

**Devon and Cornwall Strategic Planning & Co-ordination Committee
9 February 2012**

Open for the purposes of FOI
Report of the Diversity, Equality and Human Rights Working group

DIVERSITY, EQUALITY AND HUMAN RIGHTS ASSURANCE REPORT

Recommendation:

That the SPCC endorses the contents of this report

1 Introduction

This report provides an overview of the work that the Devon and Cornwall Police Authority has undertaken during 2011 with regards Equality, Diversity and Human Rights (EDHR) compliance, which is supported and scrutinised by the Police Authority's Diversity, Equality and Human Rights Working group (DEW).

Diversity, Equality and Human Rights are essential elements in policing activities. If these are not in place the trust and confidence of communities, vital to policing by consent, keeping the peace and preventing and detecting crime, will be affected.

The public sector Equality Duty (section 149 of the Act) came into force on 5 April 2011. The Equality Duty applies to public bodies and others carrying out public functions. It supports good decision-making by ensuring that:

- 1) Public bodies consider how different people will be affected by their activities,
- 2) Help public bodies to deliver policies and services, which are efficient and effective; accessible to all; and meet different people's need,
- 3) Public bodies consider the needs of all individuals in their day-to-day work – in shaping policy, in delivering services and in relation to their own employees.

The Equality Duty has three aims. It requires public bodies to have **due regard** to the need to:

- **Eliminate unlawful discrimination**, harassment, victimisation and any other conduct prohibited by the Act;
- **Advance equality of opportunity** between people who share a protected characteristic and people who do not share it; and

- **Foster good relations** between people who share a protected characteristic and people who do not share it.

Having “due regard” means consciously thinking about the three aims of the Equality Duty as part of the decision-making process and for this consideration to influence, where relevant and appropriate, the decisions reached.

The Equality Duty is supported by specific duties, as set out in regulations, which came into force on 10 September 2011. The specific duties require public bodies to publish relevant, proportionate information demonstrating their compliance with the Equality Duty and to set themselves specific, measurable equality objectives.

Additionally, the Police and Justice Act 2006 states that “Police Authorities shall monitor the performance of the police force maintained for its area in complying with the duties imposed on that force by the Human Rights Act 1998”.

2 Diversity, Equality and Human Rights Working group (DEW)

2.1 Terms of reference

The primary role of the Working Group is to provide the Police Authority with the assurance that the Force has the appropriate plans and activities in place to ensure:

- it has the trust and confidence of all communities it serves and
- that it reflects the communities it serves.

Furthermore, the working group wants to reassure itself that the Force has the relevant structures and processes in place to respond to government direction and inspection reports in a timely, efficient and effective manner.

The DEW ensures that the Police Authority has the appropriate governance structure in place to scrutinise Force performance and activities in terms of Equality, Diversity and Human Rights.

Importantly, the role of the working group is also to ensure that the Authority in its own right promotes equality and diversity thereby instilling trust and confidence and ensuring a representative workforce. An important tool in this process is the Authority’s Single Equality Scheme.

The work of the DEW is closely linked to that of the Police Authority’s “Protecting Vulnerable People working group” (PVP). The chair of the PVP attends the DEW, provides updates on PVP work and both groups also share the same lead officer which allows for an integrated way of working.

The full terms of reference can be found at Appendix A.

2.2 Priorities

During 2011, recognising the breadth and variety of the EDHR business area, the DEW decided to prioritise four specific issues. This means that these issues were discussed at every DEW meeting and either verbal or written updates were received as part of the continuous scrutiny process. The priorities for 2011 were:

A: The Equality Standard

B: Employment Monitoring: (with a specific focus on Retention, Progression and Specialisms) (this is also monitored by the HR Committee with exception reports to the DEW by the HR EDHR lead)

C: Disability Issues (including EHRC Inquiry / Hate Crime / Reasonable Adjustments)

D: Stop & Search / Stop & Account

2.3 Summary of work undertaken by the DEW

A) SES Action Plan

In 2010 the DEW produced a Single Equality Scheme (SES) and accompanying Action Plan. As the current specific duties do not require a public authority to produce a SES, the DEW decided not to update its SES in 2011, yet made a conscious decision to review and update the accompanying Action Plan. This can be found in Appendix B.

