

NORTHERN JOINT POLICE BOARD

DISABILITY DISCRIMINATION ACT 2005

DISABILITY EQUALITY SCHEME

NOVEMBER 2006

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Foreword

I have pleasure in presenting the Northern Joint Police Board's first Disability Equality Scheme. The Board shares with the Chief Constable the aim of ensuring that Northern Constabulary makes a positive contribution to the wellbeing of the Highlands and Islands through a problem solving approach to community policing and also supports the principles, policies and actions set out in Northern Constabulary's own Disability Equality Scheme. The Board recognises the potential role of these Schemes in promoting positive community engagement and excellence in community policing and will work closely with the Chief Constable in developing a collaborative approach to meeting the needs of our communities and promoting equality.

Responsibility for the organisation, management and financing of Northern Constabulary is shared between the chief constable, the board as police authority and the First Minister of the Scottish Executive. Their relationship is referred to as the tripartite system.

Northern Constabulary covers four council areas, each council providing representatives who sit on the police authority, the Northern Joint Police Board.

A police force must have the trust and confidence of the communities it serves and the public is represented in the system by the democratically elected Members, who sit on the Northern Joint Police Board in the following proportions -

Shetland Islands Council	- two Members
Orkney Islands Council	- two Members
Comhairle nan Eilean siar (Western Isles Islands Council)	- four Members
Highland Council	- sixteen Members

The Police Board has a crucial role in agreeing the broad strategies, objectives and long-term plans of Northern Constabulary. The Police Board is not responsible for police operations, which are a matter for the Chief Constable alone. However, the Board appoints the Chief Constable and Deputy Chief Constable and at any time it can require the Chief Constable to submit a report on matters connected with the policing of an area. The Board also approves the overall budget for Northern Constabulary and monitors staffing levels and performance. In providing finances to the Chief Constable to employ staff, equip and maintain the Force, the Police Board must satisfy itself that police resources are being deployed effectively.

The Convener, Members and Officers of the Board are committed to the promotion of disability equality and will, in the Board's policy development, service delivery, monitoring and scrutiny role endeavour to promote equality of opportunity and eliminate unlawful discrimination.

The Board supports Northern Constabulary in its objectives of -

- promoting equality of opportunity and positive attitudes to diversity
- making the Highlands and Islands an area that is free from unlawful discrimination and harassment.

As part of its scrutiny role, the Board will monitor Force progress in the implementation of Northern Constabulary's Disability Equality Scheme.

This Disability Equality Scheme provides an opportunity for the Northern Joint Police Board to publicly state its commitment to working with its public sector partners in the Highlands and Islands in promoting inclusive and tolerant communities and combating discrimination.

Janet Home
Convener

1 Introduction

- 1.1 The Northern Joint Police Board is committed to making equality a reality for disabled people and in writing this scheme we have used the recommendations made by the Disability Rights Commission's code of practice on 'The duty to promote disability equality'. The Board will work to reduce disadvantages, discrimination and inequalities of opportunity, and promote diversity in terms of the people we serve, our workforce, the partners we work with and the service we deliver.
- 1.2 This scheme sets out our commitment to disabled people and builds upon work which has already taken place.
- 1.3 The new Disability Discrimination Act (DDA) 2005 gives the Board what are known as 'general' and 'specific' duties to promote disability equality. Disability equality is about making things fairer for disabled people.
- 1.4 Producing a Disability Equality Scheme is one of the 'specific duties' of the new DDA 2005.
- 1.5 The general duties of the DDA 2005 are to:
- promote equality of opportunity between disabled people and other people;
 - eliminate discrimination that is unlawful under the Act;
 - eliminate the harassment of disabled people that is related to their disability;
 - promote positive attitudes towards disabled people;
 - encourage the participation by disabled people in public life; and
 - establish steps to take account of disabled person's disabilities even where that involves treating disabled persons more favourably than other persons.
- 1.6 The specific duties of the DDA 2005 are to:
- publish a Disability Equality Scheme;
 - involve disabled people in the development of the scheme; include in your scheme a statement of the way in which you have involved disabled people in the development of your scheme; the arrangements for assessing the impact of your functions on disability equality; the steps you will take towards fulfilling the requirements of the general duties (the action plan); the arrangements you have made for gathering information on delivery of your various functions; and the arrangements you have made for putting the information gathered to.

