

PROFESSIONAL STANDARDS AND DIVERSITY COMMITTEE – 4 MARCH 2010

EQUALITY WORKING GROUP

REPORT BY THE CHIEF EXECUTIVE

PURPOSE OF THE REPORT

To update members on the meeting of the Equality Working Group on 17 December 2009 and to approve the working group recommendations.

1. BACKGROUND

- 1.1 The Equalities Guide for Police Authorities sets out guidance from the Association of Police Authorities on meeting the Police and Justice Act 2006 equalities duty. The guidance sets out the Authority's statutory duty to actively consider the extent to which all of their current and proposed policies and functions, both formal and informal, have any adverse impact on different groups of people. It also refers to Authorities being aware of the relevant equality impact assessments that are produced by the Force and suggests a regular programme of dip sampling.
- 1.2 To support the Authority in the delivery of this duty, in February 2009 members agreed to reconvene the Equality Working Group to reprioritise and progress a programme of equality impact assessment. The Chief Executive was given delegated authority to identify three members of the Authority to sit on the group. The first meeting of the reconvened Equality Working Group took place on 17 December 2009 and meetings of the group will continue on a quarterly basis in advance of the meetings of the Professional Standards and Diversity Committee.
- 1.3 The working group reviewed draft terms of reference for approval by the Professional Standards Committee and these are attached at appendix A. The group identified training needs for members in terms of equality impact assessment which will be addressed at the earliest opportunity.
- 1.4 The Group considered two other matters of note at the meeting. An equality impact assessment of the Authority's draft Independent Custody Visiting Scheme and a proposal with regard to maintaining oversight of the Force equality impact assessment programme.

2. INDEPENDENT CUSTODY VISITING SCHEME – FIRST STAGE EQUALITY IMPACT ASSESSMENT

- 2.1 The Independent Custody Visiting Scheme was the subject of a first stage equality impact assessment aimed to review the scheme and its impact on people that it will affect in terms of equality and diversity.

- 2.2 Members considered the extent of clear policy aims and objectives, existing monitoring data in relation to both the function and the visitors who deliver the function, the provision of training and how the policy was likely to affect different groups either directly or indirectly.
- 2.3 A number of changes were agreed by members of the group for inclusion in the scheme prior to publication which have already been actioned.
- 2.4 In addition, the Group recommended an enhancement to the monitoring reports presented to the Independent Custody Visiting Panel to provide more information on visits in terms of equality and diversity. The group also identified the need for a check to be undertaken to ensure that all visitors have attended two relevant diversity training modules.
- 2.5 A further recommendation was made to circulate equality monitoring forms to all visitors which will help to assess how well local communities are represented, though the importance of maintaining confidentiality was stressed.
- 2.6 A copy of the first stage Equality Impact Assessment is attached at appendix B.
- 2.7 Following the first stage assessment members considered whether the Authority should proceed to a full impact assessment which would entail wider consultation with service users and other stakeholders and members recommended that this be considered by the Professional Standards and Diversity Committee.
- 2.8 The Independent Custody visiting scheme accords with national guidelines and clearly sets out clearly the local operation of the scheme. Quarterly Independent Custody Visiting Panel meetings consider matters arising on an ongoing basis. The Scheme was approved by the Full Police Authority in February 2010 and will be published on the Authority website.
- 2.9 It is recommended that the Authority does not undertake a full second stage impact assessment at this time.

3. MONITORING THE FORCE'S EQUALITY IMPACT ASSESSMENT ARRANGEMENTS

- 3.1 The Corporate Development Department co-ordinates the Force Policy Management Framework which includes the development, impact assessment, publication and review of all Force Policy. Policy Owners are responsible for developing policy and undertaking an impact assessment. Current policies and summaries of equality impact assessments are published on the Dorset Police Website.
- 3.2 The Equality Working Group considered a proposal for the Authority to maintain an oversight of the Force's Equality Impact Assessment arrangements. This would comprise a four tier arrangement, with members selecting a policy for review at each meeting from the Force Police Register based on its relevance to diversity and associated risk. Each policy would be assessed against a dip sampling pro-forma and any matters of note would be referred to the Force for comment. A summary report would be brought to the Professional Standards and Diversity Committee on a quarterly basis. Finally,

a strategic overview of policies would be reported to the Committee as part of the Force's bi-annual update on the Force Combined Equality Scheme.