The outcome of the Action Plan revision is that it provides an overview of the volume of work the DEW, as well as the Police Authority as a whole, has undertaken. Additionally, it is also an effective record to show compliance with the Equality Duty and to show how the Police Authority has consciously thought about the three aims of the Equality Duty as part of the process of decision making.

B) Stop & Search / Stop & Account

In October 2010 the Government made clear that it was intending to make changes to the PACE (Police and Criminal Evidence Act) codes in relation to the recording of Stop and Account and Stop and Search encounters from 1 January 2011. These changes eliminated the national requirement to record stop and account encounters and implement a reduced level of recording of stop and search encounters.

On 25 Nov 2010, this issue was discussed at the DEW meeting where members requested an update at their next meeting to inform them of the position and decision of the Force on this particular issue.

Members asked for a paper with a clear exposition of the benefits and costs of stop and account, or of its cessation. Furthermore, Members underlined the importance of this process in light of public confidence and perception and asked for the Force to work closely with the Independent Advisory Groups.

The issue has been discussed at every DEW meeting in 2011, and DEW members have provided comments on the consultation process and Equality Impact Assessment papers on several occasions. One of the issues they have highlighted is the importance of an effective complaint system so that communities feel confident about complaining and know that it will be taken seriously. Members have also highlighted the role of PCSOs in stop and account; the need to check repeat victimisation, as well as asking questions about the leadership and supervision processes around stop & account / search in the Force and how this would change in light of any decisions made.

The Chief Officer Group (COG) was to make a decision on this issue in November 2011, but this has been delayed to 23 January 2012. This allowed a wider Police Authority membership at the 29 November seminar (in addition to the scrutiny provided by the DEW) to consider all the issues involved in making any changes to the current processes.

Through this close scrutiny of the rationale underlying the decision-making process, as well as asking for specific reassurance around community engagement, the equality analysis undertaken and how this was to influence the decision-making process, the Police Authority was able to reassure itself of appropriate Force compliance and considerations of all its statutory duties.

C) EHRG (Equality & Human Rights Commission) Disability Inquiry “Hidden in Plain Sight”

In 2009, the Commission conducted research into the safety and security of disabled people. The research findings included:

- Disabled people are at greater risk of experiencing violence than non-disabled people.
- Ongoing low-level incidents are widespread and may go undetected but may escalate at some point. These incidents are often ignored by public agencies even though they have a significant impact on disabled people.

- Disabled people restructure their lives to minimize real and perceived risk to themselves even if they have not experienced targeted violence personally.

When the Commission published this research in April 2009, it made a commitment to look at what actions public authorities were taking to eliminate disability related harassment and its causes. It was this commitment that led the EHRC to announce its intention to conduct a formal inquiry.

In 2010 the Force established a “Gold Group” to scrutinise the process of the Force’s evidence gathering and subsequent submission.

The “Hidden in Plain Sight” report was published in September 2011. The Commission will be producing a follow up document called the 'Manifesto for Change' in 2012 setting out the commitments stakeholders have made and the outcomes it expects to see over the next five years

Consequently, the Force has set up a Disability Harassment working group, which will:

- 1) Review the EHRC Inquiry recommendations,
- 2) Identify what action will be required to enable the Force to deliver these recommendations.
- 3) Develop a plan to address areas of improvement, ensuring that outstanding actions from the Gold Group are considered and
- 4) Identify what further action is required to consult with and involve, disabled people in developing a Manifesto for change.

The Authority’s lead officer attends the Force working group and its recommendations and action plans will be monitored by the DEW. The Authority provided the working group with an update regarding Police Authority engagement and consultation with people who have a disability.