2 Involvement/Consultation

- 2.1 There is a well-established history of successful partnership working in the Highlands. In recent years this has evolved into the Highland Wellbeing Alliance, the Community Partnership covering the area. This partnership of public, private and voluntary organisations increasingly works closely together to deliver services and improve the quality of life in Highland communities. The partnership is an important mechanism for working towards a future where all people in our communities are able to participate fully and benefit significantly from the area's growing economic, social and cultural progress.

- 2.2 The Highland Wellbeing Alliance (HWBA) partners took a decision early on to work together to progress the Public Sector Duty aspects of the Disability Discrimination Act 2005 (DDA 2005). Key personnel from each of the Highland Wellbeing Alliance agencies and other strategic partners came together under the title 'Highland Wellbeing Alliance Equality and Diversity Strategy Group'. A full list of partners can be made available on request.
- 2.3 A crucial aspect of the Disability Equality Duty is the emphasis on involving disabled people in the compilation of disability equality schemes and their input in reviewing schemes, impact assessment and ongoing advice and assistance. Taking forward the partnership approach and in line with Community Scotland Community Engagement Standards, the HWBA Equality and Diversity Strategy Group jointly initiated contact with disability groups and associations. An initial request asked organisations to confirm their desire to be involved in the compilation of schemes and their preferred method of engagement. A total of 183 groups, associations and charities were contacted. These ranged from local support groups to national disability organisations. A full list of those contacted along with the initial questionnaire can be made available on request. Thirty two percent of those contacted responded positively. Further analysis of the responses demonstrated a preference for a questionnaire distributed by e-mail and post that could be routed through groups to individuals so that support was made available for completion if necessary. Some also requested focus groups/open meeting at a local venue with some preferring to be in groups of similar interests.
- 2.4 A multi-agency questionnaire was designed in line with the 10 priorities for change outlined by the DRC in 'Putting disability at the heart of public policy in Scotland – Priorities for action' asking about the views of disabled people and disability groups of life in the Highlands. These were distributed by e-mail and post to all those groups/individuals who requested this form of involvement. A copy of the full questionnaire is available on request. Analysis of this information in terms of priorities, areas of partnership working and barriers will be made available to the Board early in year 1 of the scheme.
- 2.5 Alongside the distribution of the questionnaire, an independent facilitator was contracted by the HWBA Equality and Diversity Strategy Group to progress the focus group events. These were arranged across the Highland area and were attended by partnership group representatives. The focus groups were arranged by similar interest groups and/or localities where this was requested. Analysis of the outcome of the focus groups will be available to the Board in year 1 of the scheme.

3 The Disability Equality Scheme

- 3.1 The Disability Equality Scheme is the Board's plan stating how it intends to meet its duties to promote equality.
- 3.2 In its Disability Equality Scheme, the Board is required to identify those of its functions and policies, or proposed policies, which it considers relevant to its performance. The Scheme must go on to identify the Board's arrangements for:
- Assessing and consulting on the likely impact of its proposed policies on the promotion of equality;
 - Monitoring its proposed policies for any adverse impact on the promotion of equality;
 - Publishing the results of its assessments, consultations and monitoring;
 - Ensuring public access to information and services; and

- Training staff in connection with its general and particular duties for the promotion of equality.

3.3 The assessment of functions and policies requires to be reviewed every three years. This will lead on to a review of the Scheme. As a matter of good practice, the Board also intends to review implementation of the Scheme annually.

4 Employment Monitoring

4.1 From 4 December 2006, the Board was required to have in place (and implement) arrangements for monitoring, by reference to the groups to which they belong, the numbers of:

- (i) applicants for employment, training and promotion; and
- (ii) staff
 - in post
 - receiving training
 - benefiting or suffering detriment as a result of performance assessment
 - involved in grievance procedures
 - subject to disciplinary procedures
 - ceasing employment with the Board.

4.2 The results of the monitoring detailed in 4.1 above require to be published annually. For data protection reasons those subject to disciplinary procedures or bringing grievances will not be made public. The Board will however scrutinise such information.

