

**GWENT POLICE
POLICY
EQUAL OPPORTUNITIES POLICY**



Heddlu
Gwent
Police

SUMMARY

Gwent Police is committed to dealing with everyone fairly, with integrity, respect and consideration. We will ensure that each member of staff and the communities we serve have appropriate access to our organisation, and that no one receives less favourable treatment on the grounds of colour, race, nationality, religious belief, national or ethnic origin, gender, sexual orientation, gender re-assignment, marital status, disability, age, social position, or any other improper grounds, nor will they be disadvantaged by any conditions or requirements which cannot be justified.

PLEASE NOTE THAT THIS DOCUMENT IS FOR GUIDENCE ONLY AND IS NOT INTENDED TO HAVE CONTRACTUAL FORCE.

PRINTED VERSIONS SHOULD NOT BE RELIED UPON. THE MOST UP TO DATE VERSION CAN BE FOUND ON THE INTRANET POLICIES SITE.

CHIEF CONSTABLE'S COMMITMENT TO EQUAL OPPORTUNITIES

I am committed to the continuous development and promotion of Equal Opportunities within Gwent Police. You may think that Equal Opportunities is about treating everyone the same, whether it be our staff internally or providing a service to the community we serve. Actually it is not about treating everyone the same – it is about providing people with equal rights, recognising their different needs and treating everyone appropriately according to those needs.

We have a range of HR policies and procedures which are designed to support all our staff ensuring equality of opportunity.

I will not tolerate behaviour that falls below the high standards we have set ourselves, either in public or within the organisation. I expect to be challenged and will challenge others, and if I am open to challenge then so should you be. We have to take a personal responsibility for Equal Opportunities issues and each and every one of us must work together and with our communities to achieve the success of this Policy, Strategy and Action Plan. As paid public servants we should expect no less.

Mick Giannasi
Chief Constable

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1.0 Policy Identification Page

Policy Title: EQUAL OPPORTUNITIES POLICY

Reference: 112/10 a issue 5

Historical Reference: issue 1 June 2001; issue 2 Aug 05; issue 3 Aug 07; issue 4 Oct 08, issue 5 Oct 10.

Underlying Documents: Gwent Police Equal Opportunities Policy & Strategy (July 2001)

Policy Ownership: Head of People Services

Portfolio/Business Area Owner: Chief Officer Operational Support

Policy Written By: HR Manager / Policy Officer

Department Responsible: People Services

Policy Lead: HR Manager

Authorised by Policy Owner for approval by Chief Officer Operational Support

Policy Quality Assured by: Head of People Services

Links to other Policies/Procedures: Single Equality Scheme, Dignity at Work, Fairness at Work, Disability and Employment Matters,, Organisational Change, Career Break, PDR, Recruitment & Selection, Police Officer Promotion and Temporary Promotion Selection, Hate Crime, Discretionary Domestic/Compassionate Leave, Dress Code, Flexible Working, Working away from Police Premises, Age Discrimination and Employment related matters, Guide to Maternity Leave, Paternity Leave, Adoption Leave, Employment of Transgender People, Selection for Specialist Police Posts, Selection for Detective Posts, Police Staff Secondments, Positive Action Strategy.

Policy Implementation Date :Reviewed and approved 5th October 2010

Policy: September 2012

2.0 Policy Statement & Intentions

2.1 Principle & Scope of Policy:

2.1.1 Outline

The principle of this policy is that Gwent Police aims to promote equality of opportunity and this document applies to all police personnel and applicants to the Force. It is the umbrella policy for our employment procedures which outline our commitment to equality of opportunity in relation to:

- Recruitment, Selection & Promotion
- Developing and retaining staff
- Grievance Resolution
- Dignity at Work
- Monitoring

It may be unlawful to discriminate directly or indirectly in recruitment or employment because of any of the 9 'protected characteristics' in the Equality Act 2010. The 'protected characteristics' are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

Gwent Police is actively continuing our commitment to be a non-discriminatory working environment in which all eligible persons have equity in employment, and where advancement is based upon knowledge, experience, competency and performance from recruitment to retirement. To achieve this, our Action Plan outlined in our Single Equality Scheme will take account of current legislation and deal with discrimination, victimisation, harassment and positive action to redress past inequalities in society. We are committed to providing a non-discriminatory service that supports all members of our communities as well as our staff. Our actions in relation to service delivery are outlined in our Diversity Strategy.