The Authority is therefore able to find out what steps the Force will take in light of the recommendations and how that will build on work that is already undertaken or in place. The DEW will be able to scrutinise the Force’s action plan and proposed outcomes and ensure that the Authority’s own work supports the recommendations and actions as agreed by the Disability Harassment working group.

D) Scrutiny of AA1 / AA2 Training

The Force’s current AA1 / AA2 Equality & Diversity training programme delivers a training input followed by an assessment process for each individual. The initial training input supports individuals to complete the self assessment process. The training is assessment based and utilises National

Occupational Standards AA1 (Promote Equality & Valuing Diversity) & AA2 (Develop a culture and systems that promote Equality and value Diversity) as a basis of the programme.

Trained assessors from the Force learning & development team review the assessment evidence and provide feedback and guidance to individuals to support them to build their evidence portfolio to meet the required standard.

The DEW has provided close scrutiny on the completion, pace and timescales of the Force's AA1 / AA2 diversity training. This training was commenced in 2009, with Sergeants and Superintendents being trained as part of Phase 1. Training phase 2 included members of the Chief Officer Group, Chief Superintendents, Police staff at PSMG and M1 grades, Chief Inspectors and Inspectors. The Force is currently about to enter training phase 3 which will provide AA1 training for the rest of Force staff. The Authority has been very clear in its support for and expectations of this training provision and has provided a high level of scrutiny and challenge as well as highlighting barriers to completion and issues around leadership. It has also indicated that it would like to see an evaluation as to the training impact and an integration of it into day-to-day performance and development for all staff.

By providing this clear steer and direction, the DEW has highlighted the importance and value of Equality & Diversity training for all Force staff and it has further emphasized this through provision of the AA1 training to all its own members and officers.

E) Independent Advisory Groups (IAGs)

Members of the DEW have been aligned to the specific IAG individual equality group (or "strand" as they used to be called) meetings, which are: Gender, Disability, Religion & Belief, LGBT (Lesbian, Gay, Bi-Sexual and Transgender) and Race. This IAG set up means that individual members attend specific equality group meetings every three months and one member of the DEW also attends the strategic IAG meetings and conferences. Members feed back their findings at every DEW meeting and if appropriate agree on actions to address any concerns.

This has allowed members to create a more comprehensive and detailed awareness / understanding of specific business areas within the EDHR portfolio. It also means that there is a direct link into and with specific community groups and their particular issues, which helps build trust and confidence. A good example of this is the recent concerns of local community groups with regards the Diverse Communities Team (DCT) review the Force

is currently undertaking. The DEW members were able to pick up community feedback and concerns and used these to enhance their scrutiny of the review process.

As a result the DEW has asked for an update about the DCT review at every working group meeting and will continue doing so until a final decision has been made. It is now considered as a possible DEW priority for 2012.

F) Working with the Force

There are regular pre-meetings with the Deputy Chief Constable, as Force EDHR portfolio lead, which are used for agenda setting and clarification of strategic governance issues. Furthermore, the Police Authority's lead officer attends the Force's Equality, Diversity and Human Rights Strategic Group. The terms of reference of the strategic group has been amended to align to the DEW priorities and terms of reference.

The above ways of working have contributed to an open and transparent scrutiny process and ensure an enhanced clarity and purpose of the DEW meetings.

3. EDHR work undertaken by the wider DCPA

In December 2010 the Authority changed its Committee structure and EDHR became a cross-cutting theme in order to facilitate a more embedded approach to EDHR in all business aspects of the Authority's work. All members, staff and officers of the Police Authority have a responsibility to promote equality and diversity in all the work they do for and on behalf of the Authority. In addition, the six DEW members attend all Police Authority committee meetings to champion and scrutinise EDHR issues and ensure equality considerations are part of the decision-making process. Outcomes are discussed and fed back into the bi-monthly DEW meetings.