3.3 Members of the Group agreed the arrangements which will be taken forward at the next meeting of the working group.

4. CONCLUSION

4.1 The next meeting of the Group will take place prior to the May meeting of the Committee. It is intended that an equality impact assessment of the Authority's arrangements for the monitoring and handling of complaints against the police will be undertaken at that time.

4.2 The Group have also recommended that wherever possible, the equality impact assessment of Authority policies should align with those Force policies that are being dip sampled and have proposed three policies for dip sampling Custody Visiting, S136 Mental Health Act Procedure and Deliberate Self Harm and Death in Custody.

5. RECOMMENDATION

5.1 Members are RECOMMENDED:

- i) to note this report;
- ii) to approve the revised draft terms of reference which are attached at appendix A;
- iii) to approve the first stage initial equality impact assessment of the Authority's Independent Custody Visiting Scheme attached at appendix B;
- iv) to agree not to proceed to full equality impact assessment at this time; and
- v) to approve future equality impact assessment and dip sampling set out in paragraphs 4.1 and 4.2.

M J GOSCOMB
Chief Executive

Members' Enquiries to: Mrs P Ford, Senior Policy Officer (01305) 223743

Appendices

Appendix A – Draft Terms of Reference

Appendix B – Equality Impact Assessment

Background Papers

An Equalities Guide for Police Authorities – APA June 2008

DRAFT

EQUALITY WORKING GROUP

TERMS OF REFERENCE

Purpose:

To support the Police Authority in delivering their statutory equality and diversity duties introduced by the Police and Justice Act 2006.

Aims:***To consider the Authority's arrangements in relation to promoting Equality and Diversity within the Authority***

To ensure that the Police Authority Combined Equality Scheme is maintained in accordance with legislative requirements and are approved and reviewed by the Professional Standards and Diversity Committee

To assess the impact of Authority Functions and Policies

To prioritise the Police Authority priority functions and policies, with regard to their relevance to equality matters, for approval by the Professional Standards and Diversity Committee.

To undertake an initial assessment to determine if the function or policy meets all parts of the general duty or should be the subject of a full equality impact assessment and to report the findings to the Professional Standards and Diversity Committee for their consideration and approval.

To undertake a full equality impact assessments on any new policies, or any referred existing policies, and report the findings to the Professional Standards and Diversity Committee for consideration and formal approval prior to publication.

To undertake annual reviews of all relevant policies and report any changes of note to the Professional Standards and Diversity Committee.

To consider the Authority's arrangements in relation to the promoting Equality and Diversity within the police force maintained for its area.

To ensure that the Force Combined Equality Scheme is maintained in accordance with legislative requirements and is approved and reviewed by the Professional Standards and Diversity Committee

Membership:

Dorset Police Authority

Mrs J Dover JP, Member
 Mr G Hepburn, Member
 Dr J Gosby, Member
 Mr M Goscomb. Chief Executive
 Mrs P Ford Senior Policy Officer

Frequency of Meetings:

Quarterly Preceding the Professional Standards and Diversity Committee

Administration:

Senior Policy Officer

[Approved XXXXXX]

