

Office of Police & Crime Commissioner – Devon & Cornwall Policy Cover Sheet

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| Policy Name: | Equal Opportunities & Diversity Policy |
| Version Number: | Version 3 Final |
| Date: | 28 May 2014 |
| Policy Author: | Claire Mead |
| Policy Authorised by: | Andrew White |
| Policy Sign off Date: | 28 May 2014 |
| Policy Signed off by: | Andrew White – Chief Executive |
| Cover note: | <p>This policy sets out the high level principles and ethos around the management of equality of opportunity & diversity; the policy is based on the existing version held by Devon & Cornwall Police (D&CP).</p> <p>D&CP are currently putting all people management policies into the new Force template style and reviewing content in terms of legislative changes, terminology and bringing them up to date. This version is based on the revised D&CP policy draft.</p> <p>It is proposed the existing PA equal opportunities & diversity operating procedures remain in place from a practical implementation of policy perspective.</p> |
| EIA status: | Policy will require EIA from the OPCC perspective. |

Office of Police & Crime Commissioner – Devon & Cornwall

Equal Opportunities & Diversity Policy

Version dated: 28 May 2014

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2.0 Policy Statement [FOIA Open]

- 2.1 The Office of Police & Crime Commissioner (OPCC) recognise the value of making equality of opportunity and diversity an integral part of day to day business and the working environment. The OPCC is fully committed to:
- a) The principle of equality of opportunity underpinning resourcing processes, people management policies & associated procedures (in line with the Equality Act 2010 and the associated Code of Practice and Public Sector Equality Duty) and opposes all forms of unlawful discrimination on the grounds of, or in association with, the nine protected characteristics: age, disability, gender reassignment, marriage & civil partnership, pregnancy & maternity, race, religion or belief, sex, sexual orientation.
 - b) Realising the full potential of individuals in its employ and always striving to achieve a workforce that reflects the communities of Devon and Cornwall enabling the organisation to best understand, support and meet the needs of these communities.

3.0 Introduction [FOIA Open]

- 3.1 The OPCC's 'people management' policies reflect the organisation's commitment to its staff, and are underpinned by the highest standards of integrity. They provide a high-level set of principles, which are supported by procedures, working practices and guidance. By nature, however, it is not possible to cover every eventuality that may occur within the context of 'people management'. It may be necessary to vary the approach to ensure matters are dealt with in the most efficient/appropriate way whilst maintaining equity and fairness. Where such variation may be necessary this must be justifiable in these terms and supportive of the Equality Act 2010 Statutory Code of Practice.
- 3.2 This policy supports legislation and guidelines contained within (but not limited to) the: Trade Union and Labour Relations (Conciliation) Act 1992, Rehabilitation of Offenders Act 1974, Employment Rights Act 1996, Employment Relations Act 1999, Trade Union Reform and Employment Rights Act 1993, Part Time Workers [prevention of less favourable treatment] Regulations 2000, Human Rights Act 1998 and the Equality Act 2010, which includes the associated Code of Practice and the Public Sector Equality Duty. Guidance is also given in European Directives, such as: Directive on Fair Treatment, Directive on Human Rights and the Employment Framework Directive.
- 3.4 This policy is supported by the OPCC's Grievance & Prevention of Harassment policies. These policies reinforce the organisation's commitment to treating all individuals in the

employ of the OPCC with dignity and respect, in an environment which promotes equality of opportunity, is free from bullying, harassment or victimisation and seeks to foster good relations between all employees. This commitment extends to agency staff, contractors and consultants.

4.0 Principles/Ethos of the Policy [FOIA Open]

- 4.1 The OPCC is fully committed to providing equality of opportunity, dignity and fair treatment at work for all those in its employ. As part of this commitment the OPCC seeks to create and maintain an open, positive and supportive working environment where there is mutual respect and acknowledgement of individuals' needs, aspirations and feelings.
- 4.2 Certain processes such as recruitment, selection, training, career development, promotion, etc. mean, by their very nature, the OPCC will differentiate between individuals in the decision making process. However such decisions will be based solely on lawful, objective and job related criteria; positive action being considered where appropriate.
- 4.3 Unlawful discrimination on any grounds will not be tolerated between work colleagues in any circumstances, whether in the course of day to day duties, or away from the workplace and/or outside of working hours. This includes unlawful discrimination on the grounds of, by perception, or by association with, any of the nine protected characteristics; age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, or any other factor which cannot be justified.
- 4.4 Disciplinary may be taken against any individual in the employ of the OPCC who, following enquiry, is found to have deliberately breached OPCC policy or acted in an unlawful discriminatory manner. Where the alleged behaviour could constitute a criminal offence the matter may be referred to the police for investigation which could result in criminal action.

Responsibility and Monitoring

- 4.5 Individuals are expected to familiarise themselves and comply with OPCC policy and demonstrate their commitment to equality and diversity. This applies in their day to day role as an individual in the employ of the OPCC. It also applies outside of work when part of the wider community where, as an employee of the OPCC, individuals have a responsibility to not bring the name of the organisation into disrepute. In addition managers and supervisors are required to understand and comply with appropriate policies/procedures and challenge inappropriate behaviour in a constructive way.
- 4.6 It is the responsibility of all those in the employ of the OPCC to ensure the organisational commitment to dignity, respect and fairness at work is delivered, irrespective of role or grade. This includes challenging inappropriate behaviours and reporting incidents or cases of discrimination, bullying, harassment and/or victimisation, including further details and wherever possible providing names. **Please note:** Where, for example, an individual has suffered detriment because they have reported a case of suspected bullying or harassment, the Equality Act 2010 provides protection for individuals against such victimisation.
- 4.7 The OPCC has mechanisms in place, both informal and formal, for considering circumstances where individuals feel dissatisfied about aspects of their work, their working environment or their relationships with colleagues. (See OPCC Grievance Policy).

