

## Equality, Diversity and Inclusion Policy & Procedure

### Background

The Public Sector Equality Duty (PSED) was created under the Equality Act 2010 and came into force in 2011. This policy sets out the requirement for public authorities, such as the Office of the Police and Crime Commissioner for Surrey (OPCC), as employers, to actively promote equality, fairness and respect for all its staff, volunteers and contractors to enable all individuals to reach their full potential and to recruit and retain a workforce that reflects the diversity of the communities it serves. The PSED also requires that the OPCC is active in making society fairer by tackling discrimination and providing equality of opportunity for all.

### Policy

#### 1. Introduction

- 1.1 The Equality Act 2010 was introduced to legally protect people from discrimination in the workplace and in wider society. The OPCC is required to comply with the Equality Act 2010, and in particular Section 149 the Public Sector Equality Duty (PSED), which requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different groups of people when carrying out their activities.

The OPCC has a zero-tolerance approach to towards discrimination or discriminatory practices, as defined in section 3.1 of the Equality, Diversity and Inclusion procedure (below).

Under the Equality Act 2010, there are nine protected characteristics:

- Age
- Disability\*
- Gender reassignment\*\*
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

*\* A person has a disability if (a) they have a physical or mental impairment, and (b) the impairment has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.*

*\*\*A person has the protected characteristic of gender reassignment if the person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex.*

- 1.2 This policy sets out the commitment of the OPCC to meet the requirements of the PSED 2011 by providing:

- Equality of opportunity and freedom from unlawful discrimination on the grounds of race, nationality, ethnic origin, gender, gender identity and expression, marital or civil partnership

status, disability, religion or belief, pregnancy and maternity, age or sexual orientation. This statement includes unlawful discrimination against multiple aspects of an individual's identity.

- A framework to identify and address, all forms of unlawful discrimination in the workplace and to create equality of opportunity in an environment where individual differences and the contribution of all members of the OPCC are recognised and valued.
- A supportive working environment free from harassment, victimisation or bullying and;
- Delivering a public service where all members of the OPCC and the wider community it serves are treated with dignity and respect.

## **2. Scope**

2.1 This policy's associated procedure and supporting documents (below) provide an overarching structure that brings all strands of Equality, Diversity and Inclusion together into one document for the OPCC as employers and public service providers.

## **3. Policy Statement**

3.1 The OPCC expects all colleagues to have a zero-tolerance approach towards bullying, harassment, discrimination or discriminatory practices. The OPCC recognises the benefit of a diverse and representative workforce and are committed to promoting equality and ensuring every individual is treated with dignity and respect. All individuals have the right to work in a safe, healthy, fair and supportive environment free from any form of discrimination or victimisation towards a protected characteristic and the supporting procedures will ensure there is a mechanism in place for dealing with all issues raised in a considerate, consistent and timely manner. It is important to note that bullying and harassment is not always related to a protected characteristic. All OPCC policies are applicable to all staff, volunteers and contractors regardless of their personal characteristics or identity.

3.2 As an employer, the OPCC recognises one of the key risks is not having a workforce that is representative of the communities it serves. By adhering to this policy the OPCC's ambition is to enhance the ability to engage with all communities and access a broader range of skills and experience from a more diverse workforce, resulting in improved decision making.

This also applies to the Independent Custody Scheme, where the ambition continually is to recruit volunteers who are representative of the communities they serve.

## **4. Procedure 1: Foreword**

4.1 The OPCC is fully committed to creating and sustaining a positive, mutual and supportive working environment; where staff, volunteers (including Independent Custody Visitors) and contractors can work collaboratively and productively and are equally valued and appreciated. To achieve this standard the OPCC expects that all colleagues, including others who may be working on behalf of the OPCC, will behave in an acceptable manner, ensuring everyone is treated with courtesy, respect and consideration, as well as conducting themselves professionally

when interacting with members of the public, and take a zero-tolerance approach to challenge discrimination or discriminatory practices.

Unwelcome behaviour that constitutes harassment of any kind will not be tolerated. It may result in disciplinary action, or where the threshold is met, criminal or civil proceedings.

The Code of Ethics sets out the principles and standards expected within those working in policing professions. Individuals are required to commit and adhere to its principles, which underpin how the OPCC will treat the public and each other.

4.2 Discrimination takes many forms and can have a detrimental effect on individuals. The OPCC expects the support of every individual to take a zero-tolerance approach, to challenge and report any incident of discrimination that they become aware of. Failure to comply with this policy may be a disciplinary offence, and unlawful discrimination may constitute a criminal offence and it is therefore expected that every member of the OPCC understands the contents of this policy and their obligations under the law.

4.3 All members of the OPCC are required to commit and adhere to the Code of Ethics that underpin how the OPCC treats the public and each other.

4.4 The PSED 2011 requires public bodies to publish information to show their compliance with the Equality Duty at least annually and set and publish equality objectives at least every four years.

4.5 It requires public bodies to have due regard to the need to:

- Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
- Foster good relations between people who share a protected characteristic and people who do not share it.

## **5. Dignity at Work**

5.1 The OPCC is an equal opportunities employer and supports a culture where an individual's dignity at work is considered to be of primary importance. It is the policy of the OPCC that everyone is treated with dignity and respect within a working environment that is supportive and free from any form of bullying, harassment, victimisation or intimidation - specifically with regard to protected characteristics.

## **6. Types of Discrimination**

### **6.1 Bullying**

Bullying can be defined as words, actions or other conduct which ridicules, intimidates or threatens and affects individual dignity and well-being. It is not always directed towards a protected characteristic and can take many forms and may not be easy to recognise. Reasonable and lawful requests from management, members of the public or colleagues, will not constitute bullying.