4.3 While the Board is in law the employer of all of the support staff of Northern Constabulary, their direction and control (including engagement and dismissal – effectively, all aspects of operational management) is delegated to the Chief Constable. Therefore, only the Chief Constable is in a position to produce the monitoring information detailed in 4.1 above. The Board will require the Chief Constable to provide and publish that information. It is satisfied that the Chief Constable has made adequate arrangements to do so in multi-equality and will monitor the implementation of these arrangements in accordance with Part 9 below.

4.4 Although the Board takes no direct part in the employment of support staff, it does consider appeals made by employees against actions of the Chief Constable on questions of discipline and grievance. It is important that the relevant procedures are drafted and applied with a view to avoiding unlawful discrimination of any kind and they should be reviewed with this in mind.

4.5 The Board appoints the Chief Constable and the Deputy Chief Constable and may be regarded as having duties as an employer in respect of these particular officers. The Clerk, Monitoring Officer and Treasurer and their respective staffs are employees of The Highland Council and will be subject to its monitoring processes.

5 The Board's Functions

5.1 The Board's functions all derive from statute and fall under five main headings. This is not an exhaustive list, but it does identify the key areas in which the Board is likely to operate during the period of this Scheme:

(i) Allocation of resources

The Board sets a budget for the force annually, provides the Chief Constable with the resources required for policing within the force area and is responsible (along with the Chief Constable) for securing best value in the use of those resources.

(ii) Appointment and conduct of senior officers

The Board, in conjunction with the Scottish Ministers, is responsible for the appointment of senior officers (Chief Constable, Deputy Chief Constable and any Assistant Chief Constables) and their conduct and removal.

(iii) Employment of support staff

The Board is the employer of support staff, but is required to delegate responsibility for their operational management to the Chief Constable.

(iv) Scrutiny

The Board is required to keep itself informed as to the manner in which the Chief Constable deals with complaints against officers of the force, and receives (and in certain circumstances may require) reports from the Chief Constable on policing matters.

(v) Miscellaneous

These include consenting to certain officer secondments, meeting certain claims in respect of the exercise of policing functions and making appointments to police appeals tribunals. The Board has ultimate responsibility for health and safety matters within the force. It has in place a scheme for independent custody visiting. It is subject to a duty to participate in community planning.

5.2 The Board has considered which of its functions are relevant to its general duty to promote equality and their relative importance in this context. These functions, along with the actions the Board intends to take (in conjunction with the Chief Constable, where appropriate) to address the issues identified, are detailed in 5.3 below.

5.3 The Board intends to address the following functions:

- **Appointments:** The Board is subject to detailed Scottish Executive guidance governing the recruitment and selection of senior officers. The pool from which those senior officers can be drawn is restricted to serving police officers of the rank of superintendent and above. The Board will, however, consult the relevant professional bodies in an effort to identify any additional measures it could take with a view to promoting equality of opportunity in its recruitment and selection practices. It would intend to do this by the end of 2007.

- **Complaints in respect of senior officers:** The Board considers its processes in relation to complaints of this kind, insofar as it has any discretion, to be fair and transparent. So far as the Board is aware, whether or not a complainer has a particular disability has never been an issue. However, it has no information as to whether people from particular groups find it more difficult than other members of the community to pursue complaints in respect of senior police officers. It will consult with minority organisations throughout the Police Board area on this matter in the course of 2007 and then consider what practicable steps it can take to address any issues identified. The Board would wish that by 2008 there will be no difference, by disability grouping, in the level of complaints against senior officers.
- **Other complaints:** In carrying out its scrutiny function in relation to complaints dealt with by the Chief Constable, the Board will obtain from the Chief Constable and consider information regarding the groups to which complainers belong. This information will be provided to the Board's Complaints Study Group with effect from 2008.
- **Scrutiny:** In carrying out its general scrutiny function in relation to resource allocation and policing performance, the Board will seek from the Chief Constable the appropriate information to demonstrate that equality is at the centre of the Force's approach to best value.
- **Custody visiting:** The Board operates a scheme for the visiting of police custody areas by independent volunteer members of the community. The Scheme is operated in accordance with Scottish Executive guidelines published in July 2004 and with the Board's own specific local guidelines, and with support and advice from the Independent Custody Visiting Association. The guidelines regulating this scheme are reviewed periodically in the light of operational experience and such review should include consideration of any further action that might practicably be taken to promote equality, particularly in the recruitment and selection of visitors. By 2008 the Board will seek to ensure that Custody Visitors are fully representative of the community they serve.

