



Policy: Fire Safety Enforcement

There are three sections to this policy:

SECTION A: GENERAL ENFORCEMENT

SECTION B: LFRS PRINCIPLES OF ENFORCEMENT

SECTION C: FSE CONSULTATION ARRANGEMENTS

SECTION A: GENERAL ENFORCEMENT

1. Scope

This is a Service-wide policy

2. Aims and Objectives

This policy is designed to assist the Lancashire Combined Fire Authority (CFA) to meet its statutory duty to enforce fire safety legislation and to reduce the risk of fire causing death, serious injury and property related losses in the community. It provides for a risk based approach to fire safety inspection; forms a fundamental element of the Authority's fire risk reduction strategy; and outlines how the Fire and Rescue Service prioritises the demand for its services in relation to fire safety.

This policy prioritises the safety of those who enter premises in Lancashire over the business needs of those who control premises, and fire inspectors appointed by the CFA will seek to ensure that those who control premises see achieving fire safety as a legitimate business overhead. Whilst this is necessarily the case, we will support business and reduce burdens on business wherever possible.

The policy is linked to the following strategic objectives:

- Reduce risk to the community
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- Deliver affordable and sustainable services

3. Policy

1 Purpose

- 1.1 This policy does not cover the inspection of single private dwellings for all purposes related to community fire safety. It does include the communal parts of premises which contain units of domestic accommodation e.g. the common parts of flats and Houses in Multiple Occupation.
- 1.2 There are no statutory requirements in fire safety legislation for Fire and Rescue Authorities to maintain a fire safety inspection programme. There is, however, an implicit requirement for a Fire Authority to meet its duty to enforce the provisions of fire safety legislation. By prioritising the inspection of premises presenting higher risk, Lancashire Combined Fire Authority will ensure resources are targeted where they can be most effective in enhancing community safety.

2 Determining the Level of Risk

- 2.1 In order to prepare the inspection programme, the generic level of risk presented by occupancy types will be considered. Whilst the risk to individual occupants is of concern to the Combined Fire Authority, it is the overall potential for loss of life or serious injury that will be the major determinant of risk for the purposes of the inspection programme.
- 2.2 Through inspection, generic risk level information will be complemented by specific findings about each building. As the inspection programme develops, this information will contribute to the overall evaluation of risk to the community of Lancashire thereby meeting the Authority's responsibility for developing and maintaining the currency of its Risk Management Plan.
- 2.3 The assessment of risk in a building and its subsequent inclusion within the inspection programme will be influenced by considerations in addition to any legal duty. These include, at a national or local level:
 - the strategic importance of a particular property or business;
 - the potential loss of heritage;
 - potential environmental damage; and,
 - the need to assess likely fire fighting operations.
- 2.4 These potential losses or risks to the community are balanced alongside the Combined Fire Authority's fire safety enforcement

responsibilities.

- 2.5 The level of risk in both individual and generic building types will be determined by assessing the structure, contents and standard of fire safety management. After initial assessment of premises an inspection frequency will be determined including the option not to carry out a fixed term inspection. Subsequent inspections will reappraise the levels of risk and inspection priority and allow the Combined Fire Authority to demonstrate, in a measurable way:
- the contribution made by the inspection programme to the reduction of fire risk within the County; and,
 - that it continues to accurately target resources at those premises presenting a higher risk.
- 2.6 In order to demonstrate that the Combined Fire Authority is meeting its legislative responsibilities at every stage, the processes by which the levels of risk and the resulting inspection activity has been determined will be recorded, transparent and auditable.

3 Linking Fire Protection with Intervention

- 3.1 All Lancashire Fire and Rescue Service inspecting officers will be able to identify information during inspections that will be important to fire crews who may attend a fire at the premises. The information gathered at the time of the inspection may provide for a hazard statement supplied to fire crews with turn out instructions when attending incidents at the premises, or it may trigger a more detailed inspection by fire crews and the provision of an incident plan.
- 3.2 Similarly, fire crews may, when carrying out inspections for operational planning, or attending incidents, provide basic advice to responsible persons on fire safety. Where fire crews have reason to believe standards of fire safety may not be adequate they will make a referral to their local Fire Safety Protection team. The timescale for the subsequent inspection being related to the extent of life risk, hazards and fire safety issues identified
- 3.3 Inspecting officers may also identify and record information during inspections that helps to determine the speed and weight of operational response (emergency intervention) appropriate to the level of risk in the premises.