Initial Equality Impact Assessment Pro Forma

1. BACKGROUND INFORMATION					
Name of Policy/Function to be assessed	Independent Custody Visiting Scheme	Date of Assessment	30 October 2009	New or Existing Policy?	New
1.1 Brief description of Aims, Objectives and Purpose of the Policy and if there are any associated objectives.	<p>Independent custody visiting has a number of connected purposes. First, and most obviously, it offers an extra level of protection to detainees by providing independent scrutiny of their treatment and the conditions in which they are held. By giving approved members of the local community an opportunity to observe, comment and report on these matters, it can reassure that community, improve citizens' understanding of procedures at police stations and strengthen their confidence that these are properly applied. From a police perspective, it is a clear demonstration of their commitment to transparency and openness in relation to this critical aspect of their duties. Furthermore, it can improve police management of their own performance by pointing out areas where problems have occurred and which may have implications for policy, training, communications or the daily work of officers responsible for custody at police stations.</p> <p>For police authorities, independent custody visiting can be an extremely important aid in fulfilling their responsibility to ensure that policing in their areas is carried out fairly, in accordance with statutory and other rules and with respect for the human rights of all those coming into contact with the police.</p>				
1.2 Who is intended to benefit from this policy, and in what way?	<p>Protection of detainees Reassurance to Local communities</p>				

Initial Equality Impact Assessment Pro Forma

1.3 What outcomes are wanted from this policy?	A well established system whereby volunteers attend police stations to check on the treatment of detainees and the conditions in which they are held and that their rights and entitlements are being observed.		
1.4 What factors/forces could contribute/detract from the outcomes?	The Scheme addresses a number of factors/forces that could contribute or detract from the outcome. These include clearly defined roles and responsibilities, effective reporting and governance procedures, effective resourcing including recruitment and retention, suitability and skills, training and development and effective working relationships between custody staff and visitors.		
1.5 Who are the main stakeholders in relation to the policy/function?	Dorset Police Authority Independent Custody Visitors Dorset Police Detainees Other agency staff	6. Who implements the policy, and who is responsible for the policy?	Chief Executive Scheme Administrator Panel Chair & Vice Chair Police Authority Members
1.6 Is the policy compliant in the following areas?			
(a) Freedom of Information	Yes	The Scheme will be published under the publication scheme. Any Freedom of Information requests would be managed within already established procedures.	

Initial Equality Impact Assessment Pro Forma

(b) Human Rights	Yes	The scheme is based on National Statutory Guidance and legislative context which includes the Human Rights Act. Human Rights Training is provided to visitors as part of their training programme.
(c) Health and Safety	Yes	The scheme fully considers health and safety risks to both visitors and detainees.
(d) Integrity	Yes	Visitors are expected to adhere to National Standards and Codes of practice and this is set out in a Memorandum of Understanding. Procedures are in place to deal with any grievances or misconduct.
(e) Bureaucracy	Yes	The work to document the Authority's ICV Scheme has involved existing processes, papers and documentation to be revised as necessary. The scheme will be subject to continued development to assist in ensuring it remains up to date and fit for purpose.
(f) Customer Focus	Yes	The Schemes overarching purpose is customer focus. Part 2 of the policy on page 27 provides detailed advice in respect of the detainee. The scheme is designed to reassure the public as well as check the welfare of detainees and is publicly accountable through the independent custody panel meetings?
(g) Collaboration	Yes	The Chief Executive regards the Authority's ICV Scheme as 'good practice' and will be seeking to share this work with other authorities particularly in the South West Region.
2. EQUALITY IMPACT ASSESSMENT		
2.1. Are there concerns that the policy could have a differential impact on racial groups?	No	The scheme considers arrangements in respect of diversity in section 2 of the scheme. The scheme also provides for all Independent Custody Visitors to attend Equality and Diversity training. No differential impact in respect of racial groups was identified within the assessment. The Independent Custody Visiting Panel now monitors visits by ethnicity of detainee.
What existing evidence (either presumed or otherwise do you have for this?)		