6 The Board's Policies

- 6.1 The Board regulates its meetings, delegations and other aspects of its internal administration by means of standing orders relating to the conduct of meetings, a scheme of delegation, financial regulations, standing orders relating to contracts and *ad hoc* decisions. In addition, it endorses certain policies and procedures put forward by the Chief Constable. For the purposes of this scheme, all of these are considered to be the Board's policies.
- 6.2 The Board has considered which of its policies are relevant to its general duty to promote equality and their relative importance in this context. These policies, along with the actions the Board intends to take (in conjunction with the Chief Constable, where appropriate) to address the issues identified, are detailed in 6.3 below.
- 6.3 The Board intends to address the following policies:
- **Appeals:** As indicated above, the Board is responsible for hearing appeals brought by support staff on questions of discipline and grievance. It is important that the relevant procedures are drafted and applied with a view to avoiding unlawful discrimination of any kind and they should be reviewed with this in mind.

- **Procurement:** The Board believes that those of its Standing Orders relating to contracts are applied in a fair and transparent manner to all interested parties and are in no sense inherently unfair. They will however be reviewed as part of the current review of Standing Orders. The review will consider ways in which they might be improved with a view to promoting equality of opportunity.

6.4 The Board is required to have and identify arrangements for assessing and consulting on the likely impact of its proposed policies on the promotion of disability equality. The Board recognises that the steps required in respect of each policy will vary depending on the nature of the policy and the surrounding circumstances. From the introduction of this Scheme, the Board will require that all reports presented to it proposing policies that have any significant relevance to disability equality include details of:

- An assessment of the impact of the proposed policy on disability equality;
- Any consultation carried out in conjunction with that assessment;
- Any action (including monitoring, where appropriate) proposed in consequence of that assessment and consultation.

The Board will consider these matters in reaching its decision on the proposed policy.

6.5 The Board is required to have and identify arrangements for monitoring its policies for any adverse impact on equality. The Board has identified in this Part of the Scheme the action it intends to take to address any disability equality issues that may arise from its existing and proposed policies - the effect this is having will be subject to regular scrutiny as part of the annual review process described in Part 9 below.

7 Publicity

7.1 The Board is required to identify the arrangements it will make to publish the results of any assessments, consultations and monitoring it carries out to establish whether its policies have any impact on disability equality.

7.2 The Board is bound by and complies with the requirements of the Local Government (Scotland) Act in respect of access to information. Anything that might reasonably be regarded as a policy will be the subject of a public report to the Board, as will the results of any monitoring of the impact of policies. As part of the annual review process described in Part 10 below, the Board will consider whether further publicity (including publicity in relation to the Scheme itself - see 7.5 below) is required.

7.3 The Board is also required to identify the arrangements it will make for ensuring public access to information and services it provides. The Board does not provide services directly to the public (and has no real discretion as to the services it does provide), although it does receive and consider complaints regarding the conduct of senior officers of Northern Constabulary. The Scottish Executive produces a leaflet (in several languages) advising members of the public how they might complain about the police and the Board will ensure (insofar as they are available) that it has copies of these leaflets in the main languages spoken in the force area. At present, the Board has no information as to the level of awareness of its role among the various communities in the force area: the Board will consult with minority organisations throughout the Police Board area and consider in the light of that consultation what action it requires to take to develop public awareness.

- 7.4 With regard to the information and services provided by Northern Constabulary, the Board has considered the arrangements put forward by the Chief Constable in his equality scheme and is satisfied with them. It will monitor the implementation of those arrangements in accordance with Part 9 below.
- 7.5 The Scheme will be published and circulated to all members and officers of the Board. Copies will be available from the Clerk, Northern Joint Police Board, Highland Council, Glenurquhart Road, Inverness IV3 5NX. The Board will publish the Scheme on its website and it will be available at public libraries across the Northern Constabulary area. This will allow for feedback and comment as part of the ongoing review of the Scheme. In addition, it will be placed on the Northern Constabulary web site and circulated to the constituent authorities for distribution as appropriate. Translations will be made available by arrangement.