## 6.2 Harassment

Harassment can comprise a one-off incident or a course of conduct, unwanted by an individual, which has the purpose or effect of causing them alarm or distress, or violating their dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. It may be related to one or more aspects of an individual's identity (protected characteristic) for example unacceptable conduct towards a Black woman, (which could constitute dual discrimination on the grounds of sex and race).

The non-exhaustive examples below give a clear indication of the sorts of actions that constitute bullying or harassment:

- Verbal: cruel language, unwanted nicknames, open hostility, offensive jokes, propositions or suggestive remarks, innuendo, wolf whistles, rude or vulgar comments, malicious gossip, offensive songs. An example of this verbal harassment, would be describing a bi-sexual colleague as 'greedy', jokes about gay sex or asking invasive questions about an individual's gender identity, or derogatory terms relating to an individual's disability or health condition.
- Non-verbal: obscene gestures for example acting in a mock effeminate manner, derogatory gestures relating to an individual's disability or health condition, sexually suggestive posters/calendars, pornographic material (both paper based and electronic), graffiti, offensive letters/emails, text messages, posting or messaging on social media or other contact on social networking sites.
- Physical: touching an individual against their will, patting, pinching or brushing against another individual's body, intimidating and/or aggressive behaviour, physical threats, assault and physical coercion.
- Coercion: pressure for sexual favours (e.g. to gain a job or promotion, or to avoid dismissal), pressure to participate in groups or activities against an individual's beliefs or values.
- Isolation or non-cooperation: deliberate exclusion from communications including group emails, conversations or social activities; setting unrealistic deadlines; substituting responsible tasks with menial or trivial ones; withholding information or giving false information; constantly undervaluing effort.
- Intrusion: following, pestering, spying, stalking etc.

Bullying and harassment occur regardless of an individual's age, faith and belief, sexual orientation, gender identity, disability, ethnicity or any other protected characteristic. It is experienced by women and men and within trans and non-binary communities and can be committed by one or more people against one or more individuals.

## 6.3 Victimisation

Victimisation occurs when an individual receives less favourable treatment (including inaction) or a detriment on the grounds of having previously made a complaint of harassment or discrimination.

It is important for colleagues to report any incidents of racist, sexist, homophobic, biphobic or transphobic, ageist, disablist or faith related bullying or harassment. This can be to your line manager, or other manager, through a staff network, Unison, or through the anonymous reporting systems. And for a

counselling service that is inclusive of sexual orientation and gender identity issues, contact Surrey Police's Employee Assistance Programme (EAP) where support is available.

## **7. Action to be Taken on Receipt of a Complaint or Allegation**

7.1 Cases of bullying and harassment can be dealt with either informally or formally. All members of the OPCC are encouraged to resolve issues informally wherever possible as this helps resolve the issue quickly and prevents it escalating into a larger and more complex issue and so helps to foster better working relationships and harmony throughout the OPCC.

## **8. Hate Crime**

8.1 The OPCC recognises the significant impact that experiencing hate whilst providing a public service has on colleagues. The OPCC believe that being attacked while undertaking your work, being targeted because of who you are and being afraid to be yourself is unacceptable and hate crimes on staff, volunteers and contractors for the OPCC will be investigated with the same care, compassion and commitment as an assault on a member of the public.

## **9. Positive Action**

9.1 Positive Action refers to activities which are made lawful within Section 158 and Section 159 of the Equality Act 2010, which would otherwise be unlawful under other sections of the Act. Structures in society mean that not everybody starts from the same position. There may be barriers that prevent people from achieving their potential. Provisions under Section 158 and Section 159 of the Equality Act 2010 only apply in very specific and particular circumstances – where people with a particular protected characteristic are underrepresented in employment, experience a disadvantage or have a specific need connected to that characteristic.

9.2 Once specific criteria are met, Section 158 of the Act permits Positive Action for minimising or overcoming a disadvantage, meeting a particular need or encouraging participation in an activity where it is disproportionately low - for people who share a protected characteristic. To be lawful, the action has to be proportionate. To operate within the legislation, Positive Action conducted under Section 158 must end once an individual [from the designated group] has applied for a role – demonstrating the disadvantage, need or barriers to participation have been met.

9.3 Section 159 of the Act relates to Positive Action in recruitment or promotion. Under Section 159, Positive Action allows an employer to favour someone who shares a protected characteristic over someone who does not, providing both people are as qualified as each other. Section 159 requires an in-depth objective assessment of each 'equally qualified candidate', can only be applied at the end of a selection process and should be publicised to all applicants in the original role advert.

9.4 For Section 158 and 159 there are a number of detailed requirements and considerations which must be considered and recorded prior to application, an organisation must not have a policy of treating someone more favourably - for more information please refer to the see College of Policing Positive Action guidance or visit GOV.UK or contact Surrey Police's EDI team.

## **10. Employment Data**

10.1 The OPCC collects and processes personal data relating to its staff, volunteers and contractors to manage the employment relationship. It is important that individuals understand how that data is collected and used in order to meet the OPCCs data protection obligations.

## **11. Supporting Documents/Links**

- [Equality Act 2010](#)
- [Public Sector Equality Duty](#)
- [Code of Ethics](#)
- [Staff Networks \(Surrey Police internal link\)](#)
- [Anonymous reporting \(Surrey Police internal link\)](#)
- [EAP \(Surrey Police internal link\)](#)
- [GOV.UK](#)
- [College of Policing](#)