Gwent Police recognises that in order to both redress inequalities and go forward as a progressive and successful police force, we will need to be committed to equality of opportunity for all.

The aim at all times is to treat everyone with integrity, respect, and consideration. This policy will outline a process whereby we challenge the culture of our organisation, promote compliance with the policy and develop a framework against which we can demonstrate change.

The policy will be applied to all activities and procedures including recruitment, postings, tenure, promotion, transfers, training and development, staff appraisals, management and supervision, performance management, discipline, grievances, discrimination and harassment, positive action and monitoring and review.

2.1.2 Recruitment, Selection and Promotion

The Equal Opportunities policy is fundamental to employment issues and how they affect all staff.

- All recruitment and promotion procedures will aim to select the best candidates and every applicant will be considered impartially against objective and job related criteria which will be regularly reviewed with the aim of recruiting, selecting and promoting the highest quality staff.
- All job advertisements will make reference to the Equal Opportunities policy and encourage applications from unrepresented or underrepresented groups.
- Lawful positive action will be used to remedy unrepresented and under-represented groups up to the point of recruitment, selection or promotion, at which time all applicants will be considered on their knowledge, experience and overall competency to do the job.
- Any individual forming part of the selection panel will receive appropriate training to ensure that the management and delivery of recruitment, selection and promotion related policies and procedures will be afforded equally to all who are eligible.
- The Recruitment and Selection procedure and the Promotion and Temporary Promotion Selection procedure will be regularly reviewed to ensure that they reflect current best practice and do not discriminate.
- Managers will be responsible for ensuring that equality of opportunity exists for staff to apply for specialist police posts. These will be subject to regular turnover, whilst still ensuring that organisational efficiency is still maintained through retention of skill and experience.

2.1.3 Developing and Retaining Staff

- Our aim is to develop and retain our staff therefore our equality schemes and the action plan which has been developed under our Positive Action Strategy will be fundamental in the development and implementation of policies and plans to achieve this.
- Training will be provided to promote equality and value diversity for all police officers, police staff, community volunteers and members of the special constabulary.
- Equality principles will be included in all training programmes and all staff will be

advised of their responsibility to maintain professional and ethical quality standards to achieve the aims and objectives of Gwent Police

- Positive action measures will be taken to ensure that minority groups have equality of opportunity with regard to training and career development, and specific development training will be given to groups as identified by the organisation.

2.1.4 Grievance Resolution

The Fairness at Work procedure enables staff who believe that they have not received fair and equal treatment to pursue their grievance. It is a framework, which facilitates the solving and resolution of problems within Gwent Police, and the objective is to resolve issues promptly and fairly taking any necessary remedial action. In some instances this may result in a disciplinary investigation, which may lead to disciplinary action being taken. It is a framework, which facilitates a member of staff who has a problem being given a process for the problem to be dealt with and resolved. Grievances are monitored on a regular basis through the force's Personnel Strategy Group and Minority Groups and Staff Associations' Problem Solving Group and the Police Authority's Equality and Human Resources Committee.

Advice and guidance on the Fairness at Work procedure can be obtained from line managers, personnel managers and officers, confidential advisers, welfare officer and staff representatives.

2.1.5 Responsibilities

The Chief Constable has overall responsibility for ensuring that a corporate and co-ordinated approach to equality of opportunity exists and for the success of the action plans and equality schemes designed to ensure equality of opportunity.

An identified Chief Officer has day to day responsibility for the implementation of the Equal Opportunities Policy and all related issues. Specific work areas will be allocated to nominated lead persons.

All line managers have a responsibility for promoting equal opportunities and a responsibility to treat people fairly and give support to staff if they suffer from unfair treatment, discrimination, harassment, victimisation or bullying.