8 Training

- 8.1 The Board is required to have and identify arrangements for training its staff in relation to its duties to promote equality. The Board is committed to ensuring that the support staff of Northern Constabulary receive adequate training in these areas and will require the Chief Constable to ensure that this happens: it is satisfied that the Chief Constable has made the necessary arrangements in his Disability Equality Scheme and will monitor their implementation in accordance with Part 9 below.
- 8.2 As indicated above, the Clerk, Monitoring Officer and Treasurer and their respective staff are employees of The Highland Council and it will be that Council's responsibility to ensure that they receive the appropriate training. The Board will ensure appropriate training for the Chief Constable and Deputy Chief Constable.
- 8.3 The Board considers it important that its own members receive training in its obligations with regard to disability equality. It will endeavour to ensure that its current members are aware of these obligations as part of the process of making the Scheme and will include appropriate training as part of the induction process for the Board appointed in May 2007 and its successors.

9 Northern Constabulary Disability Equality Scheme

- 9.1 The Board has considered the disability equality scheme produced by the Chief Constable and is satisfied that it provides an adequate framework for addressing the Chief Constable's duties to promote disability equality. The Board recognises that it has a strategic role to play in supporting the implementation of the scheme and monitoring Force progress.
- 9.2 The Board will monitor the Chief Constable's implementation of his scheme by receiving and considering regular reports. These will be submitted to the Board and will identify problems and examples of good practice, with a full report (containing all of the performance information to be produced for the preceding year in accordance with the scheme) being presented to the Board annually. The format, content and frequency of reporting will be reviewed annually (as part of the overall review of both schemes) in consultation with the Chief Constable.
- 9.3 The Chief Constable and his staff will also work with the Board to ensure that the Board's statutory obligations to give due regard to the needs of disabled people are met.

10 Duration and Review

- 10.1 This Scheme is intended to cover the period from 4 December 2006 to 3 December 2009 and will be subject to review at the end of that period.
- 10.2 The Scheme will also be reviewed annually (around the anniversary of its introduction) in consultation with the Chief Constable. This review will take account of any comments received from individuals or organisations in relation to the Scheme, as well as the Board's experience of participation in the community planning process and consultation with such representative bodies as the Board considers appropriate.

11 Customer Survey

- 11.1 We will survey opinion on the Board's services and functions and use this information to inform our impact assessment and action plan.

12 Impact Assessment

- 12.1 An impact assessment is a method by which organisations can examine their activities and services to ensure there is no potential for discrimination against a particular group, for example, disabled people.
- 12.2 The aim of impact assessment is to examine policies and practice in a structured way to make sure that disproportionately adverse effects on particular groups are avoided. It is also a tool to enable organisations to assess what positive action they can take to promote equality of opportunity and to anticipate the requirements of all of their service users and staff. Positive outcomes of interventions to address inequalities should also be measured.
- 12.3 In taking forward our disability equality scheme, we will develop a prioritised Plan for Impact Assessment of the Board's functions, policies and procedures, to assess whether these may disadvantage disabled people and how a more positive impact can be engendered. Recommendations flowing from this impact assessment will be reflected in future reviews of our action plan.

13 Action Plan

- 13.1 Progress on the action plan (Appendix 1) will be reviewed and reported annually.

14 Management of the Scheme

- 14.1 The Clerk to the Board will be responsible for the overall implementation and monitoring of the scheme and will review the scheme on an annual basis. If required the action plan following from the impact assessment will be adjusted.
- 14.2 An annual review of progress and the delivery of the action plan will be published. This will include performance indicators on our progress in implementing the action plan. In line with the DDA, a more formal three year review will take place in December 2009, with the involvement of disabled people to evaluate the Board's work against the goals set in the action plan. Particular focus will be placed on whether the priorities are still

relevant and appropriate, how successfully disabled people were involved, the way information was gathered and used and the process for carrying out Impact Assessment.

