

PEOPLE MATTERS

Tackling Discrimination: Police Authority Oversight and Scrutiny of Grievance Procedures and Employment Tribunals

APA Guidance

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Contents

Section	Page
1 Introduction	3
2. Why is this important?	4
3. Current and forthcoming statutory obligations	6
4. Effective oversight and scrutiny — tackling discrimination	8
5. Handling the media	10
6. Links with other work	10
Annexes	
A APA Inquiry Sub-Group	11
B Explaining police authorities statutory obligations	12
C. Establishing effective scrutiny and monitoring arrangements	19
D. Model protocol	21
E. A brief summary of key cases	25
F. Further sources of advice and expertise	29

Section 1 Introduction

In July 2002, the APA launched “*People Matters*” – a framework for police authority oversight of force Human Resources planning, policies and practices. This guidance is a supplement to the People Matters framework. It has been developed to help police authorities exercise effective oversight and scrutiny of force grievance procedures and Employment Tribunals (ET) cases, particularly those involving discrimination which make up the majority of ET cases.

The guidance was prompted by the Metropolitan Police Authority’s inquiry into the Metropolitan Police Service case against PS Gurpal Viridi and draws upon the lessons learned from recent and past high-profile cases as well as the experiences of forces and authorities around the country.

It has been developed by the APA Diversity Policy Group’s Inquiry Sub-Group (see **Annex A**), in consultation with the Home Office, National Black Police Association (NBPA), British Association for Women in Policing (BAWP), UNISON, Gay Police Association (GPA), ACPO, the Police Federation and Police Superintendent’s Association. We are grateful to all those who have contributed to the production of this guidance.

Grievance and ET cases provide a significant insight into the health of any organisation. Police authorities need to clearly hold forces to account for how they deal with such cases through regular strategic analysis and scrutiny.

Checklist:

Does the authority:	
Analyse Trends:	
➤ over time	ü
➤ in comparison with other forces	ü
➤ across different units/BCUs within the force	ü
➤ across types of discrimination	ü
Examine the frequency of review of current cases	ü
Review reports detailing lessons identified from key cases (regardless of outcome and including those settled) and any action plan put in place to implement lessons learnt (action plans should include clear milestones and accountabilities)	ü
Dip-sample completed case files	ü
All types of cases should be dip-sampled including cases resolved by mediation and settlement. These will often reveal issues for greater learning than those which result in ETs.	
Dip-sample exit interviews- to ascertain whether unreported grievances are contributing to individuals leaving the service	ü
Have in place arrangements for regular contact with staff support groups & associations/trade unions	ü
Receive a monthly update of grievances and ETs (i.e. numbers and overall trends)	ü

Section 2 Why is this important?

Grievance and ET cases provide a significant insight into the health of any organisation. One high profile case can be extremely damaging to an organisation both internally, in terms of staff morale, and externally, in terms of public confidence. However, a recent APA survey indicated that few authorities have arrangements in place for regular scrutiny or monitoring of grievance and ET cases.

The Metropolitan Police Authority's report into the case of PS Viridi¹ and the Metropolitan Police Service highlighted a significant role for police authorities in monitoring ET cases.

Recommendation 17 of the MPA's report states that:

“All Employment Tribunal cases should be monitored, assessing their financial impact, as well as the likely impact on trust and confidence and on recruitment and retention of visible ethnic minorities”

The importance of monitoring the likely impact of cases on black and minority ethnic staff, as well as on trust and confidence among local communities is further strengthened by the responsibilities placed on police authorities and forces under the Race Relations (Amendment) Act 2000.

These principles apply equally to cases involving sex, sexual orientation or disability in terms of financial impact, the impact internally on staff and the impact on local communities and their perceptions of and confidence in the police service whether as an employer or in expectations of service delivery (see **Annex E**).

There are a number of statutory obligations on police authorities which effectively require authorities to be more proactive in this area (see section 3 and **Annex B**) but even more fundamental reasons for tackling this area seriously are:

- authorities must ensure that there is an efficient and effective police force for the area and secure continuous improvements (best value) in local policing services
- “increasing trust and confidence in policing, particularly amongst minority ethnic communities” is a key priority for all police authorities

If authorities are to continuously improve local policing services it is critical that they ensure that lessons are learned from all grievance and ET cases whether resolved in favour of the force or the complainant. If such lessons are not learnt, resources — financial and staff — will continue to be expended on avoidable cases. This goes to the heart of efficiency and effectiveness.

As the employers of chief officers and police staff, authorities have a legal responsibility to the individual staff involved, as well as a moral one; although police staff remain under the direction and control of chief officers. Equally importantly, there is no doubt that high-profile grievance and ET cases, particularly those arising from race and sex discrimination, have impacted significantly on both

- confidence in policing, particularly amongst minority ethnic communities
- confidence amongst both police and support staff in the service as an employer

¹ *The Viridi Inquiry Report*, Metropolitan Police Authority, December 2001

Forces will continue to find it difficult to recruit and retain people from minority ethnic backgrounds, women, gays/lesbians and disabled people until they both are and are seen to be treating staff fairly, sensitively and with respect.

It is vital that authorities and forces develop disciplinary and grievance procedures which are open, fair and transparent and inspire the trust and confidence of officers and staff. Lack of confidence in the system may impact on the willingness of staff to use the procedures and may have wider ramifications for morale. It is therefore crucial that police authorities ensure that the force's procedures are of the highest standard as, until that is the case, efforts to increase public support and confidence are less likely to succeed.

By monitoring and scrutinising employment monitoring data, using positive action and learning the lessons from grievances and ET cases, authorities and forces can bring about a real lasting culture change across the service and stamp out any discrimination.

Section 3 Current and forthcoming statutory obligations

Police authorities and forces have duties under a range of existing statutory legislation. The key duties are highlighted here but more detailed information can be found at **Annex B**.

Human Rights Act 1998

The Human Rights Act 1998 incorporates the European Convention on Human Rights and Fundamental Freedoms (the Convention) into UK law from 2 October 2000. There are a number of Convention rights which are relevant to discrimination law including:

- the right to a fair trial (Article 6);
- the right to respect for private and family life (Article 8); and
- the right to marry (Article 12).

Unfair dismissal procedures are generally in line with Article 6. Case law (decision of the European Court of Human Rights in *Pellegrin –v France*) suggests that the Article's provisions do not apply to police disciplinary procedures and are unlikely to apply to other purely internal disciplinary procedures.

The Race Relations (Amendment) Act 2000²

Under the Race Relations (Amendment) Act 2000

- chief officers and police authorities are vicariously liable for acts of race discrimination committed by police officers; and
- police authorities and forces have a general duty to:
 - eliminate unlawful racial discrimination;
 - promote equality of opportunity; and
 - promote good race relations between people of different racial groups.

This is about mainstreaming race equality into everything that an organisation does.