All staff have a responsibility for the application of the policy in order to ensure equality of opportunity towards colleagues and to all sectors of the community. This includes an individual responsibility to confront inappropriate behaviour directed at anyone, including themselves, for which individuals may seek support from line managers.

2.1.6 Protective Marking

Managers should comply with the information processing requirements of the Government Protective Marking Scheme by which information assets of Gwent Police are protectively marked.

2.2 Aims of Policy

The aim of this policy is to ensure that we provide a fair and equitable working environment which maintains dignity for our staff.

3. 0 Introduction

3.1 Origins/Background Information

The force's Equal Opportunities policy was updated in July 2001 and published as the Equal Opportunities Policy, Strategy and Action Plan. Following developments previously in the Race Equality and Diversity Strategy, the Equal Opportunities policy has been updated to develop an overarching policy for all HR issues. It has been updated further to reflect the Equality Act 2010.

3.2 The Legal Basis and Legitimate Aims

The legal basis is to comply with relevant employment legislation, Police Regulations and police staff terms and conditions of employment to ensure equality of opportunity.

4.0 Implications of the Policy

4.1 Financial Implications

There should be no additional financial implications with the updating and continuance of this policy.

4.2 Human Resources/Training

Line managers will be required to support police personnel to ensure that the aims of this policy are complied with.

4.3 Strategic Plan Links

The Human Resources Strategy supports our aim to be a good and caring employer.

4.4 Diversity

In the application of this policy consideration must be given to the possible social impact of this policy on the community. An equality impact assessment is a requirement to ensure all issues are considered. This is also a requirement of the Gwent Police Race Equality Scheme. Equality impact assessments must be undertaken before and after the application of this policy.

Under the Race Relations (Amendment) Act 2000 Gwent Police is required to undertake proactive work to meet the General Duty of :

- Eliminating unlawful racial discrimination;
- Promoting equality of opportunity;
- Promoting good relations between people of different ethnic groups.

The General Duty is outlined in Section 71 (1) of the Act, and must be met **in its entirety**.

Monitoring must be undertaken to ensure that there is no adverse impact either positive or negative upon any one particular social group or individual. The results of monitoring must be analysed and be available for publication, and appropriate changes made.

All individuals using this policy must be aware of the potential impact that this policy has on the individuals to whom it is applied. The following strands of diversity and their corresponding pieces of legislation must be considered when answering these questions.

- Welsh Language Act 1993
- Race – Race Relations Act 1976
- Race Relations Amendment Act 2000.
- Disability - Disability Discrimination Act 2005
- Gender - Sexual Discrimination Act 1975
- Gender – Equal Pay Act 1970
- Gender – Gender Recognition Act 2004
- Employment Equality (Sexual Orientation) Regulations 2003
- Employment Equality (Religion or Belief) Regulations 2003
- Employment Equality (Age) Regulations 2006
- Employment Rights Act 1996
- Employment Relations Act 1999
- Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000
- Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002
- Employment Act 2002

- Work and Families Act 2006
- Equality Act 2006
- where amended as amended by the Equality Act 2010

4.5 Consultation

Police Authority
ACPO
Service Area/ Departmental Heads
Superintendents' Association
Police Federation
UNISON
Gwent Police Women's Association
Gwent Black Police Association
Gwent Police Disability Support Network
Gwent Police Gay Support Network
Gwent Police Flexible Working Network
Freedom of Information Officer
Community Cohesion Team
Senior Solicitor

5.0 Human Rights Consideration Certification

5.1 Auditing for potential interference and discrimination

Q1. What articles of the Human Rights Act 1998 may be engaged?

Article 3
Article 6
Article 8
Article 9
Article 10
Article 11
Article 14

Q2. Where individual rights are engaged what is the potential to discriminate against the parties involved?

" In the application of this policy the Force will not discriminate against any persons regardless of age, sex, race, colour, language, religion, political or other opinion, national or social origin, association with national minority, property, birth or other status as defined under article 14 of the European Convention on Human Rights ".

5.2 Key Human Rights Principles

Q1. What is the legal basis for your policy?