Initial Equality Impact Assessment Pro Forma

2.2 Are there concerns that the policy could have a differential impact due to gender?	No	The scheme considers arrangements in respect of diversity in section 2 of the scheme. The scheme also provides for all Independent Custody Visitors to attend Equality and Diversity training. No differential impact due to gender was identified within the assessment.
What existing evidence (either presumed or otherwise do you have for this?)		
2.3 Are there concerns that the policy could have a differential impact due to disability?	No	The scheme considers arrangements in respect of diversity in section 2 of the scheme and considers arrangements in respect of persons detained under the mental health act. The scheme also provides for all Independent Custody Visitors to attend Equality and Diversity training. No differential impact due to disability was identified within the assessment.
What existing evidence (either presumed or otherwise do you have for this?)		
2.4 Are there concerns that the policy could have a differential impact due to sexual orientation?	No	The scheme considers arrangements in respect of diversity in section 2 of the scheme. The scheme also provides for all Independent Custody Visitors to attend Equality and Diversity training. No differential impact due to sexual orientation was identified within the assessment.
What existing evidence (either presumed or otherwise do you have for this?)		

Initial Equality Impact Assessment Pro Forma

2.5 Are there concerns that the policy could have a differential impact due to transgendered or transsexual?	No	The scheme considers arrangements in respect of diversity in section 2 of the scheme. The scheme also provides for all Independent Custody Visitors to attend Equality and Diversity training. No differential impact due to transgendered or transsexual was identified within the assessment.
What existing evidence (either presumed or otherwise do you have for this?)		
2.6. Are there concerns that the policy could have a differential impact due to age?	No	The scheme sets out arrangements for dealing with detainees and visits to juvenile detainees are monitored as a vulnerable group. The scheme considers arrangements in respect of diversity in section 2 of the scheme. The scheme also provides for all Independent Custody Visitors to attend Equality and Diversity training. No differential impact due to age was identified within the assessment.
What existing evidence (either presumed or otherwise do you have for this?)		
2.7. Are there concerns that the policy could have a differential impact due to religious belief?	No	The scheme considers arrangements in respect of diversity in section 2 of the scheme. The scheme also provides for all Independent Custody Visitors to attend Equality and Diversity training. No differential impact due to religious belief was identified within the assessment.
What existing evidence (either presumed or otherwise do you have for this?)		

Initial Equality Impact Assessment Pro Forma

2.8. Are there concerns that the policy could have a differential impact due to dependants/caring responsibilities?	No	The scheme considers arrangements in respect of diversity in section 2 of the scheme. The scheme also provides for all Independent Custody Visitors to attend Equality and Diversity training. No differential impact due to dependants/caring responsibility was identified within the assessment. .
What existing evidence (either presumed or otherwise do you have for this?)		
2.9 Are there concerns that the policy could have a differential impact due to an offending past?	No	The scheme considers arrangements in respect of diversity in section 2 of the scheme. The scheme also provides for all Independent Custody Visitors to attend Equality and Diversity training. No differential impact due to an offending past was identified within the assessment.
What existing evidence (either presumed or otherwise do you have for this?)		
3. CONCLUSION		
3.1 Could the differential impact identified in 8-16 amount to there being the potential for adverse impact in this policy?	No	

Initial Equality Impact Assessment Pro Forma

3.2. Can the adverse impact be justified on the grounds of promoting equality of opportunity for one group? Or any other reason		<p>The Independent Custody visiting scheme accords with national guidelines and clearly sets out clearly the local operation of the scheme. Quarterly Independent Custody Visiting Panel meetings consider matters arising on an ongoing basis. The scheme was approved by members of the Full Police Authority in February 2010 and will be published on the Authority website.</p>				
3.3. Should the policy proceed to a full impact assessment?	No	<table border="1"> <tr> <td data-bbox="741 539 1749 611"> 20. If Yes, is there enough evidence to proceed to a full EIA? </td> <td data-bbox="1749 539 2033 611"> No </td> </tr> <tr> <td data-bbox="741 611 1391 868"> 21. If No, are there any changes required to the policy to improve it around the equality agenda? </td> <td data-bbox="1391 611 2033 868"> Changes have been made to the policy following initial equality impact assessment. </td> </tr> </table>	20. If Yes, is there enough evidence to proceed to a full EIA?	No	21. If No, are there any changes required to the policy to improve it around the equality agenda?	Changes have been made to the policy following initial equality impact assessment.
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