4 Enforcement

- 4.1 Whilst the risk assessment grading provides a guide to the priority and frequency of inspections, it cannot be used to dictate enforcement action as a well-managed hospital may be similar in overall risk level to very poorly managed office accommodation. In the case of the hospital, the inspecting officer need only document the inspection; whereas, in the case of the office, the inspecting

officer may need to take immediate enforcement action.

- 4.2 Fire inspectors are responsible for taking enforcement action to reduce the level of risk in any premises to a point below that which enforcement action is necessary. It is the role of *responsible persons* (premises owners, employers etc as defined by law) to reduce the risk in their premises to a point that is as low as is reasonably practicable. This approach will allow the CFA to utilise its resources to their best effect.
- 4.3 Fire safety enforcement decisions will be made utilising the Service's *Enforcement Logic* and in accordance with the *Fire Safety Enforcement Policy Statement*. Following the Enforcement Logic allows fire officers appointed by the Fire Authority to justify their actions in response to breaches of fire safety legislation.
- 4.4 The Combined Fire Authority will not assume the responsibility of other enforcing authorities. The roles of other authorities should be clearly delineated and understood, with the Fire and Rescue Service engaging in memoranda of understanding and other protocols, where appropriate.

5 The Inspection Programme

- 5.1 Following assessment of risk levels, premises considered to be of a higher risk will attract fixed term inspections. Those determined to be lower risk will be inspected by sample. The number and frequency of inspections carried out by Lancashire Fire and Rescue Service will be commensurate with the resources made available through the Combined Fire Authority in accordance with its Risk Management Plan.

6 Types of Inspection

- 6.1 The term inspection describes a number of activities. These range from the inspection of a report or plans only, to the on-site inspection of premises and/or its management. The inspection may be described as a:
- Full audit: where the whole premises, its management systems and fire risk assessments are comprehensively assessed using all parts of the FO1 Fire Safety Audit and Data Gathering form
 - Fixed term audit: where the premises subsequently forms part of the fixed term fire safety inspection programme and a full audit is undertaken as a suitable frequency. Part A of the FO1 Fire Safety Audit and Data Gathering form is validated and parts B and C are reassessed.
 - Specific inspection: to examine a particular section or aspect of a premises and its management; possibly in response to a complaint;

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- Peak risk inspection: inspections of premises immediately prior to or during the times that they present the highest risk to people in and around the premises. Examples of the types of premises where such inspections might take place include, retail outlets (during sale periods) hotels, hostels, places providing residential care, places of public entertainment (during the night or at weekends). These inspections are intended to ensure that premises are being managed effectively at all times in accordance with a suitable and sufficient fire risk assessment;
 - Plans/Consultations: when plans are examined, either for new projects or for alterations to existing buildings in connection with consultations under the Building Regulations (termed 'building regulation plans/consultations') or for other purposes, perhaps on behalf of other agencies (known as 'other plans inspections');
 - Follow-up inspection: where it is necessary to follow-up issues arising from any of the above inspections. Follow-up inspections will normally only be undertaken where a serious fire safety risk has been identified and an enforcement / prohibition / alteration notice has been issued.

7 Reasons to Inspect

7.1 In addition to fixed term inspections under the risk-based fire safety inspection programme, other reasons for an inspection may include:

- Statutory consultations: in response to regulatory requests from other enforcing authorities.
- Requests for advice: by statute, fire and rescue authorities must make provision in their area for the giving of advice on request about how to prevent fires and restrict their spread in buildings and other property. In meeting this duty individual Fire Officers should offer general advice about how to comply with the Fire Safety Order (e.g. by reference to appropriate guide books) rather than undertake the actual fire risk assessment (a duty which rests in law with the responsible person)
- Following a fire: where it is considered appropriate to follow up issues identified through the initial investigation conducted by the attending fire crews. As the Fire Safety Order includes a requirement to reduce the risk of fire occurring, post fire inspections are undertaken to establish whether there have been breaches of the Fire Safety Order and whether any such breaches placed life at risk. Such breaches could form grounds for prosecution.
- Following a complaint: where a substantive complaint is made about a premises or its management and it is felt necessary to investigate the complaint further.