Section 3.2 refers

Q2. Does the policy provide details of what could be considered as a legitimate aim for the potential interference with an individual's rights, through the exercising of this policy?

Restrictions on the rights protected in articles 8 - 11 in the Human Rights Act will be compatible with the convention only if they are aimed at protecting one of the interests listed in articles 8(2), 9(2), 10(2) and 11(2) respectively. The interests protected are broadly the same and generally include:

1. National Security
2. Public Safety
3. The protection of health or morals
4. The prevention of disorder or crime; and The protection of the rights of others.

Any restrictions relating to human rights will be in accordance with the above principles.

Q3. How are staff made aware of the clearly defined decision making processes?

Section 2.1 refers

Q4. What are the minimum standards of documentation in relation to decision making?

Section 2.1 refers

Q5. How does your policy provide guidance on the justification for assessment and actions as to whether the action is the least intrusive?

Section 2.1 refers

5.3 Rights, Publication, Audit and Inspection

Q1. Are there any sections of the document which should not be disclosed to the public on the Force Publication Scheme; because they consist of tactical or operational procedures, that would inhibit the apprehension or prosecution of offenders if publicly known, or would compromise the ability of the force to carry out its duties? Please outline the relevant sections that cannot be disclosed.

This policy can be disclosed

Q2. What rights to make representation and appeal process are available?

Persons who wish to make representations regarding the operation of this policy

will have recourse to civil law. There is also the right to use formal, informal and organisational complaints policy in respect to the operation of this policy. Where dismissal is contemplated an individual has a statutory right to attend a hearing to discuss the matter. This includes a statutory right to be accompanied to the meeting by a trade union representative or a work colleague. There is also a statutory right to appeal.

Q3. What internal review and audit process is in place or is proposed?

This policy has been drafted in accordance with the principles and rights contained within the Human Rights Act 1998. It will be reviewed and continuously assessed in the light of any relevant changes and developments in the application of the Act.

Q4. What external independent scrutiny is recommended?

This policy document can be scrutinised during Inspection undertaken by the Police Authority and HMIC.

5.4 Certification of Compliance

Consideration has been given to the compatibility of this policy and related policies and procedures with the Human Rights Act; with particular reference to the legal basis of its precepts: the legitimacy of its aims; the justification and proportionality of the actions intended by it; that it is the least intrusive and damaging option necessary to achieve the aims; and that it defines the need to document the relevant decision making process's and outcomes of actions.

5.5 Legal Vetting

There are no issues in this policy under ECHR which cannot be resolved.

This policy has been vetted.

6.0 Promotion and Distribution

In order to highlight the existence of this policy to staff there will be the following :

- GO entry following ratification
- Publication on the Force Intranet and internet
- Police staff induction and initial police learning and development programme for probationer police officers

7.0 Monitoring / Review

Monitoring of the day to day application of this policy will be undertaken by the HR Manager.

The following performance information will be presented annually to the Diversity Board and published via the annual report:

- The numbers of staff in post
- Monitoring of applicants for jobs, promotion and training (by at least gender, race and disability)
- Monitoring of those police officers and police staff who
 - receive training
 - lodge grievances
 - are the subject of disciplinary action
 - benefit or suffer detriment as a result of performance assessment procedures
 - leave their jobs with Gwent Police

The above information will employ the least intrusive methods and comply with the principles of Data Protection.

Monitoring will be in line with the principles of the Race Relations (Amendment) Act 2000

Definitions

Protected characteristic

These are the grounds upon which discrimination is unlawful. The 9 protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Direct Discrimination

This occurs when a person is treated less favourably than another person on the grounds of a protected characteristic. Where an employer fails to make a reasonable adjustment without justification for a disabled member of staff, this constitutes unlawful discrimination (Disability Discrimination Act 1995).

Indirect Discrimination

The use of an apparently neutral practice, provision or criterion which puts people with a particular protected characteristic at a disadvantage compared with others who do not share that characteristic, and applying the practice, provision or criterion cannot be objectively justified

Discrimination by association/perception

This occurs when a person is discriminated against because they associate with someone who has a protected characteristic or they are wrongly perceived to possess a protected characteristic.