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NORTHERN JOINT POLICE BOARD
DISABILITY EQUALITY SCHEME ACTION PLAN

	What we will do:	When we will do it:	
		2007	2008
The Disability Equality Scheme	Review The Board intends to review the Scheme annually.	November 2007	
Impact Assessment	Plan The Board will develop a prioritised Plan for Impact Assessment of its functions, policies and procedures.	By June 2007	
Employment Monitoring	<p>Employment Monitoring Employment monitoring results will be published annually.</p> <p>Support Staff Although the Board takes no direct part in the employment of support staff, it does consider appeals made by employees against actions of the Chief Constable on questions of discipline and grievance. The relevant procedures will be reviewed to ensure that procedures are drafted and applied with a view to avoiding unlawful discrimination of any kind.</p>	<p>November 2007</p> <p>By June 2007</p>	
The Board's Functions	<p>Appointments The Board will consult the relevant professional bodies to identify any measures it could take to promote equality of opportunity in its recruitment and selection practices.</p> <p>Complaints in respect of senior officers The Board considers its processes in relation to complaints of this kind, insofar as it has any discretion, to be fair and transparent. The Board will consult with representative organisations throughout the Police Board area on this matter and consider what practicable steps it can take to address any issues identified. The Board would wish that by 2008 there will be no difference, by disability, in the level of complaints against senior officers.</p>	By November 2007	By June 2008

	What we will do:	When we will do it:	
		2007	2008
	<p>Other complaints In carrying out its scrutiny function in relation to complaints dealt with by the Chief Constable, the Board will obtain from the Chief Constable and consider information regarding the groups to which complainers belong. This information will be provided to the Board's Complaints Study Group with effect from 2008.</p> <p>Independent Custody Visiting The Board operates a scheme for the visiting of police custody areas by independent volunteer members of the community. The guidelines regulating this Scheme will require to be reviewed in the light of operational experience and this review should include consideration of any further action that might practicably be taken to promote equality, particularly in the recruitment and selection of visitors.</p>		<p>By January 2008</p> <p>By January 2008</p>
The Board's Policies	<p>Procurement The Board believes that its Standing Orders Relating to Contracts are applied in a fair and transparent manner to all interested parties and are in no sense inherently unfair. They will however be reviewed as part of the current review of Standing Orders.</p>	By June 2007	
	<p>Policies The Board will require that all reports presented to it proposing policies that have any significant relevance to equality include details of:</p> <ul style="list-style-type: none"> • An assessment of the impact of the proposed policy on equality; • Any consultation carried out in conjunction with that assessment; • Any action (including monitoring, where appropriate) proposed in consequence of that assessment and consultation. <p>The Board will consider such matters in reaching its decision on the proposed policy.</p>	Ongoing	

	What we will do:	When we will do it:	
		2007	2008
Publicity	Consultation The Board will consult with representative organisations throughout the Police Board area on its public profile and its Scheme after the local government elections in May 2007 and consider in the light of that consultation what action it requires to take to develop public awareness.	By November 2007	
	Distribution The Scheme will be published and circulated to all members and officers of the Board. Copies will be available from the Clerk, Northern Joint Police Board, Highland Council, Glenurquhart Road, Inverness IV3 5NX. The Board will publish the Scheme on its website and it will be available at public libraries across the Northern Constabulary area. This will allow for feedback and comment as part of the ongoing review of the Scheme. In addition, it will be placed on the Northern Constabulary web site and circulated to the constituent authorities for distribution as appropriate. Translations will be made available by arrangement.	By March 2007	
Training	Training The Board will ensure that its current members are aware of the Board's obligations in respect of the Scheme and will include appropriate training as part of the induction process for the Board appointed in May 2007 and its successors. Training will be arranged for the Chief Constable, the Deputy Chief Constable and the Assistant Chief Constables.	By September 2007	
Northern Constabulary Disability Equality Scheme	Review The Board will monitor the Chief Constable's implementation of his scheme by receiving and considering regular reports. These will be submitted regularly to the Board. The format, content and frequency of reporting will be reviewed annually (as part of the overall review of both schemes) in consultation with the Chief Constable.	November 2007	

November 2006