Police authorities and forces also have two **specific duties** to help meet their general duty. These are to:

- prepare and publish a Race Equality Scheme; and
- monitor employment procedures and practices.

Police authorities' statutory duty to secure an efficient and effective police force in their area and their role as the legal employer of police staff mean that authorities have a critical role in ensuring that the force also meets these duties. Therefore, police authorities have a twofold responsibility:

- to meet the general and specific duties in relation to the police authority's own functions/policies and staff; and
- to ensure that the force meets the general and specific duties.

² For further guidance on police authorities' new duties under the Act, see *Race Relations (Amendment) Act 2000: An APA Guide for Police Authorities* and the CRE's *Statutory Code of Practice on the Duty to Promote Race Equality*.

Of particular relevance to this guidance, is the requirement to monitor the force's employment procedures and practices.

Annex B gives full details of the employment monitoring which authorities and forces are required to undertake.

Although authorities and forces are only legally required to conduct such monitoring in relation to ethnicity, both "People Matters"³ and the APA's Guide to the Race Relations (Amendment) Act 2000⁴, make clear that as a matter of good practice, authorities should seek to ensure that the monitoring extends to gender, sexual orientation, faith/religion/belief, age and disability.

The Sex Discrimination Act 1975

The Sex Discrimination Act 1975 (SDA) prohibits sex discrimination against individuals in the areas of employment, education, and the provision of goods, facilities and services and in the disposal or management of premises. It also prohibits discrimination in employment against married people. It is not unlawful to discriminate against someone because they are not married. Victimisation because someone has tried to exercise their rights under the SDA or Equal Pay Act is prohibited.

Disability Discrimination Act 1995

The Disability Discrimination Act 1995 (DDA) defines disability as:

"a physical or mental impairment which has a substantial and long-term adverse effect on his ability to carry out normal day-to-day activities"

Disabled people are protected against direct and indirect discrimination in employment and training through the Disability Discrimination Act 1995. The employment provisions currently apply to employers with 15 or more employees and have been in force since December 1996; however, new Regulations due to come into force in October 2004 arising from the EU Employment Directive (see below) will end this small employer exemption. This will be particularly relevant for those police authorities who directly employ their own staff.

EU Employment Directive (2000)

The **EU Employment Directive (2000)** extended protection against discrimination in employment and training to the new grounds of sexual orientation, religion, disability and age.

Regulations implementing the sexual orientation and religion or belief aspects of the Directive came into force in **December 2003** whilst that relating to age discrimination is expected to be implemented in **October 2006 (see Annex B)**.

Authorities should therefore also put systems in place to monitor their own and the force's grievance and ET cases involving discrimination relating to sexual orientation, religious belief and age in anticipation of the forthcoming implementation of the regulations under the EU Employment Directive.

³ *People Matters: A Framework for police authority oversight of police human resource plans. A Guide for Police Authorities. 2002*

⁴ *Race Relations (Amendment) Act 2000: An APA Guide for Police Authorities. 2002*

Section 4 Effective oversight and scrutiny — tackling discrimination

It is extremely important that police authorities engage in effective monitoring and scrutiny of grievance procedures and ET cases. Effective management and oversight of cases will not only contribute to lessening the financial cost and impact of such cases but will also help to avoid unnecessary delays.

Comprehensive and proactive monitoring of cases should enable the authority to identify any evidence of disproportionality in the handling of cases involving particular groups and thereby tackle discrimination. By rigorously scrutinising the force's management of grievances and ETs, this will contribute to increasing the level of confidence in these procedures among all police staff.

Authorities need to be alert to victimisation and discrimination within their forces and be proactive in ensuring this is rooted out. Authorities also need to look closely at the role of the ACPO team, the leadership, approach and nature of their response to and involvement with grievance and ET cases.

Many cases reach ET stage before police authorities become aware or involved. Authorities should ensure they have appropriate mechanisms in place so that:

- high-profile/significant cases⁵ are brought to police authorities' attention at an early stage;
- the police authority is able to satisfy itself that steps were taken in all cases to find early resolution — e.g. through mediation⁶; and
- that the force has or has access to trained and skilled mediators.

Authorities may want to allocate responsibility for scrutinising and monitoring the detail of individual cases and any financial implications to a Professional Standards (or equivalent) Committee whilst the identification of trends and oversight of policies and management information might fall within the remit of the authority's HR/Personnel Committee.

Authorities may find it helpful to agree with the force what information will be provided to it on a regular basis as well as a protocol for how significant cases will be brought to its attention. **Annex C** details the type and level of information that police authorities may want to receive on a regular basis and a suggested model protocol is at **Annex D**.

Authorities might wish to consider including in their protocol arrangements for dip sampling of completed cases to assist in identifying and tackling any discrimination. Such protocols may need to cover:

- the number or proportion of completed cases that the police authority will want to inspect — this process should also involve dip-sampling a selection of files subject to 'early resolution' such as mediation;
- procedures for selecting these files — it is suggested that cases to be viewed should be chosen by the police authority (rather than selected by the force). This may involve a random selection and/or a selection of files according to the nature of the grievance/ET, by unit/BCU etc;

⁵ Authorities and forces should develop and agree the definition of a "significant case" – see model protocol at Annex D.

⁶ For further information on early resolution of cases, see the draft Home Office Fairness at Work Procedure.

- access for the police authority to completed cases and any further information which it requires; and
- procedures for considering issues with the force that arise as a result of the review of the completed cases.

In conducting dip sampling it is important that authorities do not seek to review the conclusion reached in individual cases. Rather, the purpose is to ensure that grievances and ETs are routinely dealt with rigorously and fairly and in line with established force policies and procedures.

The objective should be to look at the process as a whole. Where, for example, authorities find areas of concern in the way an individual case has been investigated, it would usually be appropriate to review a further selection of cases in order to identify whether or not it represented an isolated incident or was indicative of a pattern which would then require further discussion with the force.

Confidentiality Agreements

Confidentiality agreements are commonly used in settled cases. Authorities will wish to ensure that such agreements are not used to withhold critical information to the authority about the nature and monetary value of any agreed settlement; the nature of the complaint or the reasons for settlement. It is not appropriate for chief officers to enter into agreements that exclude the provision of relevant information to the police authority and therefore make it difficult to learn lessons: it is possible to ensure that the rights and wishes of the complainant are respected, e.g. through anonymising cases.

Given police authorities' statutory responsibility for holding and maintaining the police budget, authorities should ensure that any information relating to the financial implications of cases are brought to their attention for scrutiny. Authorities may wish to revisit their financial Schemes of Delegation and consider the extent to which responsibility for the settlement of cases is delegated to the force.

Assessing Impact

Authorities will wish to have effective arrangements in place to assess:

- the extent to which the outcomes of cases have led to changes in policy and practice; and
- the impact of cases on trust and confidence amongst their local communities.