Please note: The grievance policy is not intended to address concerns with the nature of policy or procedure, but the inappropriate implementation or interpretation of them.

Policies are developed in full consultation with the appropriate stakeholders. The OPCC always welcomes constructive feedback on how its policies might be enhanced, such feedback should be submitted via the line manager (or a representative of their recognised trade union) for referral, in order that due consideration can be given to the points raised.

- 4.8 Where appropriate the line manager will ensure that individuals are aware they have access to employee assistance support. The Employee Assistance Programme (EAP) for support. The Employee Assistance Programme (EAP) is available twenty-four hours a day, seven days a week to all individuals in the employ of the OPCC, to provide confidential advice and support. Information on how to access the EAP is available via the following link http://intranet/bcudepts/HR/OccHealth/EAP/LineManagerSection/WPO_Manager_Assist_Brochure.doc Additionally Trade Unions and Staff Support Groups are also available to provide ongoing support to their members. **Please note:** If the individual requires representation they should contact their recognised Trade Union or Staff Association as appropriate; alternatively staff may be accompanied by a colleague.
- 4.9 People management policies and procedures will be subject to the equality impact assessment process to ensure they comply with the principles of both this policy and the OPCC equality objectives.
- 4.10 Monitoring is regarded as an essential component of the OPCC Equal Opportunities & Diversity Policy, as well as being in line with OPCC equality objectives. The two year policy review process assists in ensuring that organisational policy remains up to date and legislatively compliant. OPCC policy will also be reviewed where there are interim changes to legislation.
- 4.11 **Please note:** Part of the ongoing review of people management policies includes reinforcing, within each of the policy areas, the OPCC commitment to equality and diversity in the workplace. This policy, and each of the people management suite of policies, are being policy impact assessed at part of the ongoing review/OPCC EIA process.
- 4.12 Accurate and timely management information is essential to ensure policy compliance, maintenance of standards and to allow training requirements or remedial action to be identified. Equality information is published on the OPCC and is also available internally via the intranet. To enable OPCC data to be accurate and up to date individuals are required to keep their employment records up to date via OPCC systems.
- 4.13 It is intended that when holding performance and development discussions all staff consider how they meet OPCC expectations with regard to treating colleagues and members of the public with fairness and respect. The OPCC is committed to training that promotes equality and diversity within the work place, for example the NCALT e-learning package entitled 'Introduction to Diversity'. This package 'provides learners with the foundation for building their knowledge of equality and diversity legislation and good practice. It introduces the new provisions of the Equality Act and the 'Public Sector Equality Duty.' (Source: Extract from the College of Policing – National Policing Curriculum.)

5.0 Audit/Assessment Compliance [FOIA Open]

- 5.1 This policy has been drafted and audited to comply with the principles of the Human Rights Act. Equality and diversity issues have also been considered to ensure compliance with equality legislation and policies. In addition Data Protection, Freedom of Information, Management of Police Information and Health and Safety issues have been considered.

Adherence to this policy will therefore ensure compliance with all relevant legislation and internal policies. Under the Freedom of Information Act 2000, the document is classified as 'OPEN'.

6.0 Review and Ownership [FOIA Open]

6.1 This policy is owned by the Office of Police and Crime Commissioner, with a review undertaken on a two yearly basis.

7.0 Useful Links [FOIA Open]

7.1 Practical procedures are available to assist with the effective and consistent implementation of the policy, including additional information within [Appendix 1](#). For enquiries relating to this policy contact the Chief Executive.

[Equality Act Statutory Code of Practice 2010](#)
[OPCC policies](#)

Appendix 1

Equal Opportunities: Useful Definitions

Differentiate Between:

“Recognise or ascertain what makes (someone or something) different: (differentiate between) identify differences between (two or more things or people).”

(Source: Oxford Dictionaries)

Discrimination:

- **Direct Discrimination:** Less favourable treatment because of a protected characteristic.
- **Associative Discrimination:** Direct discrimination against someone because they associate with another person who possesses a protected characteristic.
- **Perceptive Discrimination:** Direct discrimination against an individual because others think they possess a particular protected characteristic.
- **Indirect Discrimination:** Where a condition, rule, policy or practice that applies to everyone, particularly disadvantages people who share a protected characteristic.
- **Harassment:** Unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.
- **Victimisation:** Where an employee is treated badly because they have made/supported a complaint/grievance under the act, or they are suspected of doing so.”

(Source: Based on ACAS guidance)

Equality:

“Equality is about ensuring that every individual has an equal opportunity to make the most of their lives and talents, and believing that no one should have poorer life chances because of where, what or whom they were born, what they believe, or whether they have a disability”.

(Source: Equality and Human Rights Commission Website)

Positive Action:

“Positive action in recruitment and promotion can be used where an employer **reasonably thinks** that people with a protected characteristic are under-represented in the workforce, or suffer a disadvantage connected to that protected characteristic. In practice it allows an employer faced with making a choice between two or more candidates who are of **equal merit** to take into consideration whether one is from a group that is disproportionately under-represented or otherwise disadvantaged within the work place.”

(Source: Government Equalities Office: Equality Act 2010: What do I need to know? A quick start guide to using positive action in recruitment or promotion.)

Protected Characteristics:

“The act covers nine protected characteristics, which cannot be used as a reason to treat people unfairly. Every person has one or more of the protected characteristics, so the act protects everyone against unfair treatment. The protected characteristics are:

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| Age | Disability | Gender reassignment |
| Marriage and civil partnership | Pregnancy and maternity | Race |
| Religion or belief | Sex | Sexual orientation” |

(Source: Home Office Website: Equality Act 2010)