer employment.
- It is unlawful for an employer to discriminate in respect of access to opportunities for promotion, transfer or training, by refusing or deliberately omitting to afford them access to them; or
- By dismissing them or subjecting them to any other detriment, e.g. bullying or harassment; or
- It is also unlawful to discriminate after employment.

The Force's current policies with respect to each of these areas are:

#### **4. Recruitment and Selection**

Assessment, Selection and Promotion of Police Officers ([click here](#));

Recruitment Policy Police Staff ([click here](#));

[Transfer Policy \(click here\)](#)

## **5. Conditions of Service**

[Local Conditions of Service for Police Staff \(click here\)](#)

National Police Regulations govern the conditions of service for police officers ([click here](#))

## **6. Training**

[Probationer Training Policy \(click here\);](#)

[High Potential Development Scheme \(click here\);](#)

[Force Learning Strategy \(click here\).](#)

## **7. Grievance**

[Grievance Procedure \(click here\);](#)

[Bullying and Harassment Procedure \(click here\);](#)

[Fairness at Work Procedure \(click here\).](#)

## **8. Genuine Occupational Qualifications**

One of the limited set of circumstances where discrimination is legal is if an employer can show a genuine occupational qualification (GOQ), which means that the job has to be done by someone of a particular sex or race. Advice should be sought from the HR Manager before this is undertaken.

## **9. Victimisation**

The Sex Discrimination Acts, Race Relations, Act, 1976, the Disability Discrimination Act, 1995, Sexual Orientation Regulations, 2003 and Religion or Belief Regulations, 2003, provide protection to individuals from victimisation over and above the basic right not to be discriminated against. The kind of treatment which may give rise to a claim for victimisation will include all of the areas detailed above under Discrimination in Employment.

## **10. Unacceptable Behaviour**

These standards of behaviour apply to all police officers, police staff, special constables, volunteers and relate not only to relationships between these groups but to relationships with others, in particular, members of the public.

Further examples are contained in the Bullying and Harassment Procedure, in the Misconduct Procedures for Police Officers and the Disciplinary Rules for Police Staff.

Examples of unacceptable behaviour, which particularly relate to equalities issues are given below but are not exhaustive.

- ♦ The creation, transmission, downloading, printing, storage or circulation (other than for official authorised purposes) of any offensive, obscene or indecent images, text data or other material, which might cause offence.
- ♦ Harassment of others based on an individual's perception of another person's sexual orientation or religion. This also applies to harassment of a person associating with a person of a perceived sexual orientation or religion.
- ♦ Harassment can be deemed to take place in the absence of the individual if they are the subject of any discussion or derogatory comment or actions, which may constitute harassment.
- ♦ Ostracism of a person including exclusion from normal conversation and social events particularly those groups outlined in our equal opportunities policy.
- ♦ Any act which demeans or offends against the dignity of men and women at work or members of the public with whom we have contact.
- ♦ Acts of discrimination, bullying and harassment are serious disciplinary offences and, where proven, may result in dismissal or other disciplinary action.