In addition, authorities will wish to ensure that the force has systems in place to assess the impact of cases on:

- existing staff; and
- recruitment and retention of staff, particularly women, those from minority ethnic communities, gay and lesbian staff, disabled staff

Authorities will wish to have in place effective links with local staff groups/associations and trade unions — for example, Black Police Association, British Association for Women in Policing, Gay Police Association, UNISON, CPOSA, PSU, Police Federation and Superintendents Association.

Authorities might wish to:

- ensure there is a conduit for staff associations and trade unions to feed in general concerns and issues;
- nominate a police authority member to act as a link member to local staff associations/networks; and
- have regular meetings with representatives to discuss the overall management of current grievance and ET cases involving discrimination (not specific cases).

Section 5 Handling the media

Authorities should also carefully monitor the force's strategy for dealing with the media and the communication of information regarding high-profile cases. This should include ensuring that the authority is fully informed *in advance* of any cases likely to involve media attention.

In particular, authorities should ensure that they are provided with a briefing from the force on any cases in which the force has signed a confidentiality agreement regarding settlement. The way in which the force handles media interest can have a significant impact on the perception of the police service both amongst staff and among local communities. An effective and well-thought out press strategy can contribute to increasing trust and confidence internally and among all communities and, in particular, black and minority ethnic communities.

Section 6 Links to other work

ACPO in association with the APA, Police Federation, Home Office and other key stakeholders has developed guidance for forces on the early resolution of cases before they reach employment tribunal stage — "Learning the Lessons from Employment Tribunals". This includes a Fairness At Work procedure which aims to assist the resolution of conflict within the workplace and to produce a speedy and effective resolution to a dispute at the lowest possible management level and not to establish blame or provide punishment.

Further Advice or Help:

For further information or advice on these issues, please contact:

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Explaining the Statutory Obligations on Police Authorities

1. Duties under the Human Rights Act 1998

Under the Human Rights Act, it is unlawful for a public authority to act incompatibly with the Convention Rights. That means that public authorities have:

- a duty not to infringe human rights; and
- an obligation to protect those rights, in certain circumstances.

Police authorities are public authorities under the Act and must ensure that all policies, practices and procedures are compatible with the Act. In addition, police authorities have the responsibility of ensuring compliance by forces. Therefore, authorities will wish to ensure that all force policies and practices — in particular those relating to employment matters — have been audited for human rights compliance.

For further information, see the Department for Constitutional Affairs' Study Guide on the Human Rights Act 1998 (<http://www.dca.gov.uk/hract/studyguide/index.htm>)

2. Duties under the Race Relations (Amendment) Act 2000

Employment monitoring?⁷

The employment monitoring duty provides a framework within which authorities and forces can measure progress of equality of opportunity within their organisations and meet the general duty to promote race equality in all areas of their work.

Police authorities and forces are required to put arrangements in place to:

- (a) *monitor, by reference to the racial groups to which they belong:*
 - (i) *the numbers of staff in post, and*
 - (ii) *applicants for employment, training and promotion, from each such group,*

and

- (b) *if the authority has 150 or more full-time staff, monitor by racial group, the numbers of staff from each group who*
 - (i) *receive training;*
 - (ii) *benefit or suffer detriment as a result of its performance assessment procedures;*
 - (iii) *are involved in grievance procedures;*
 - (iv) *are the subject of disciplinary procedures; or*
 - (v) *cease employment with that person.*

Although authorities and forces are only legally required to conduct such monitoring in relation to ethnicity, as a matter of good practice, authorities should seek to ensure that the monitoring extends to gender, sexual orientation, religion/belief and disability.

⁷ For comprehensive guidance on employment monitoring, see the CRE's publication *Ethnic Monitoring: A Guide for Public Authorities*

The Race Relations Act 1976 (Amendment) Regulations 2003 (SI 1626/2003)

The Race Relations Act 1976 (Amendment) Regulations 2003 which came into force on **19 July 2003** make changes to the Race Relations Act 1976 to comply with the EU Race Directive 2000.

The main changes are:

- **a new definition of indirect discrimination** — at present, indirect discrimination occurs where a person applies a requirement or condition which is apparently neutral but which does, or would, in fact put people of a particular racial or ethnic origin at a disadvantage when compared to others, and which cannot be justified on grounds other than racial grounds. The new definition will cover formal requirements, conditions and provisions, as well as informal practices, thus widening the circumstances where indirect discrimination may be deemed to have occurred, although it is currently to be restricted to the grounds of race or ethnic or national origins.
- **a new definition of harassment** — harassment is defined as being unwanted conduct which is intended to, or which creates the effect of violating a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for that person. This definition of harassment will be adopted across other equality areas and is in keeping with the concept that has been developed through case law.
- **introduction of concept of the genuine occupational requirement** — an exception to the provisions which deal with unlawful discrimination by employers. The new exception will apply where, having regard to the nature of the employment, or the context in which it is carried out, being of a particular race or particular ethnic or national origins is a genuine and determining requirement and where that requirement is applied in a proportionate manner.
- **burden of proof** — enables the complainant to establish a prima facie case before the tribunal and places the onus on the respondent to prove that he did not commit an act of unlawful discrimination or harassment.
- **removal of exceptions to the 1976 Act that are contrary to the principle of equal treatment**

The changes introduced by the Regulations apply to acts of discrimination on grounds of **race, ethnic or national origin** only — they do not apply to acts of discrimination on grounds of colour or nationality. However, acts of discrimination on grounds of colour or nationality are prohibited under the provisions of the Race Relations Act 1976.

3. Duties under the Sex Discrimination Act (SDA) 1975

In relation to employment, the Sex Discrimination Act 1975 covers discrimination on the grounds of:

- gender, i.e.: male or female;
- marriage;
- gender reassignment (transsexualism).

Job applicants, employees, contract workers and — in some circumstances — voluntary workers are protected from:

- direct and indirect discrimination;
- victimisation; and
- harassment.

Ex-employees are also protected from victimisation. Victimisation or unfair treatment after someone has left – such as refusing to provide a reference because someone has taken proceedings — is unlawful.

The SDA applies to women and men of any age, including children. Section 17 provides that police officers are to be treated as employees for the purposes of the Act. In addition, under new Regulations⁸ which came into force on **19 July 2003**, provides that chief officers are constructively liable for discriminatory acts by one officer against another.

The SDA has, so far, been held by the courts not to prohibit discrimination on the grounds of sexual orientation; however, Regulations to be made as a result of the EU Employment Directive will outlaw discrimination on the grounds of sexual orientation in the fields of employment and vocational training — but not access to goods and services (see *below*). Therefore, although not currently covered by law, grievances and ETs in relation to sexual orientation should be treated in the same way as sex discrimination cases.

Discrimination by employers

Both employees and potential employees have rights under the SDA whatever their length of employment and whatever hours they work. Special provisions apply the SDA to police officers as office holders rather than employees. For the purposes of the Act, both chief officers and police authorities are regarded as “employers”.