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- Following intelligence or to target an issue: arising from aspects of a type of premises or its management, identified locally or nationally as requiring the attention of the Fire and Rescue Service. This may mean inspecting premises outside of the existing fixed term inspection programme.
 - Sampling: selecting premises that have previously been evaluated as providing a lower risk to occupants to re-examine the assessment, or where an action plan has been issued previously, or, selecting premises for risk evaluation that have not previously come to the attention of the Fire and Rescue Service.
 - Promoting fire safety: by statute, fire and rescue authorities must make provision for the promotion of fire safety in its area, to the extent that it considers reasonable to do so. The promotion of fire safety will be balanced against the other legislative requirements of the Combined Fire Authority and will be commensurate with the resources made available through its Integrated Risk Management Plan.
 - Partnership work: involving the inspection of premises on behalf of or alongside partner agencies where the work accords with the requirements of the CFA's Partnership Protocol. Such work may provide broader reciprocal benefits to the CFA outside of the remit of Fire Safety Enforcement.

8 Statutory Consultations

- 8.1 Lancashire Fire and Rescue Service will respond to regulatory requests from other enforcing authorities for consultation, which for the purposes of this policy is defined as 'formally seeking information from others'. The Fire and Rescue Service approach to consultation will be determined by the perceived level of risk associated with the subject of the request, on the basis that resources will be allocated where they can most effectively enhance community safety.
- 8.2 Levels of response to consultation will vary from advice over the telephone, a standard leaflet or letter, to a detailed report that may involve several visits to a premises.
- 8.3 Inspection visits will only be undertaken to satisfy consultation arrangements with other enforcing authorities where expedient and where:
- the premises fall into a high fire risk property category; and
 - more information is required which can only be provided by a site visit.

9 Requests for Advice

- 9.1 By statute, fire and rescue authorities must make provision in their

area for the giving of advice on request about how to prevent fires and restrict their spread in buildings and other property, to the extent that it considers it reasonable to do so. Reasonable advice to the occupiers and owners of buildings will range from indication of suitable published fire safety guidance covering the type and use of the premises for which advice is sought, to an inspection visit and report.

- 9.2 As with statutory consultations, resources will be allocated relative to risk where they can most effectively enhance community safety and the Combined Fire Authority will not sanction the use of inspecting officers by business organisations to undertake the fire risk assessment that should be completed by their own competent person or by a commercial fire safety consultant risk assessor.
- 9.3 In considering a request for advice it is also reasonable to consider the ability of the party making the request to obtain the advice from elsewhere at a cost. It may be appropriate to give special consideration to voluntary sector organisations seeking to comply with fire regulations.

10 Following a Fire

- 10.1 The Fire and Rescue Service investigate all property fires to identify the cause and to record information. As a consequence of such investigations, an inspecting officer may carry out a post-fire inspection of the premises, the results of which may be to provide advice to the occupiers or to take fire safety regulation enforcement action.
- 10.2 Post-fire inspections will be carried out in association with other enforcing authority officers where appropriate; for example, with a Health and Safety Executive officer in some workplace fires or a housing authority officer in the case of houses in multiple occupation.
- 10.3 Certain fires may require forensic fire investigation reports to assist with enforcement issues under fire safety legislation or to support other enforcing agencies. Such reports will be prepared by suitably qualified inspecting officers.

11 Following a Complaint

- 11.1 All substantive complaints relating to fire safety received by the Fire and Rescue Service about a premises or its management will be investigated. This will ordinarily involve a specific inspection.
- 11.2 As with statutory consultations, resources will be allocated relative to risk where they can most effectively enhance community safety.
- 11.3 In all cases, a record will be made of action following the complaint, even when unfounded. No information will be divulged that contravenes data protection requirements.

12 Following Intelligence to Target an Issue

- 12.1 On occasion issues are identified, at a local or national level, regarding aspects of a type of premises or its management, which may require the attention of the Fire and Rescue Service. Examples may include a single inspection in response to unwanted fire signals from a fire alarm causing the repeated attendance of fire crews, or a number of inspections following a very serious fire that has identified a heightened risk of injury in a particular type of occupancy or a selection of buildings similar to one where a complaint has arisen about fire safety standards.
- 12.2 The fire safety inspection programme will be adequately flexible to incorporate such intelligence led or targeted inspections.