Victimisation

Subjecting a person to a detriment because they have done a protected act or there is a belief that they have done a protected act i.e. bringing proceedings under the Act; giving evidence or information in connection with proceedings under the Act; doing any other thing for the purposes or in connection with the Act; making an allegation that a person has contravened the Act

Harassment

Harassment is a criminal offence. Harassment is unwanted behaviour that has the purpose or effect of violating a person's dignity or creates a degrading, humiliating, hostile, intimidating or offensive environment.

Care must be taken by all staff to ensure that their behaviour, conduct or humour does not offend. Harassment is also a disciplinary offence and in any form, for whatever reason, will not be tolerated.

See Appendix B for examples of harassment.

Harassment by third parties

This is where a worker has been harassed by someone who does not work for the same organisation. Employers are required to take reasonable steps to protect the worker from cases of harassment or further harassment by a third party. It does not have to be the same person harassing the worker on each occasion. An employer may be liable where the harassment has occurred on at least 2 previous occasions, the employer is aware that the previous harassment has taken place and has failed to take reasonable steps to prevent harassment from re-occurring.

Bullying

Bullying is conduct which includes persistent criticism, personal abuse and/or ridicule, either in public or private, which humiliates or offends the individuals involved, gradually eroding their self confidence. Bullying is a disciplinary offence and in any form, for whatever reason, will not be tolerated.

See Appendix C for examples of bullying

Positive Action

Positive discrimination (treating someone more favourably on the grounds of sex or race) is unlawful. Employers can, however, take positive action in certain circumstances. Where members of one sex or racial group are under-represented in particular work, it is permissible to encourage greater representation by advertising or by providing special training for members of the under-represented group.

Positive action can be taken up to the point of selection for a post, or promotion to a higher rank. All applicants must be considered on their merits, skills and ability to do the job.

Genuine Occupational Qualification

One of the limited set of circumstances where discrimination is legal is if an employer can show a genuine occupational qualification (GOQ), which means that the job has to be done by someone of a particular race or gender. GOQs are interpreted very narrowly by the courts since it is a derogation from the principle of equal treatment. Advice must be sought from a divisional personnel officer or personnel manager before a GOQ is applied to any post.

Harassment

Examples of harassment on the grounds of disability

Disability harassment is unwanted behaviour based on disability, impairment or additional need:

- Mockery, taunts or pranks about someone's disability e.g. mimicking a speech impairment or moving an individual's walking stick without their consent
- Unwanted comments about work equipment an individual uses (e.g. orthopaedic chair) or the workplace adjustments made (e.g. flexible working hours) which assist a disabled individual in performing their role
- Name calling

Examples of sexual harassment

Sexual harassment is unwanted behaviour of a sexual nature:

- Leering at someone; "eyeing someone up"
- Using sexually explicit or degrading language, whether or not it is directed at an individual
- Lewd comments about appearance, dress or sex life
- Physical behaviour of an unacceptable nature, such as deliberately brushing up against someone
- Displaying demeaning images of men or women, such as calendars
- Situations where someone (male or female) is working in an environment where sexist banter is commonplace and which although not directed at that person or caused by their presence, creates an offensive environment for them

Sex-related harassment

As a result of the Employment Equality (Sex Discrimination) Regulations 2005, harassment also now includes harassment related to a person's sex but which is not sexual in nature; for example, unhelpful behaviour to a woman in an all male environment.

Examples of racial harassment

Racial harassment is unwanted behaviour based on race, ethnic or national origin:

- Racists jokes or banter
- Ridicule of an individual for cultural differences such as appearance, dress, diet, religion or ethnic background
- Use of stereotypical /derogatory nicknames based on ethnic background
- Unfair treatment which might include exclusion from conversations or events at work

Examples of age related harassment

Harassment on the grounds of age is based on attitudes, assumptions and stereotyping that are prejudicial to older or younger people.

