

Cheshire Police Diversity Audit

Cheshire Police have a legal duty to promote equality and diversity and are required to have due regard to the need to eliminate unlawful discrimination and harassment.

Diversity relates to all aspects of difference that make individuals unique and includes, but is not limited to, age, disability, gender, race, religion and sexual orientation. Diversity is about understanding that different people have different needs and may require a different response to their need. Equality is about treating everybody fairly.

Summary of equality legislation

Age

Direct discrimination

A person is treated less favourably than other people on grounds of age or apparent age.

Indirect discrimination

- 1) A applies to B a provision, criterion or practice which he applies or would apply equally to persons not of the same age group as B, but:
 - i. which puts or would put persons of the same age group as B at a particular disadvantage when compared with other persons, and
 - ii. which puts B at that disadvantage and A cannot show the treatment or, as the case may be, provision, criterion or practice to be a proportionate means of achieving a legitimate aim.
- 2) A comparison of B's case with that of another person under paragraph (1) must be such that the relevant circumstances in the one case are the same, or not materially different, in the other.

("Age group" means a group of persons defined by reference to age, whether by reference to a particular age or a range of ages).

Disability

Direct discrimination

A disabled person is treated less favourably than someone who is not disabled on the grounds of their disability.

Indirect discrimination

- 1) Less favourable treatment
 - i. where a disabled person is treated less favourably for a reason relating to their disability, and
 - ii. the treatment cannot be justified.
- 2) The duty to adjust:

A person discriminates against a disabled person if he fails to comply with the duty to make reasonable adjustments.

Race

(The Race Relations Act 1976 was amended by the EU Race Directive in 2003. This has resulted in an anomaly in that the amendment refers to persons of the same race or ethnic or national origins, while the original Act, which has not been repealed, refers to persons of the same colour or nationality.)

Direct discrimination

A person is treated less favourably than other people on racial grounds.

Indirect discrimination

- 1) A person discriminates against another if he applies to that other a requirement or condition which he applies or would apply equally to persons not of the same racial group as that other but:
 - i. which is such that the proportion of persons of the same racial group as that other who can comply with it is considerably smaller than the proportion of persons not of that racial group who can comply with it, and
 - ii. which he cannot show to be justifiable irrespective of the colour, race, nationality or ethnic or national origins of the person to whom it is applied, and
 - iii. which is to the detriment of that other because he cannot comply with it.
- 2) A person discriminates against another if he applies a provision, criterion or practice which he applies or would apply equally to persons not of the same race or ethnic or national origins to that other person:
 - i. which puts or would put persons of the same race or ethnic or national origins as that other at a particular disadvantage when compared with other persons,
 - ii. which puts that other at that disadvantage, and
 - iii. which he cannot show to be a proportionate means of achieving a legitimate aim.

Religion or belief

Direct discrimination

A person is treated less favourably than other people on grounds of his or her religion or belief.

Indirect discrimination

A applies to B a provision, criterion or practice which he applies or would apply equally to persons not of the same religion or belief as B, but:

- i. which puts or would put persons of the same religion or belief as B at a particular disadvantage when compared with other persons,
- ii. which puts B at that disadvantage, and
- iii. which A cannot show to be a proportionate means of achieving a legitimate aim.

Gender

(Wording has been added, denoted by square brackets, which does not appear in the Act. This is to make explicit the fact that the Act covers men as well as women.)

Direct discrimination

A man or woman is discriminated against when he or she is treated less favourably than a woman or man would be, respectively.

Indirect discrimination

- 1) A person discriminates against a woman [or a man] if he applies to her [or him] a requirement or condition which he applies or would apply equally to a man [or woman] but:
 - i. which is such that the proportion of women [or men] who can comply with it is considerably smaller than the proportion of men [or women] who can comply with it, and
 - ii. which he cannot show to be justifiable irrespective of the sex of the person to whom it is applied, and
 - iii. which is to her [or his] detriment because she [or he] cannot comply with it.
- 2) A person discriminates against a woman [or a man] if he applies to her [or him] a provision, criterion or practice which he applies or would apply equally to a man [or a woman], but:
 - i. which is such that it would be to the detriment of a considerably larger proportion of women than of men, [or men than of women], and
 - ii. which he cannot show to be justifiable irrespective of the sex of the person to whom it is applied, and
 - iii. which is to her [or his] detriment.

Sexual orientation

Direct discrimination

A person is treated less favourably than other people on grounds of his or her, actual or perceived, sexual orientation.