13 Sampling

- 13.1 The levels of fire risk within existing workplaces across Lancashire will change over time. Such change is driven by many factors including the success and decline of businesses, the introduction of new risks to existing workplaces, and changes in the competence of health and safety management.
- 13.2 Premises that have previously been profiled by the Fire and Rescue Service and considered lower risk will be subjected to sample inspections in order to re-evaluate the standards of fire safety. In addition, certain premises that have never been risk profiled before will also be subject to sample inspections.
- 13.3 The Fire and Rescue Service will aim for sample inspections to form a minimum of 5% of the total fixed term inspection programme. Therefore, if during a year a fire safety department completed 1000 inspection of all descriptions, at least 50 of those inspections would be sampling inspections.

14 Results or Outcomes of Inspections

- 14.1 There may be a number of results following an inspection e.g. enforcement notices, action plans, risk profiles, evidence for prosecutions or a further inspection requirement. Every inspection will have a result or outcome recorded centrally on a database, and on a premises case file where one exists. This process will ensure that the results of inspections are transparent and auditable.

15 Priorities

- 15.1 The resources available to the Fire and Rescue Service are finite and the work undertaken by inspecting officers will be prioritised in the following manner:
- reducing the immediate risk of very serious injury to persons;

- enforcement action in support of the above (including prosecutions);
- other enforcement notices and action plans;
- follow up inspections prior to the expiry of time limits on enforcement notices;
- targeted and intelligence led inspections;
- completing the fixed term inspection programme;
- responding to statutory consultations within agreed timescales in an appropriate manner;
- sample inspections;
- all other activities, including the promotion of fire safety, partnership activities, where the premises inspected do not fit within any category above and general fire safety advice on request.

15.2 The first priority of inspecting officers is to respond to conditions causing immediate risk of very serious injury to persons. These may become apparent through a complaint, a request for advice, following a fire or during an inspection. Responding to such conditions means reducing the risk to persons to tolerable levels as soon as is possible. This is achieved using a variety of informal and formal means, up to and including prohibiting or restricting the use of premises. It also means, where appropriate, carrying out enforcement action against those responsible by way of prosecution.

15.3 Effective prioritisation of work in accordance with this section will be ensured through Technical Fire Safety Department action plans and audit systems that include local audit arrangements and the inspection of records centrally.

SECTION B: LFRS PRINCIPLES OF ENFORCEMENT

1. Scope

This policy applies to the Fire Safety Enforcement arm of the Service, who have been delegated powers and responsibilities for enforcing Fire Safety legislation on behalf of the Authority.

2. Aims and Objectives

This policy is designed to assist the Lancashire Combined Fire Authority to meet its statutory duty to enforce fire safety legislation and to reduce the risk of fire causing death, serious injury and property related losses in the community. It provides for a risk based approach to fire safety inspection; forms a fundamental element of the Authority's fire risk reduction strategy;

and outlines how the Fire and Rescue Service prioritises the demand for its services in relation to fire safety.

3. Policy

Lancashire Combined Fire Authority is responsible for enforcing the provisions of:

- The Regulatory Reform (Fire Safety) Order 2005.
- The Construction (Health, Safety & Welfare) Regulations 1996 referred to as the **Construction Regulations**.
- The NAMOS Regulations in so far as they apply to FRA's

4. THE ENFORCEMENT OF FIRE SAFETY AND HEALTH & SAFETY LAW POLICY STATEMENT

THIS ENFORCEMENT POLICY REFLECTS THE PROTOCOLS EMBODIED IN THE **LOCAL GOVERNMENT CONCORDAT**, TO WHICH LANCASHIRE COMBINED FIRE AUTHORITY SUBSCRIBE.

4.1 In order to protect and serve the community of Lancashire, the Fire Service will seek to secure compliance with the laws it is responsible for enforcing. Many of the dealings of the Fire Service with those on whom the law places duties (the duty holders i.e. employers, employees and others) are informal - Fire Safety Officers and Operational Firefighters provide information, advice and support both face to face and in writing. They may also use formal enforcement mechanisms including Enforcement Notices, Agreed Action Plans and Prohibition Notices or ultimately prosecution.