In general, it is unlawful for an employer to discriminate directly or indirectly on grounds of sex or marriage in:

- Recruitment (although sex discrimination will be lawful if one of the defined genuine occupational requirements applies e.g. the job needs to be held by a man or a woman to preserve privacy and decency;
- Treatment at work (but note that claim relating to discrimination in contractual pay and benefits are brought under the Equal Pay Act); and
- Dismissal.

However, there are some exceptions to this:

17(2) Regulations made under section 50⁹, 51¹⁰ or 52¹¹ of the Police Act 1996 shall not treat men and women differently except –

17(2)(a) as to requirements relating to height, uniform or equipment, or allowances in lieu of uniform or equipment, or

17(2)(b) so far as special treatment is accorded to women in connection with pregnancy or childbirth, or

17(2)(c) in relation to pensions to or in respect of special constables or police cadets.

To succeed under the Act, an individual must demonstrate less favourable treatment than a comparable person of the opposite sex.

⁸ *The Sex Discrimination Act 1975 (Amendment) Regulations 2003 (SI 1657/2003)*

⁹ Regulations for police forces

¹⁰ Regulations for special constables

¹¹ Regulations for police cadets

Sex Discrimination Act 1975 (Amendment) Regulations 2003 (SI 1657/2003)

These regulations — which came into force on 19 July 2003 — include provision for constructive liability of chief constables in respect of sex discrimination between police officers.

The main effect of this regulation is to treat police officers as being in the employment of the chief officer for the purpose of section 41 of the Sex Discrimination Act, which makes the employer liable for acts done by their employees in the course of their employment.

This means that chief officers are liable for unlawful acts done, with or without their knowledge or approval, by officers of the force in the course of their functions. However, the Act provides a defence to a chief officer who would otherwise be liable for an unlawful act by a police officer, if the chief officer can prove that they took such steps that were reasonably practicable to prevent the police officer from committing the unlawful act in question or unlawful acts of that kind.

This change to the law remedies a deficiency identified by the Court of Appeal in the race discrimination case of *Liversidge* which identified that police officers were less protected against sex discrimination than other workers.

The Regulations extend the protection of the SDA to ex-employees where “the discrimination arises out of and is closely connected to” the previous employment.

Discrimination committed away from the workplace is less likely to fall within the scope of the SDA but some circumstances — for example an organised leaving party — may be sufficiently work-related to be treated as ‘extensions of work’. An example of such a situation is provided in the case of *Chief Constable of Lincolnshire Police –v- Stubbs* (Annex E).

Gender Reassignment

Protection from discrimination for transsexuals was added to the Sex Discrimination Act in 1999 (see the case of *Chief Constable of West Yorkshire Police –v- A* (2001) in **Annex E**).

Gender reassignment is defined as:

"a process which is undertaken under medical supervision for the purpose of reassigning a person's sex by changing physiological or other characteristics of sex and includes any part of such a person".

The legislation prohibits discrimination on the grounds of gender reassignment where an individual:

- intends to undergo gender reassignment, i.e. formally records with a relevant medical practitioner or qualified psychiatrist that he or she has an intention to achieve a new sexual identity; or
- is undergoing gender reassignment; or
- has undergone gender reassignment, i.e. has achieved a permanent new sexual identity.

The defence of Genuine Occupational Qualification permitting discrimination contained in the Sex Discrimination Act 1975 is extended in the case of discrimination against transsexuals. One such defence applies where the job involves the performance of intimate physical searches pursuant to statutory powers. This was the subject of a decision by the Court of Appeal: *Chief Constable of West Yorkshire Police –v- A*.

The legislation in this area only applies to treatment in the workplace or vocational training and not to the provision of goods or services.

4. Duties under the Disability Discrimination Act 1995

Section 4 of the Disability Discrimination Act 1995 states that:

(1) It is unlawful for an employer to discriminate against a disabled person-

- (a) in the arrangements which he makes for the purpose of determining to whom he should offer employment;*
- (b) in the terms on which he offers that person employment; or*
- (c) by refusing to offer, or deliberately not offering, him employment.*

(2) It is unlawful for an employer to discriminate against a disabled person whom he employs-

- (a) in the terms of employment which he affords him;*
- (b) in the opportunities which he affords him for promotion, a transfer, training or receiving any other benefit;*
- (c) by refusing to afford him, or deliberately not affording him, any such opportunity; or*
- (d) by dismissing him, or subjecting him to any other detriment.*

(3) Subsection (2) does not apply to benefits of any description if the employer is concerned with the provision (whether or not for payment) of benefits of that description to the public, or to a section of the public which includes the employee in question, unless-

- (a) that provision differs in a material respect from the provision of the benefits by the employer to his employees; or*
- (b) the provision of the benefits to the employee in question is regulated by his contract of employment; or*
- (c) the benefits relate to training.*

(4) In this Part "benefits" includes facilities and services.

Meaning of "discrimination".

5. - (1) For the purposes of this Part, an employer discriminates against a disabled person if-

- (a) for a reason which relates to the disabled person's disability, he treats him less favourably than he treats or would treat others to whom that reason does not or would not apply; and*
- (b) he cannot show that the treatment in question is justified.*

There are therefore two ways in which an employer might unlawfully discriminate against a disabled employee or job applicant:

- by treating him or her less favourably (without justification) than other employees or job applicants because of his or her disability, or
- by not making reasonable adjustments (without justification).

Employers must not discriminate against a disabled person in the:

- recruitment and retention of employees,
- promotion and transfers,
- training and development,
- the dismissal process.

Currently, police staff are protected by the Act but it does not yet apply to police officers. However, under the EU Employment Directive (2000), this exemption will end in October 2004. It is therefore important, as a matter of good practice, that police authorities monitor those cases involving discrimination on the grounds of disability.

The Home Office has recently set up a DDA Steering Committee — on which the APA is represented — which is overseeing the development of guidance for forces on the Act. This will include guidance on recruitment/assessment, pensions, health and welfare and training/promotion matters.

The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (SI 1673/2003)

These Regulations, which will come into force on **1 October 2004**, implement obligations in relation to disability under the EU Employment Directive (2000). The Regulations will widen the scope of the Act to cover the police — i.e. as with the Sex Discrimination Act, the holding of the office of constable will be treated as employment. Therefore, authorities will wish to ensure that arrangements are put in place to monitor grievances and ETs involving discrimination on the grounds of disability.

5. Duties under EU Employment Directive (2000)

The EU Employment Directive establishes a general framework for equal treatment in the field of employment. It covers employment and vocational training only and prohibits discrimination on grounds of sexual orientation, religion, disability (see above) and age.

Regulations have been made implementing the UK's obligations in relation to discrimination on grounds of religion or belief and sexual orientation. The Government has indicated that draft Regulations in relation to age will be issued for consultation in early 2004 with the aim of laying these before parliament by the end of 2004. However, the provisions will not come into force until 1 October 2006 to allow sufficient time for preparation.