Examples of this are:

- At the Protective Services Committee meeting on 7 April 2011 the issue of policing public protests was discussed and compliance with the Human Rights Act 1998 was scrutinised.
- On 15 November 2011, the Protective Services Committee received a report that provided a high-level update about the Equality Standard. Members asked to receive a further, more detailed report at the next meeting in March 2012 with a specific focus on provision of good practice examples for the Response work stream with both an internal (staff) and external (community) focus.

- At the Local Policing and Confidence Committee meeting on 31 March 2011 it was raised that a value for money review of the Independent Custody Visitors (ICV) scheme should also ensure that the Police Authority are meeting their equalities duties.
- On 15 September, the Local Policing and Confidence Committee members requested that the Force's work on "active citizenship strategy" incorporates Equality & Diversity impacts.

This different way of working means that when bringing a report to any of the Police Authority Committees, there will be an expectation for the report to make reference to any equality analysis undertaken to evidence an awareness and consideration of the impact on service users (be they police officers or staff or local communities) who are affected by the relevant decision, policies and practices.

These considerations should be clearly highlighted in the report presented to the Authority and be in line with the Human Rights Act 1998 as well as the Equality Act 2010 to evidence and demonstrate due regard of the equality duties, which are:

- a) To eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;
- b) Advance equality of opportunity between people from different groups;
- c) Foster good relations between people from different groups.

For example: Should there have been an increase in road deaths, there needs to be evidence that the data was also considered in light of the "protected characteristics" (age, ethnicity, gender etc.) in order to ensure that the recommendations are targeting the groups most affected, rather than just suggesting carrying out additional speed enforcement based on location only.

In addition, there will be an expectation that any reports from the Force will evidence that it has considered how the policies, practices or decision will impact on improving delivery of equality outcomes for communities in line with the relevant elements of the Equality Standard.

This means that the Police Authority is consciously thinking about the impact of the Human Rights Act as well as the three aims of the Equality Duty as part of the decision-making process and for these considerations to influence, where relevant, the decisions reached.

Furthermore, in early 2011 the decision was made that all the documents and papers produced by the Police Authority would use font size Ariel 12 to make it DDA (Disability Discrimination Act) compliant.

The Human Resources committee is alive to the need to scrutinise that the Equality Duty is being effected with regards to the Force's HR function and activities. As with each of the PA's committees HR has appointed a lead-member to champion equality and diversity on its behalf. The committee seeks reassurance or evidence from the Force HR directorate that full EIAs have been undertaken before moving to consider contents and initiatives put to members for approval.

The HR committee are provided with a Management Information Report at each meeting. This includes an update on application of the Equality Standard. They have received data up until end of 2010 at time of writing. HR committee has been informed that the statistical evidence as to the application of the standard in 2011, as applied to the force HR function, is in the process of being collated. HR committee will continue monitor the reporting and the application of equality standard with an expectation that its use will be significantly increasing.

The Professional Standards and Complaints Monitoring Committee (PSCMC) has recently introduced a new complaints monitoring form. From December 2011 the Complaints form will now also include questions on demographic information. As this has just been introduced, only a small number has been received to date and it would therefore be too early to comment on any findings, but the Committee will receive information on the outcomes of this in future.

The members of the PSCMC also reality check the Force's recording process and final complaint files to ensure there is a consistent, fair and professional treatment of all people entering the complaints system. The samples also seek to ensure that there is consistency across all strands of diversity and equality and in the last 2 years there has been specific dip sampling undertaken based on hate crime, with a focus on racism in particular, as well as complaints made by young people

4. Contribution of the Police Authority towards the APA (Association of Police Authorities)

In June 2011, as a result of the APA downsizing and following a request from the APA Board, it has been agreed that Devon and Cornwall will support the APA by being the key contact / co-ordinator for the APA EDHR portfolio; this also links with Mr Brian Greenslade from this Authority being the APA lead for the topic area.