Indirect discrimination

A applies to B a provision, criterion or practice which he applies or would apply equally to persons not of the same sexual orientation as B, but:

- i. which puts or would put persons of the same sexual orientation as B at a particular disadvantage when compared with other persons,
- ii. which puts B at that disadvantage, and
- iii. which A cannot show to be a proportionate means of achieving a legitimate aim.

In addition to the legislation that prohibits discrimination in the above areas, Cheshire Police is bound by positive duties in respect of race, disability and gender (from April 2007).

The Strategic Procurement Unit will help Cheshire Police are meeting their duties and responsibilities by undertaking the following:

- Placing an expectation on our Suppliers to share and deliver our equality goals
- Making sure that equality and diversity are taken into account when procuring goods, works or services from external providers
- Monitoring our contracts for compliance by conducting a Diversity Audit and inviting Suppliers to explain how they are meeting their equality and diversity obligations.

The Diversity Audit questionnaire requires completion within four weeks of the date of the letter. Questionnaires must be completed and returned within the prescribed timescales as failure to do so may result in removal from the Cheshire Police approved Supplier list.

Questionnaires will be scored on their return and the scores will be added up to make a total overall score. Suppliers are required to score a minimum of an average of 3 points per question. Suppliers will be notified of the score they have achieved and any areas of strength and weakness. Failure to achieve an average score of 3 points or more per question will result in the Strategic Procurement Unit contacting the Supplier to request an improvement action plan. The supplier will be required to complete a further Diversity Audit questionnaire in six (6) months time. If a minimum average score of 3 points per question is not achieved at that stage the supplier may be removed from Cheshire Police Authority's approved Supplier list and may no longer be eligible to receive future orders.

Diversity Audit Questionnaires will be scored on the following basis:

Score	Performance
5	Meets the standards exactly as specified
4	Meets the standard well, but not exactly.
3	Meets standard in most aspects, fails in some

2	Fails standard in most aspects, meets it in some
1	Significantly fails to meet the standard
0	No response submitted

Things to consider are:-

- Does the policy/statement cover all aspects of diversity – age, disability, gender, gender reassignment, race, religion and belief, sexual orientation?
- Does the policy/statement have the commitment of the Head of the organisation?
- Does the policy/statement cover harassment and bullying?
- When is the policy/statement dated – does it take account of all the Equalities legislation – see attached list
- How is the policy/statement communicated to staff and managers?
- Is there a commitment to make reasonable adjustments for people with disabilities?
- What training backs up the policy/statement?
- Does the organisation operate a grievance and a complaints procedure?

STANDARDS FOR DIFFERENT SIZE CONTRACTORS

Less than 5 Employees

Contractors with fewer than 5 directly employed people must provide a written assurance that the appropriate commitment to diversity will be achieved.

5 to 49 Employees

All contractors with between 5 and 49 employees must achieve criteria 1 – 4 listed below.

1. All firms must provide an equal opportunities policy in respect of race, gender, sexual orientation, age, religion & belief and disability that covers at least:-
 - a) Recruitment, selection, training, promotion, discipline and dismissal.
 - b) Discrimination, harassment and victimisation, making it clear that these are disciplinary offences within the organisation.
 - c) Identification of the senior position with responsibility for the policy and its effective implementation.
 - d) How you communicate the policy to your staff.
 - e) Monitor the diversity policy/statement

2. Effective implementation of the policy in the contractor's recruitment practices, to include open recruitment methods such as the use of job centres, careers service or press advertisements.
3. Regular reviews of the diversity policy/statement.
4. Regular monitoring of applicants by age, gender, disability and ethnicity, followed by regular analysis of the data.

50 or more Employees

All contractors with 50 or more employees must achieve criteria 1 – 4 above and the additional criteria 5 – 10 listed below.

5. Provide written instructions to managers and supervisors on equality in recruitment, selection, training, promotion, discipline and dismissal of staff.
6. Provide equality training for managers and any staff responsible for recruitment and selection.
7. In addition to criterion 4 carry out monitoring on the number of employees by age, gender, disability and ethnicity by grade when:
 - (a) in post
 - (b) applying for posts
 - (c) taking up training and development opportunities
 - (d) promoted
 - (e) transferred
 - (f) disciplined and dismissed
 - (g) raising grievances
 - (h) leaving employment
8. If monitoring reveals under-representation of the groups listed in 7 above – to take steps – including positive action – to address any imbalances.
9. Regular reporting and consultation on equality and diversity issues within the workforce.
10. Mention in the contractor's recruitment advertisements and publicity literature that diversity and equalities practices are in place.

If you require further information please contact the Strategic Procurement Unit by email : Procurement@cheshire.pnn.police.uk