The regulations made in relation to religion or belief and sexual orientation are broadly similar in structure and form to the Sex Discrimination Act 1975 and the Race Relations Act 1976. Some provisions are also similar to those in the Disability Discrimination Act 1995. The holding of the office of constable will be treated as employment and the chief officer or chief constable is treated as the employer of members of that force, except in relation to acts done by the police authority, in which case the authority itself is treated as the employer.

The Regulations make it unlawful for employers to discriminate against, or harass, job applicants and employees in a wide variety of circumstances, starting with the arrangements they make for determining to whom they should offer employment and finishing with dismissal. Therefore — as employers — both chief officers and police authorities will be subject to this legislation.

Accordingly, authorities will wish to ensure that systems are in place to both record, analyse and monitor grievances and ETs relating to religion/belief and sexual orientation and that steps are taken to eliminate unlawful discrimination.

The Employment Equality (Religion or Belief) Regulations 2003 (SI 1660/2003)

These Regulations came into force on 2 December 2003. The Regulations define “religion or belief” as:

“any religion, religious belief or similar philosophical belief”

This does not include any philosophical or political belief unless that belief is similar to a religious belief. The courts and tribunals may consider a number of factors when deciding what is a “religion or belief” (e.g. collective worship, clear belief system, profound belief affecting way of life or view of the world).

Direct discrimination on grounds of religion or belief occurs where:

“because of B’s religion or belief, A treats B less favourably than he treats or would treat other persons”

Direct discrimination can also include discrimination based on A’s perception of B’s religion or belief, whether the perception is right or wrong. This means that people will be able to bring a claim even if the discrimination was based on (incorrect) assumptions about their religion or belief. It also covers discrimination against a person by reason of the religion or belief of someone else — for example, a person who is discriminated against because they associate with, or because they refuse to carry out an employer’s instruction to discriminate against, e.g. Hindus or Muslims.

Indirect discrimination occurs where:

- “A applies to B a provision, criterion or practice which A applies equally to other persons; and
- that provision, criterion or practice puts persons of B’s religion or belief at a particular disadvantage; and
- B suffers that disadvantage.

The Employment Equality (Sexual Orientation) Regulations 2003 (SI 1661/2003)

The Regulations came into force on **1 December 2003** and define “sexual orientation” as:

“an orientation towards persons of the same sex (this covers gay men and lesbians); the opposite sex (this covers straight men and women); or both sexes (this covers bisexual men and women)”

It does not extend to sexual practices and preferences.

Direct discrimination on grounds of sexual orientation occurs where:

“because of B’s sexual orientation, A treats B less favourably than he treats or would treat other persons”

Direct discrimination also extends to perception and discrimination against a person by reason of the sexual orientation of someone else, as detailed above for the religion/belief Regulations.

Establishing effective scrutiny and monitoring arrangements

1. Introduction

It is important that the authority has a clear picture of the way in which the force is dealing with grievances and ET cases. As a first step, authorities may find it helpful to consider:

- what oversight should be undertaken by the full authority and what strategic information is needed and how frequently; and
- what more detailed scrutiny might be delegated to an existing committee or panel — for example, Complaints, Personnel/HR or Professional Standards and what data the Committee requires and how frequently – some suggestions are given below.

2. Analysis and Interpretation of Force Performance¹²

Strategic analysis

Information considered at both full authority and committee-level can provide a useful tool to consider what the number and causes of grievances and ETs says about the overall policing style and management within the force. Periodic consideration of such issues by the police authority, with the chief officer, could provide an effective forum for proper public scrutiny of grievance and ET matters.

The nature of this scrutiny will depend on the particular circumstances of each authority. However, as part of this process, police authorities might wish to assess the level and type of grievances and ETs in their force compared with other similar forces, as well as the financial costs incurred.

Police authorities may also find it helpful to analyse the relationship between the number and type of grievances and ETs — and the force's handling of them — and overall force performance. Information on the nature and level of grievances and ETs can be a useful mechanism for analysing officers' training needs and the links with the PDR system. Authorities may wish to pay particular attention to monitoring the level of training given to supervisors given their key involvement in grievance and ET procedures.

A key issue for authorities is in assessing the impact of grievances and ETs on both confidence amongst police and support staff and confidence in policing amongst their communities, particularly minority ethnic communities and other minority groups.

Statistical analysis

In addition to considering the strategic impact of ET and grievance cases, police authority oversight needs to be informed by regular scrutiny of trends and statistics. This will help in ensuring that the force is identifying and responding to the causes of both grievances and ETs (including any system or procedural weaknesses). The information gleaned from this analysis should also assist in identifying and managing other policy areas with a high risk of generating grievances and ETs involving discrimination.

In considering this information the authority should seek to identify particular trends — for example, whether there are a higher number of grievances or ETs from women or black or

¹² For further guidance on analysing and interpreting data, see the CRE's guide to *Ethnic Monitoring*

minority ethnic staff or whether the failure of the force to resolve grievances within the timeframe set results in these escalating to ETs unnecessarily.

Police authorities should seek to identify what action chief officers have taken to respond to the causes of grievances/ETs and should discuss with the chief officer if they consider that the response may not have been adequate. Police authorities should look for evidence that the force considers proactively the lessons that can be identified and learned from an analysis of grievances and ETs which impact on wider force policy and practice.

In order to effectively analyse and interpret the data collected, there may be a need for the police authority to undertake or have access to its own independent statistical analysis to assist members in their scrutiny role.

The purpose of analysing the data is to identify differences between different groups, monitor trends and tackle any discrimination. To do this, the authority will need to check regularly whether there are differences between groups and whether these are significant.

What statistical data will help the authority’s oversight and scrutiny?

Authorities will want to ensure that their forces are collecting data to enable effective monitoring and scrutiny to take place both by the force itself and by the authority. The model protocol, which authorities can adapt to suit their local needs, at **Annex D** gives suggestions of data that authorities may wish to receive on a regular basis from the force.

Checklist:

Does the authority:	
Analyse Trends:	
➤ over time	ü
➤ in comparison with other forces	ü
➤ across different units/BCUs within the force	ü
➤ across types of discrimination	ü
Examine the frequency of review of current cases	ü
Review reports detailing lessons identified from key cases (regardless of outcome and including those settled) and any action plan put in place to implement lessons learnt (action plans should include clear milestones and accountabilities)	ü
Dip-sample completed case files	ü
All types of cases should be dip-sampled including cases resolved by mediation and settlement. These will often reveal issues for greater learning than those which result in ETs.	
Dip-sample exit interviews- to ascertain whether unreported grievances are contributing to individuals leaving the service	ü
Have in place arrangements for regular contact with staff support groups & associations/trade unions	ü
Receive a monthly update of grievances and ETs (i.e. numbers and overall trends)	ü

Model Protocol for the Provision of Information on Grievances and Employment Tribunal Cases

This protocol sets out the arrangements agreed between XXX Police Authority and XXX Police for the provision of information on grievances and Employment Tribunal cases to the police authority.