4.2 Much of modern Fire Safety and Health and Safety Law is goal setting - setting out what must be achieved but not how it must be done. Advice on how to achieve the goals is often set out in Codes and Guides describing good practice. Neither codes nor guidance material are in terms which necessarily fit every case. In considering whether good practice has been adopted Fire Service personnel need to take relevant codes or guidance into account, using sensible judgement about the extent of the risks and the effort that has to be applied to counter them. Sometimes the law is prescriptive - spelling out in detail what must be done. Prescriptive law limits the discretion of the duty holder and the enforcer.

5. PRINCIPLES OF ENFORCEMENT

The enforcement of Fire Safety and Health and Safety Law should be informed by the principles of *proportionality* in applying the law and securing compliance; *consistency* of approach, *targeting* of enforcement action and *transparency* about how Lancashire's Combined Fire Authority operates and what those persons being regulated may expect.

5.1 PROPORTIONALITY

Proportionality means relating enforcement action to the risks. Those whom the law protects and those on whom it places duties (duty holders) expect that action taken by Fire Safety Officers and Firefighters to achieve compliance should be proportionate to any risks to health and safety and to the seriousness of any breach.

Some health and safety duties are specific and mandatory - others require action so far as practicable. In general, the concept of proportionality is built into the regulatory system through the principle of 'So Far As is Reasonably Practicable'. Deciding what is reasonably practicable to control risks involves the exercise of judgement by duty holders and discretion by enforcers. When duty holders and the Fire Service cannot reach agreement, final determinations on what is reasonably practicable in particular circumstances are made by the courts. When the law requires that risks should be controlled so far as is reasonably practicable, the Fire Service when considering protective measures taken by duty holders should always take account of cost as well as the degree of risk.

The Fire Service may legitimately expect that relevant good practice will be followed. Where relevant good practice in particular cases is not clearly established, Fire and Health and Safety Law effectively requires duty holders to assess the significance of the risks (both their extent and likelihood) to determine what action needs to be taken. Some irreducible risks may be so serious that they cannot be permitted irrespective of the economic consequences. At the other extreme, some risks may be so trivial that it is not worth spending more to reduce them. In general, risk reducing measures would be weighed against the associated costs. If there is a significant risk; the duty holder must take measures unless the cost of taking particular actions is clearly excessive compared with the benefit of the risk reduction.

5.2 CONSISTENCY

Consistency of approach does not mean uniformity. It means taking a similar approach in similar circumstances to achieve similar ends. Duty holders managing similar risks expect consistency from the Fire Authority in the advice tendered; the use of enforcement notices and decisions on whether to prosecute. In practice consistency is not a simple matter. The Fire Service is faced by many variables; the level of hazard, the attitude and competence of management, the history of contravention's and incidents may vary between companies which may otherwise appear similar. The decision on enforcement action is a matter of judgement and the Fire Service should exercise discretion.

5.3 TARGETING

Targeting means making sure that inspection is targeted primarily on those whose activities give rise to the most serious risks or where the hazards are least well controlled; and that action is focused on the duty holders who are

responsible for that risk and who are best placed to control it.

When formal enforcement action is necessary, the person responsible for creating a risk should be held accountable for it. Where several duty holders share a responsibility the Fire Service will take action against those who can be regarded as primarily in breach (i.e. chiefly responsible).

5.4 TRANSPARENCY

Transparency means helping duty holders to understand what is expected of them and what they should expect from the Fire Service. It also means making clear to duty holders not only what they have to do but, where this is relevant, what they don't. That means distinguishing between statutory requirements and advice or guidance about what is desirable but not compulsory. This statement sets out the general policy framework within which the Fire Service will operate. Duty holders need to know what to expect when Fire Safety Officers and Firefighters call and what rights of complaint are open to them.

6. THE FIRE SAFETY ENFORCEMENT LOGIC

6.1 In order to carry the *Enforcement Of Fire Safety And Health & Safety Law Policy Statement* into effect a wall chart has been produced for all Fire Safety Departments that describes an *Enforcement Logic*: that is to say, a flowchart that guides Fire Safety Enforcement Officer's in their decision making when considering enforcement. The enforcement logic is based on national best practice provided by the National Fire Chiefs Council (NFCC). The *Enforcement Logic* applies the principles of the HSE's *Enforcement Management Model* and following the *Enforcement Logic* will ensure that all enforcement decisions are measured, appropriate and auditable.