The agreement with the APA is that the Devon and Cornwall Police Authority EDHR lead officer will undertake the following:

- Act as the national key contact/ co-ordinator for the APA EDHR portfolio.
- Represent the APA at relevant national EDHR meetings and provide timely meeting updates to police authorities.
- Gather, collate and distribute information and updates on relevant issues within the EDHR portfolio to police authorities and externally with stakeholders as necessary.
- Share good practice and learning with police authorities through the Equality Diversity Officer Network (EDON).
- Maintain EDON as the EDHR policy virtual network.
- Provide a single point of contact for both police authorities and stakeholders.

5. Transition work around the EDHR business area

The APA EDON (Equality & Diversity Officers' Network) met on 20 December in London where an overview was provided of the national transition projects and to discuss a piece of work that is to be developed over the next few months to help Police and Crime Commissioners (PCCs) understand their obligations towards equality, diversity and human rights.

The vision for this document is that it will address EDHR considerations in a "policing environment" and will therefore be more encompassing than "just" the Police Authority legacy for the PCC. It is envisaged that this strategic document will contain legacy information, as well as a full list of relevant statutory duties and some examples of good practice. It is intended to obtain endorsement from various bodies including the Home Office, the Government Equalities Office, EHRC and other main stakeholders. The aim is also to include the LGA (Local Government Association) within these discussions as this guidance & information will be useful to Police and Crime Panels.

The work will be undertaken by the EDON members drawing on the considerable knowledge and skills within this group and an employee from the Grimsby Institute will be assisting with this work to act as a critical friend.

The aim is to have an initial outline available for the transition conference in June 2012, which would be based on highlighted areas of risk as well as legacy issues, statutory duties and good practice examples.

6. Equality Act Specific Duty of "Publishing Information"

The Equality Act also introduces a specific duty for public authorities to publish equality information, which will help it to demonstrate their compliance with the General Equality Duty. This information must be published no later than 31 January 2012 and subsequently at least annually.

The Authority is committed to making the information it collates, the reports it considers and the plans it makes, accessible to all in a transparent way. The Authority is already publishing a wide variety of information on our website e.g. equality monitoring information, audits, employment related policies and furthermore all committee meetings are webcast and their accompanying reports (where they can be disclosed) are added onto the website. Our outcomes in relation to equality data and protected groups are particularly important. In the coming months the Authority will be creating a 'data transparency' page on the site, which will provide a single point of reference for all our data.

The Authority is also using this opportunity to consider what our information gaps are and are planning a light touch consultation at the end of February to ask our communities what other information they would like to see on our website.

We also appreciate that websites are not the only answer to making information available so when we have information of interest to those with protected characteristics we will take appropriate steps to make this more directly accessible. This may include articles in newsletters, providing copies of reports to community groups, using social media, Members talking face to face with groups/individuals (more information about this can be found in section 10) and cascading information through members of the Force's Independent Advisory Group.

7. Equality Act Specific Duty "Setting Equality Objectives"

The specific duties also require public bodies to prepare and publish one or more specific and measurable equality objectives, which will help them to further the three aims of the Equality Duty.

All public bodies subject to the specific duties must publish their first equality objectives by 6 April 2012. Subsequent objectives must be published at least every four years.

DEW members agreed at their last meeting in November 2011 to set 2 objectives – one specifically for the Police Authority to enhance the EDHR cross-cutting work and also to consider a more outward facing one linking into the Policing Plan.

8. Audits and EIAs

Although the current specific duties no longer require public authorities to prepare or publish equality impact assessments (EIAs), there is a statutory expectation that public authorities can evidence “due regard” in their decision-making and policy-creating processes. The Police Authority is of the view that audits and EIAs are integral tools in this process and provide the Authority with a mechanism to carefully consider its decisions and processes in light of our statutory duties.