The types of cases to which it applies are:

- Current grievance cases
- Current cases before Employment Tribunals
- Resolved grievance cases
- Resolved Employment Tribunal cases
- Other cases that may develop and are yet to be specified

involving discrimination relating to race, gender, sexual orientation, disability, religion/faith age or other discrimination.

Purpose of the Protocol

1. To set out agreed arrangements for notifying XXX Police Authority on a regular basis as to the number and progress of “significant” grievance and Employment Tribunal cases
2. To set out agreed arrangements for the type and level of information to be provided to the police authority on a [quarterly/six-monthly] basis on all grievances and Employment Tribunal cases
3. To set out agreed understandings between XXX Police Authority and XXX Police on which cases require the approval of the Police Authority for all expenditure proposals in relation to the settlement of cases
4. To set out agreed arrangements for XXX Police Authority to approve settlements of cases requiring reference to the Police Authority

The protocol will act as a guide for Police Authority members and officers and police staff involved in overseeing, managing or handling grievances and Employment Tribunal cases.

Notification of significant Employment Tribunal cases to the Authority

The Authority shall be informed of all individual cases that are “significant” in terms of costs — either financial and/or organisational — or sensitivity. A “significant case” is a case where one or more of the following criteria are met:

1. It has real potential to attract an award of [£XX,XXX] or more (to include multiple claims/claimants) — however, significant cases of all values will need to be notified to the Authority if they meet any of the criteria
2. It involves any issues of principle and/or financial policy (e.g medical/ill-health retirements)
3. It is in nature a test case

4. It is likely to attract publicity; examples are:
 - a. It involves a “well known” claimant
 - b. It involves a “well known” witness(es)
 - c. It involves a high ranking police officer (s) and/or member of police staff
 - d. There is a particular public interest in the case(s) (e.g. claims of persistent police harassment or racism over a sustained period of time)
5. There is a risk that XXXX Police/XXXX Police Authority will be exposed to public criticism and/or weakness in, or lack of XXXX Police policy, practices or procedures will be revealed
6. It is likely that the settlement will give rise to media comment (e.g. because it involves issues which are currently the subject of public debate)

The above criteria apply equally to threatened proceedings, inquests and disciplinary proceedings. The criteria are not exhaustive and there may be occasions where cases not falling within these categories may be referred.

Cases that meet the criteria will be referred as early as possible even if only brief details are known.

Many cases will fall outside the definition of “significant” and do not therefore need to be notified to the Police Authority. However, it is recognised that individual cases may become significant at short notice through the sudden interest of the media or other events. Such cases will then be notified to the Clerk to the Police Authority.

A [monthly/quarterly/six-monthly] report will be forwarded to the Clerk to the Police Authority, with information on all identified significant cases. Where necessary, for legal or operational reasons, information to the Police Authority will be depersonalised in individual cases.

The summary information provided within the [monthly/quarterly/six-monthly] report of significant cases will enable the Authority, if they so wish, to seek fuller information on specific cases and to identify those cases which will require their authority as an “expenditure proposal of an exceptional nature”.

Approval to settle

The notification of significant cases, normally by means of the [monthly/quarterly/six-monthly] report, will allow the Authority, through the Clerk, to identify those few cases which will require Authority approval to settle or otherwise make a payment as “exceptional” cases. The working definition of an “exceptional” case in this context is:

*“any case with the potential to cause **real damage** to the Authority or to the Service”*

The XXX Police will have a responsibility to identify exceptional cases even if the Authority has not specified that its settlement authority is required. Such cases will be individually notified to the Clerk, in the first instance.

Notification of other grievances and Employment Tribunal cases to the Authority

The Authority shall be provided with the following information on a [quarterly/six-monthly] basis:

Grievances and Employment Tribunals (ETs)	Contents
Total number of grievances and ETs	<ul style="list-style-type: none"> ➤ On-going and new cases by quarter for last two financial years: <ul style="list-style-type: none"> ▪ data and graphs of annual trends for last 2 years ▪ commentary on trends ➤ Comparative figures for most similar forces
Diversity Information	<ul style="list-style-type: none"> ➤ Number of current grievances and ETs involving discrimination relating to: <ul style="list-style-type: none"> ▪ race ▪ gender ▪ disability ▪ sexual orientation ▪ religious belief ▪ age ▪ other discrimination ➤ Broken down into: <ul style="list-style-type: none"> ▪ officers — including rank ▪ police staff — including grade ▪ specials ▪ CSOs/designated staff ▪ location
Location	<ul style="list-style-type: none"> ➤ Number of grievances and ETs for each BCU/Squad/department: <ul style="list-style-type: none"> ▪ live ▪ resolved in past 12 months ▪ commentary on trends
Results	<ul style="list-style-type: none"> ➤ Number of grievances: <ul style="list-style-type: none"> ▪ resolved through mediation ▪ settled out of court ▪ resolved by tribunal (ET cases) ▪ in favour of force ▪ in favour of complainant ▪ recorded as unresolved ▪ resolved outside of timeframe set by the force

Settlements	<ul style="list-style-type: none"> ➤ Number of grievances and ETs settled during last 12 months, including a high level summary of each case ➤ Total costs to the authority of cases settled: <ul style="list-style-type: none"> ▪ Costs of settlement awarded to complainant in each case ▪ Total costs to the police authority of proceedings in each case (including force legal costs) ➤ Compensation award against force in each case
Significant Cases	<ul style="list-style-type: none"> ➤ List and summary of ongoing exceptional and significant grievances and ETs
Employment Tribunals (ETs) only	Contents
Timeliness Information	<ul style="list-style-type: none"> ➤ Number of current ET cases: <ul style="list-style-type: none"> ▪ over 3 months old ▪ over 6 months old ▪ over 9 months old ▪ over 12 months old ▪ for each case over 12 months — actual time case is outstanding

Additional data which authorities may wish to examine includes:

- grievances
 - all recorded internal complaints — including:
 - i. all complaints raised formally under a grievance procedure;
 - ii. complaints of bullying, harassment or discrimination; and
 - iii. appeals against decisions about promotion or appraisal marking.
 - how often and how many grievances of different kinds are made by different groups (i.e. by ethnicity, gender, sexual orientation disability, religion or belief; age etc.)
 - the results of grievances, how they are resolved, and what follow up action is taken
- disciplinary action
 - number of cases where formal disciplinary proceedings are brought, analysed by different groups (i.e. by ethnicity, gender, sexual orientation, disability, religion or belief; age etc.)and the nature of the offence
 - the results of disciplinary action
 - rates of appeal, and outcomes
 - whether penalties for disciplinary matters are used consistently for staff from all groups
 - whether some groups are more or less likely to be subject to disciplinary action compared to their colleagues
- dismissals and other reasons for leaving
 - reasons and patterns of leaving among different groups collected by force via exit questionnaires or interviews with leavers)

A brief summary of key cases

Virdi -v- Metropolitan Police Service¹³

On 24 December 1997, 13 officers — including PS Virdi — received racist literature. On 19 January 1998, a number of civil staff received separate racist literature. It appeared that the literature had been generated and sent via the internal mail system.