6.2 Fire Safety Enforcement Officers carry out audits on premises in accordance with priorities clearly laid down on a basis of risk posed to the occupants. The first stage of that audit is to follow the nationally approved form which is designed to be an objective method of assessing initial compliance level with fire safety legislation. From that position, the Fire Safety Enforcement officer then establishes the required action to be taken to address any shortfalls. This may vary from prohibition, (in cases of serious and imminent risk), to enforcement notices, agreed action plans and letters advising on areas of minor non-compliance.

6.3 Where action is required to be taken by the responsible person(s), Fire Safety Enforcement Officers are guided to balance the weight of enforcement, and the time to remedy the matters identified, against the risk posed and the ability to achieve the requirements. In addition, responsible persons are advised of their right to appeal to the Secretary of State if the matter is of a technical nature, and to the courts against any notice.

7. WHEN TO PROSECUTE

7.1 The Fire Service will use discretion in deciding whether to initiate a prosecution. Other approaches to enforcement can often promote Fire Safety and Health and Safety more effectively but, where the circumstances warrant it, prosecution without prior warning and recourse to alternative sanctions may be appropriate.

7.2 The Fire Service will consider prosecution when:

- it is appropriate in the circumstances as a way to draw general attention to the need for compliance with the law and the maintenance of standards required by law, especially where there would be a normal expectation that a prosecution would be taken or where through the conviction of offenders, others may be deterred from similar failures to comply with the law;
- or there is judged to have been potential for considerable harm arising from breach;
- or the gravity of the offence, taken together with the general record and approach of the offender warrants it eg apparent reckless disregard for standards, repeated breaches, persistent poor standards.

8. PROSECUTION OF INDIVIDUALS

8.1 Subject to the above, the Fire Service will identify and prosecute individuals, including company directors and managers, if it is considered that a conviction is warranted and can be secured.

9. LAW BREACH LEADING TO DEATH

9.1 Where there has been a breach of the law leading to a death LFRS will accord to national protocols giving the Police initial primacy. The Police, with advice from the CPS will consider whether the circumstances of the case justify a charge of manslaughter. In such circumstances close liaison will take place with the Police, Coroners, CPS and any other relevant enforcing authority (e.g. HSE). If the Police or the CPS decide the circumstances do not warrant a manslaughter charge, the Fire Service may prosecute under the relevant Fire Safety legislation if that is appropriate. In some cases it may be appropriate to prosecute jointly with another enforcing authority such as HSE and/or Local Authority.

SECTION C FSE CONSULTATION ARRANGMENTS

1. Scope

This policy covers in general the consultative work on a statutory and non-statutory basis for fire safety enforcement matters.

2. Aims and Objectives

The policy is required to ensure that resources are used effectively and are not being used to assist other organisations where it is not in the common interest and does not conform to current inspection policy.

3. Policy

The Service believes that we should consult, in terms of responding to other authorities/agencies request for assistance, where it is in pursuance of either legal requirements (Statutory consultation) or in the common interest of both parties and generates tangible benefits for the Service in terms of risk reduction in the Community. We have a robust and clearly defined inspection programme drawn from the Fire Safety Enforcement (FSE) Policy Statement of Intent which are aimed at ensuring that our resources are targeted at the greatest risk. To this end we will ensure that consultation takes place in accordance with the priorities established in the FSE policy statement. We must ensure as much as is reasonable practicable that resources are not deviated from the targeted risk and we will draw upon Memoranda of Understanding to ensure each partner authority/agency is clear on our policy.

Equality and Diversity Impact Assessment

This policy has been subject to an equality and diversity impact assessment and no action has been deemed necessary.

Reference Documents

Fire Safety Enforcement Policy Statement

Fire and Rescue Services Act 2004

Approval Agency:

Service Management Team

Approval Dates:

This Policy was originally approved in: April 2004

This version takes effect from: March 2018

Next review date: June 2021

Policy Sponsor:

Director of Strategy and Planning

Diversity And Equality Statement:

Lancashire Fire and Rescue Service is committed to the principles of diversity and equality and the elimination of discriminatory practices. These principles are applied to the treatment of all individuals, whether members of the public, or our own staff, be those fire officers, support staff or volunteers.

This policy will be implemented in a non-discriminatory manner. Members of Lancashire Fire and Rescue Service administering this policy are responsible for ensuring that in their application, those to whom the policy applies, shall not receive less favourable treatment because of their 'protected characteristic'. The protected characteristics are age, disability, gender re-assignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex and sexual orientation.