Auditing (and where required Equality Impact Assessments) of new and existing policies, strategies or decisions are undertaken by a team of three Policy Officers and the Strategic Planning Officer. The Assistant Chief Executive ratifies the decisions and the results published on the Police Authority website. Strategies and documents of intent (e.g. the Police Authority’s Value for Money (VfM) Strategy 2011) include a statement stipulating that individual activities materializing as a result of the strategy must be subject to an EIA in its planning stages. The statement added to the VfM Strategy is explicit in relation to the role of the Authority in requesting EIAs from the Force prior to decision-making (or where appropriate undertaking an EIA itself). This process is strengthened by the earlier-mentioned role of the EDHR lead members in proactively requesting EIAs in Committee meetings with regards any work tabled for decision-making.

9. Training

9.1 Police Authority staff

All members of the Police Authority have been provided with Equality Act and Human Rights Act updates (including the responsibilities this entails for members) by way of the Police Authority newsletter articles and a specific briefing. Police Authority officers have been provided with an Equality Act legislative and practical training input at a recent staff meeting as well as a briefing sheet.

Furthermore, the Force’s Equality and Diversity Training (AA1) has been offered to all members and officers and training will take place on 10 January 2012.

9.2 ICVs (Independent Custody Visitors)

Every Police Authority has a statutory duty to provide an independent custody visiting scheme. Independent custody visitors are members of the local community who visit police stations unannounced to check on the treatment of detainees and the conditions in which they are held and that

their rights and entitlements are being observed. Through the ICV scheme the Authority is therefore able to monitor Force compliance to the Human Rights Act 1998. There are approximately 60 ICVs in the Authority area.

The Authority has reviewed its ICV recruitment programme in 2009 /2010 in order to make it more accessible for all members of our communities. The ICV co-ordinator has especially focused on recruiting people from our diverse communities as well as people who have a disability. As a result, the number of applicants who declare that they have a disability has consistently increased in the last 2 years.

In 2011, the Authority arranged customized Equality, Diversity and Human Rights Training for all ICVs. This included a specific focus on the Equality Act including its stronger protections for people who have a disability and the new concept of 'discrimination arising from disability', as well as focusing on what the General Duty means in practice for ICVs by looking at and discussing various scenarios that could arise during their visits to custody.

10. Consultation

In 2011 the Authority has undertaken a face to face consultation exercise in the form of a survey. The results could indicate any trends in relation to what the different groups feel should be the priority areas of spend for the policing budget. An overview of the Authority's 2011 consultation outcomes are attached at Appendix C.

The face to face consultation referred to above has been undertaken by Police Authority members and staff by attending many Force wide events such as agricultural shows, Gay Pride events, Respect Festivals and other public events during 2011, for example, the Police Authority conferences. Attendance at such events also provides an opportunity to members of our community to speak to members and officers about concerns / raise questions, as well as giving the Police Authority the opportunity to provide messages and information to community groups. Messages provided in 2011 have focused on issues such as the new 101 number, the roles and responsibilities of the Police Authority ("10 things to know about your police authority") or handing out "Stop & Search / Stop & Account" information and Z-cards.

Members and officers also attend seminars, conferences and meetings with partner agencies which again allow for community engagement and consultation. Good examples of this are the ACPO / NPIA Equality Conference on 4 March, the ACPO / Home Office Equality in Policing Conference on 8 September, the MENCAP event on 1 November and the

Hate Crime Conference on 8 December. Feedback will be provided to all members by way of the DCPA Newsletter as well as providing feedback to the DEW meeting and, where appropriate, feedback to and scrutiny of Force activities in this area.

Furthermore, in November 2011 the Authority undertook consultation, in partnership with the Force, with the Deaf community in Exeter, Torbay and Plymouth. The report of this consultation and its outcomes, is now available and will be considered by the Diversity and Equality Working Group in March 2012. Key messages as a result of the consultation include:

- 77% of those that had been a victim of an assault did not (or were unable to) report the crime to the police. In Torquay this was 90% of victims. 70% of those that had been a victim of a disabilist incident did not (or were unable to) report the incident to the police.
- 44% of respondents wanted to contact the police (in a non-emergency situation) using SMS (text from a mobile phone). This is a service the Force do not offer (although it is available for emergency contact).

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