During the investigation that followed, a female white officer was questioned and eliminated from the inquiries. On 15 April 1998, PS Virdi was arrested for offences of distributing racist hate mail. The CPS subsequently decided not to proceed with criminal charges, but on 7 February 2000 PS Virdi appeared before a police disciplinary tribunal. On 3 March 2000, he was found guilty and dismissed from the Metropolitan Police Service.

PS Virdi took the MPS to Employment Tribunal and, in August 2000, it found that he had been discriminated against on the grounds of race. PS Virdi subsequently appealed against the decision of the disciplinary tribunal and on 30 November 2000 he was reinstated.

Note: This case is a decision of an Employment Tribunal and is not therefore binding.

Liversidge -v- Chief Constable of Bedfordshire Police (2002)

The case of Liversidge -v- Chief Constable of Bedfordshire Police (2002) raised questions about the liability of chief officers for acts of race and sex discrimination. The Sex Discrimination Act 1975 (Amendment) Regulations 2003 now provide for this liability of chief officers (see Annex B).

Halford -v- UK (1997)

In Halford -v- UK (1997) it was held that interception of telephone calls at work constituted a breach of Article 8, where there was reasonable expectation of privacy of such calls. Investigations into the sexuality of members of the armed forces and their dismissal for homosexuality have been held to contravene the right to respect for private life in Article 8. In an Employment Tribunal case (not binding on other tribunals), however, concerning an ill-health incapacity dismissal, there was no breach of privacy under Article 8 in the ordering of medical reports because any privacy element was outweighed by the needs for a fair trial of the issue (De Keyser Limited -v- Wilson [2001]).

Chief Constable of Avon and Somerset Constabulary -v- Chew (2002)¹⁴

Ms Chew applied for a part-time post with the Avon and Somerset Constabulary on three occasions. The force had a policy for part-time working but part-time workers had to follow a cycle of duty allocated under a shift pattern.

Ms Chew's applications were turned down because the duty pattern she suggested did not conform to the force's part-time work policy.

Ms Chew had to prove that a considerably smaller proportion of men than for women could comply with the part-time work policy. Since the policy was applied to the whole force, the tribunal considered that the pool consisted of all the officers in the force - of whom 2581

¹³ Source: *The Virdi Inquiry Report, Metropolitan Police Authority, December 2001*

¹⁴ Source: *Equal Opportunities Commission Website for Legal Advisers*

were men and 435 were women. The force was unable to provide any reliable statistics as to who could comply within this pool. The tribunal accepted that the evidence of who could not comply with the condition was bound to be uncertain, as some workers who could not comply may have left the force, or may be complying but only with the greatest difficulty.

From the available statistics the Employment Tribunal concluded that at least eleven officers could not comply, ten women and one man. This meant that the percentage difference between the men who could comply and the women who could comply was only 2.26%. This percentage did not, taken on its own, establish a disparate effect as required by the Sex Discrimination Act 1975. The Tribunal, however, adopted a flexible approach, considering other matters, such as the practice in another force. It concluded that Ms Chew did suffer indirect sex discrimination. The Employment Appeal Tribunal decided that this approach was not incorrect and that the Tribunal's conclusion of disparate effect was one that was open to them.

Note: when the revised Equal Treatment Directive is brought into effect in the UK (by October 2005) this will incorporate a new definition of indirect discrimination which will not require proof of statistical disadvantage in the same way as the existing law. It will then be possible for a tribunal to make findings of disparate impact based, for example, on sociological and demographic evidence rather than statistical evidence relating to particular pools.

Chief Constable of West Yorkshire Police –v- Vento (2002)

Ms Vento was not confirmed in post at the end of her probationary period as a Police Constable. There was no doubt that she had suffered severe distress, not least because she had a life-long ambition to serve as a police woman which her dismissal had ended.

One of the chief grounds for her dismissal was that her Chief Inspector considered she was dishonest, illustrated by an occasion when she had lied to a superior officer about walking to an incident, rather than being given a lift. She claimed that the decision not to confirm her in post was sex discrimination.

There was no male comparator whose position was exactly the same as Ms Vento's and the Employment Tribunal constructed a "hypothetical" comparator based on the position of four other Constables. The Tribunal found that Ms Vento had been treated less favourably than such a hypothetical male comparator. It awarded Ms Vento £65,000 for injury to feelings, which included £15,000 for aggravated damages and a further £9,000 for psychiatric damage. (Together with £165,000 for future loss of earnings).

The Court of Appeal reduced the injury to feelings part of the award, which it considered it to be excessive. The revised figure was £32,000 comprising £18,000 for injury to feelings, £5,000 for aggravated damages and £9,000 psychiatric damage. The Court also gave general guidance on the levels the Tribunals should award for injury to feelings. A top band of £15,000 - £25,000 for the most serious cases, such as where there had been a lengthy campaign of discriminatory harassment. Only the most exceptional cases should exceed £25,000. A middle band of £5,000 - £15,000 for serious cases that did not fall within the top band and awards between £500 and £5000 for less serious cases, for example an isolated act of discrimination.

Chief Constable of the Lincolnshire Police –v- Stubbs (1999)¹⁵

Ms Stubbs was a member of the Lincolnshire Constabulary. She complained of inappropriate sexual behaviour from another member of the Constabulary, DS X. The tribunal upheld her complaint of sex discrimination.

It found that, on one occasion, in a pub after work, DS X pulled up his stool close to hers, and flicked her hair and rearranged her collar, giving the impression that there was a relationship between them.

The tribunal found that Ms Stubbs would not have been in DS X's presence had she not been working with him. The tribunal found these incidents were connected to work and were committed in the course of employment. The tribunal found the Chief Constable liable for the acts of DS X under s.41 SDA.

Chief Constable of West Yorkshire Police –v- A (2001)

A is a male to female transsexual who underwent gender reassignment in May 1996 and subsequently applied to join West Yorkshire Police with a view to becoming a Constable. She was rejected on the ground that she would not be capable of performing the full duties of a Constable, including the duties as to searches, because of a legislative requirement that a search should be by or in the presence of a person of the same sex as the person to be searched.

One of the supplementary exceptions relating to gender reassignment in the Sex Discrimination Act relied upon by the Chief Constable was Section 7B(i)(a) which refers to "the holder of the job being liable to be called upon to perform intimate physical searches pursuant to statutory powers". The Court of Appeal decided that on the facts of the case the incidence of intimate physical searches were so low in practice that they presented no obstacle to the transsexual's appointment as Constable.