- Treating someone inappropriately because of their age or perceived age e.g. telling someone that they are too young (“still wet behind the ears”) or too old (“over the hill”)
- Excluding someone from an activity, including work-related social events, on the grounds that they are considered to be too old or too young
- Name calling such as referring to someone as an “old codger”, “old fogey”

Examples of harassment on the grounds of sexual orientation

Harassment on the grounds of sexual orientation is unwanted behaviour based on known or presumed sexual orientation. It is usually the harassment of lesbians or gay men or bisexuals but it may also be of heterosexual people:

- Homophobic remarks or jokes
- Threats to disclose an individual’s sexuality
- Expressing negative stereotypical views about gay, lesbian, bisexual people

Examples of harassment on the grounds of religion

Harassment on the grounds of religion is unwanted behaviour based on religious beliefs or practices:

- Derogatory name calling
- Ridiculing items worn for religious reasons
- Being dismissive of a request for time off during a religious festival

Examples of harassment on the grounds of gender re-assignment

- Derogatory or unwanted comments regarding appearance
- Ridiculing a person's transgender identity
- Unfair treatment which might include exclusion from conversations or events at work

Bullying

- Deliberately undermining a competent worker by overloading and constant criticism
- Ridiculing or demeaning someone
- Spreading malicious rumours , or insulting someone
- Copying emails that are critical about someone to others who do not need to know
- Exclusion or victimisation
- Unfair treatment
- Overbearing supervision or other misuse of power or position
- Making threats or comments about job security without foundation
- Preventing individuals from progressing by intentionally blocking training or promotion opportunities

Source - ACAS

Competency framework

Respect and Diversity

Considers and shows respect for the opinions, circumstances and feelings of colleagues and members of the public, no matter what their race, religion, position, background, circumstances, status or appearance.

Understands other people's views and takes them into account. Is tactful and diplomatic when dealing with people, treating them with dignity and respect at all times. Understands and is sensitive to social, cultural and racial differences.

Positive Indicators

Sees issues from other people's viewpoints.

Is polite, tolerant and patient when dealing with people, treating them with respect and dignity.

Respects the needs of everyone involved when sorting out disagreements.

Shows understanding and sensitivity to people's problems, vulnerabilities and needs.

Deals with diversity issues and gives positive practical support to staff who may feel vulnerable.

Makes people feel valued by listening to and supporting their needs and interests.

Uses language in an appropriate way and is sensitive to the way it may affect people.

Identifies and respects other people's values within the law.

Acknowledges and respects a broad range of social and cultural customs and beliefs.

Understands what offends others and adapts own actions accordingly.

Respects confidentiality, wherever appropriate.

Delivers difficult messages.

V1 update 15.9.10

Challenges attitudes and behaviour, which are abusive, aggressive and discriminatory.

Negative Indicators

Does not consider other people's feelings.

Does not encourage people to talk about personal issues.

Criticise people without considering their feelings and motivation.

Make situations worse with inappropriate remarks, language or behaviour.

Is thoughtless and tactless when dealing with people.

Is dismissive and impatient with people.

Does not respect confidentiality.

Unnecessarily emphasises power and control in situations where this is not appropriate.

Intimidates others in an aggressive and overpowering way.

Uses humour inappropriately.

Shows bias and prejudice when dealing with people.

Contacts List

Confidential Advisers - see Intranet (first page) for contact names*

Welfare Officers	- ext 710 5041/5043
Police Federation	ext: 710 4110
Unison	ext: 710 4010 / 710 4011
Gwent Black Police Association	– see webpage on Intranet (under Staff Sites)
Gwent Police Women’s Association	– see webpage on Intranet (under Staff Sites) for Steering Group members
Gwent Disability Support Network	- see webpage on Intranet (under Staff Sites)
Gwent Police Gay Support Network	- see webpage on Intranet (under Staff Sites)
Gwent Flexible Working Network	- see webpage on Intranet (under Staff Sites)
HR Manager	ext: 748 3002
HR Advisers	see webpage on Intranet (under People Services)

* Alternatively, names are available from Oris using the Resources menu item ‘Personnel enquiry’, or transaction code +PV, under CONFIDENTIAL in field 12, and press return key. Press the F8 function to carry out the search.