Shamoon –v- Chief Constable of the Royal Ulster Constabulary (2003)

Ms Shamoon was a Chief Inspector in the RUC and in April 1997 a complaint was made by the Police Federation about her conduct of an appraisal which was upheld. Subsequently Ms Shamoon was not permitted to carry out further appraisals although two other Chief Inspectors in two other divisions continued to do so. Ms Shamoon claimed that she had been discriminated against on the ground of her sex. The Employment Tribunal concluded that Ms Shamoon had been less favourably treated on the grounds of her sex. The House of Lords confirmed that Ms Shamoon had been subjected to a detriment but that it had not been appropriate to compare her case with that of a male Chief Inspector against whom no complaints had been made. Ms Shamoon therefore lost because she was not able to show that another Chief Inspector in the same position had been treated differently, nor did she rely on a hypothetical comparator against whom similar complaints in relation to appraisal reports had been made but based her case on a comparison with actual male Chief Inspectors against whom no complaints had been made.

Hendricks –v- The Commissioner of Police of the Metropolis (2002)

Ms Hendricks complained of race and sex discrimination over a period of 11 years, making over a 100 specific allegations, mainly in the period 1989 to 1994, involving 50 or more officers at different police stations.

¹⁵ Source: *Equal Opportunities Commission Website for Legal Advisers*

The Employment Appeal Tribunal struck out relevant parts of Miss Hendricks claim on the basis that she could not argue a generalised policy of discrimination. The Court of Appeal, however, has subsequently allowed Ms Hendricks to pursue her claim and to argue that the numerous alleged incidents of discrimination are linked to one another and that they are evidence of a continuing discriminatory state of affairs covered by the statutory concept of "an act extending over a period". Ms Hendricks will need to argue at the forthcoming hearing in the Employment Tribunal, therefore, that the acts of which she complains amount to "an act extending over a period" as distinct from a succession of unconnected or isolated specific acts, for which time would otherwise begin to run from the date when each specific act was committed.

Surrey Police –v- Marshall (2002)

Ms Marshall, a manic-depressive, applied for the post of Fingerprints Officer with Surrey Police, giving details of her medical history, which included three periods of hospitalisation due to her condition. She was accepted, subject to medical clearance, and then rejected on medical grounds. She claimed disability discrimination and part of her claim was that the police had not obtained a medical report from her Consultant Psychiatrist but relied instead on a letter from a doctor within Ms Marshall's GP practice whom she had never met. The Police accepted that Ms Marshall was disabled but claimed the less favourable treatment was justified.

Expert medical evidence was called by the Police, which supported the conclusions of the Police psychiatrist. The Employment Appeal Tribunal considered that the expert's evidence was material as to whether the information available to the Police psychiatrist was such as to have allowed her to make her decision and whether that decision was a reasonable one based on that information. It did not matter that the expert's evidence had not been available to the Police at the time the decision to reject was taken.

Further Sources of Advice and Expertise

Association of Police Authorities
Local Government House
Smith Square
London
SW1P 3HZ
Tel: 020 7664 3167/3088
Fax: 020 7664 3191
E-mail: fionnuala.gill@lga.gov.uk or claire.cooper@lga.gov.uk

National Black Police Association
G04
Allington Towers
19 Allington Street
London
SW1E 5EB
Tel: 020 7035 5153
Fax: 020 7035 5155
E-mail: nbpa@nationalbpa.com

British Association for Women in Policing
PO Box 999
Rossendale
BB4 8GE.
Tel or Fax: 01706 216331
E-mail: admin@bawp.org

Gay Police Association
BM GPA
London
WC1N 3XX
Action Line: (+44) 07092 700 000 (24hrs)
Fax: (+44) 07092 700 100
E-mail: info@gpa.police.uk

Association of Chief Police Officers
25 Victoria Street
London
SW1H 0EX
Tel: 020 7227 3434
Fax: 020 7227 3400/1
E-mail: info@acpo.police.uk

The Police Superintendents' Association of England and Wales
67A Reading Road
Pangbourne
Berkshire
RG8 7JD
Tel: 0118 984 4005
Fax: 0118 984 56423
E-mail: enquiries@policessupers.com

Police Federation of England and Wales
15/17 Langley Road
Surbiton
Surrey
KT6 6LP
Tel: 020 8335 1000

Disability Rights Commission
DRC Helpline
FREEPOST MID02164
Stratford upon Avon
CV37 9BR
Helpline: 08457 622633
Fax: 08457 778 878

Commission for Racial Equality
Head Office
St Dunstan's House
201-211 Borough High Street
London SE1 1GZ
Tel: 020 7939 0000
Fax: 020 7939 0001
E-mail info@cre.gov.uk

UNISON
1 Mabledon Place
London WC1H 9AJ
Tel: 0845 355 0845

Equal Opportunities Commission
Great Britain
Arndale House, Arndale Centre
Manchester
M4 3EQ
Tel: 0845 601 5901
Fax: 0161 838 1733
Email: info@eoc.org.uk

Publications

- *People Matters: A framework for police authority oversight of police human resource plans. A guide for police authorities.* Association of Police Authorities
- *Race Relations (Amendment) Act 2000: An APA Guide for Police Authorities.* Association of Police Authorities
- *The Gender Agenda.* British Association for Women in Policing
- *Ethnic Monitoring: A guide for public authorities.* Commission for Racial Equality.
- *Statutory Code of Practice on the Duty to Promote Race Equality.* Commission for Racial Equality
- *The Duty to Promote Race Equality: A framework for Inspectorates.* Commission for Racial Equality
- *The Duty to Promote Race Equality: A guide for public authorities.* Commission for Racial Equality
- *Study Guide on the Human Rights Act 1998.* Department for Constitutional Affairs
- *Breaking Through — Action Plan. Promoting Minority Ethnic Employment in the Police Service.* Home Office/APA/ACPO
- *Learning the Lessons from Employment Tribunals (forthcoming).* ACPO/APA/Home Office
- *Career progression of Ethnic Minority Staff (1999). Home Office Police Research paper 107*

Acts and other legislation

- Sex Discrimination Act 1975
- Disability Discrimination Act 1995
- Police Act 1996
- Human Rights Act 1998
- Race Relations (Amendment) Act 2000
- The Sex Discrimination Act 1975 (Amendment) Regulations 2003 (SI 1657/2003)
- The Race Relations Act 1976 (Amendment) Regulations 2003 (SI 1626/2003)
- EU Employment Directive (2000):
 - The Disability Discrimination Act 1995 (Amendment) Regulations 2003 (SI 1673/2003)
 - The Employment Equality (Religion or Belief) Regulations 2003 (SI 1660/2003)
 - The Employment Equality (Sexual Orientation) Regulations 2003 (SI 1661/2003)
 - Equal Pay Act 1970 (Amendment) Regulations 2003 (SI 1656/2003)