

NORTHERN JOINT POLICE BOARD

18 JANUARY 2008

Agenda Item	
Report No	

EQUALITIES DUTIES DISABILITY EQUALITY SCHEME – ANNUAL PROGRESS REPORT 2007

Report by the Clerk

Summary

This Report updates Members on progress on the Board's various Equalities Schemes, incorporating in particular its 2007 annual report on meeting its Disability Equality Duty.

Background

1. As required by legislation, the Board has in place a Race Equality Scheme (Race Relations (Amendment) Act 2000, published 30 November 2002, formally adopted by the Board 28 November 2002); a Disability Equality Scheme (Disability Discrimination Act 2005; published 4 December 2006; formally adopted 19 January 2007) and a Gender Equality Scheme (Equality Act 2006; published 29 June 2007; formally adopted 15 June 2007).
2. The Board has an obligation to report regularly on progress on these various schemes. The Equality and Human Rights Commission wrote recently to the Board seeking a copy of its first annual report for the period to 4 December 2007 on progress towards meeting its commitments under its Disability Equality Scheme (DES). The Commission has been advised that a report is being submitted to this meeting of the Board and that the opportunity is also being taken to provide an overview of progress on all three Schemes.

General introduction

3. The Board has made a commitment in relation to its various Equalities Schemes to "develop a prioritised Plan for Impact Assessment of its functions, policies and procedures". In a sense, preparation of each of the Schemes in itself provided the first stage in this process, in that each made an initial analysis of the Board's functions, in order to try to identify those where the Board itself - in terms of its elected Members and the Clerk's and Treasurer's staff - is directly responsible for carrying out its functions, in contrast to those areas where the Board has a scrutiny role in relation to those functions and activities which are the responsibility of the Chief Constable, either by law or under the Board's Scheme of Delegation.
4. This initial analysis has been revisited to confirm whether all relevant areas of activity have been identified and whether – given the current reporting requirements – the activities identified and targets set in the Board's first DES Action Plan in particular were valid and comprehensive. The Board's existing documents relating to policies and/or procedures in relation to its various identified functions have been examined with a view to eliminating any potential barriers and to ensuring that they embody the necessary commitment to the Board's obligations. In most cases, the procedures used by the Board have been either set

nationally, based on national guidelines, or established following consultation with other police authorities/joint boards. Where these procedures have an external origin, assurances have been sought or are being sought that they have been subject to equality impact assessment at that original stage.

5. The Board's "direct" functions for the purposes of the Equalities Duties have been identified as:
 - Appointment of Chief Officers
 - Dealing with complaints against Chief Officers
 - Keeping itself informed as to how Northern Constabulary handles complaints against the force generally
 - Dealing with complaints against the Board itself
 - Management of the Board's Independent Custody Visiting Scheme
 - Staff Appeals
6. As the body with formal legal capacity, the Board, rather than the Constabulary, is legally the body which enters into all contracts - although the Procurement function is in general delegated to the Chief Constable - and is, legally, the employer of all Northern Constabulary Support Staff, although Section 9 of the Police (Scotland) Act 1967, as amended by the Police and Magistrates' Courts Act 1994, requires that support staff employed by a Police Authority be placed "*under the direction and control of the Chief Constable*". The Board's formal legal status does, however, mean that it has a particular responsibility to ensure that the Constabulary's Employment and Procurement policies and procedures meet equalities requirements.
7. As the body that sets the annual budget available to the Chief Constable and receives the external auditor's annual report, the Board also has a particular responsibility to scrutinise the Constabulary's financial performance, as well as having a general scrutiny role in relation to all other areas of Constabulary performance.
8. It is acknowledged that, given its limited direct staffing resources, the Board has relied largely on the research and consultation processes carried out by Northern Constabulary and by the Board's constituent local authorities in relation to the requirement to consult with representative bodies, such as disability interest groups. The Board as a result has access to a register of such interest groups and to the consultation data compiled by these various partners. Discussions are ongoing with a view to ensuring that their processes can incorporate collection of any specialist data helpful to the Board.

Board Functions

9. **Appointment of Chief Officers** The Board's role in this area is set within a framework of national requirements. Eligibility criteria are set nationally. All applicants are assessed by Her Majesty's Chief Inspector of Constabulary and the Board's short-list for interview, and eventual proposed appointment, have to be approved by the Scottish Government. The basic procedures to be followed in the appointment process are set out in national guidelines. Revised guidelines were issued by the Scottish Government in November 2007. These contain a paragraph drawing attention to various pieces of recent equalities legislation and stating that "*candidates and appointees must not be treated less favourably on the grounds of the attribute that the piece of legislation deals with, such as disability, gender, age etc*". When a chief officer position next requires to be filled, the

Board will appoint a Chief Officer Appointments Sub-Committee, whose Members will receive training in recruitment processes, including equalities and diversity issues.

10. As the Board is the employer of Northern Constabulary's Chief Officers, the initial DES Action Plan acknowledged the need that the Board ensure that the Chief Constable and Deputy Chief Constable receive appropriate training in equalities and diversity issues. It has been confirmed that they have both received such training and, indeed, that the Chief Constable is the portfolio holder for the ACPOS Diversity Business Area.
11. **Complaints** The Board's role in relation to complaints against Chief Officers was previously limited to complaints falling under the Police (Conduct) (Senior Officers) (Scotland) Regulations 1999, i.e. complaints alleging misconduct as defined in those Regulations. Reference to the role of police authorities in such complaints is made in the information leaflet "Complaints About the Police" issued by the then Scottish Executive. Following the creation of the new position of Police Complaints Commissioner for Scotland, established under the Police, Public Order and Criminal Justice (Scotland) Act 2006, the Board now has a responsibility to report to the Commissioner on all types of complaint received by the Board, including complaints against Chief Officers not falling under the 1999 Regulations, and complaints against the Board itself. A report elsewhere on this agenda recommends the appointment of an ad hoc Complaints Sub-Committee to deal with complaints falling under these latter 2 categories. In addition, the existing Complaints Working Group will continue to give initial consideration to complaints falling under the 1999 Regulations and will continue to receive reports from the Deputy Chief Constable on the Constabulary's handling of complaints against the force generally.
12. The Board will diversity monitor those complaints it receives that fall to be dealt with by the Board and will record relevant information provided in the register of complaints. The Board's initial DES Action Plan set a target that diversity information on complaints dealt with by the Chief Constable would be available to the Complaints Working Group from 2008 and discussions are ongoing as to the most satisfactory method of achieving this. The Board will also ensure that during 2008 Board Members, in particular those dealing with complaints matters, receive appropriate equalities and diversity training.
13. **Independent Custody Visiting Scheme** The Board's Independent Custody Visiting Scheme is clearly an area where the Board interfaces directly with members of the public. Under the scheme the Board recruits and manages a team of independent volunteer observers who, on behalf of the local community, check on conditions in police cells and the welfare of people detained in police custody.
14. The Board's own Scheme Guidelines have been in place since 2000, with some amendments. They were drafted in close collaboration with the Independent Custody Visiting Association (ICVA), a voluntary organisation that promotes custody visiting nationally, on the basis of best practice as identified by ICVA after more than 15 years' experience of such schemes in England and Wales. The Scottish Executive issued Independent Custody Visiting National Standards in 2004.
15. The principles of equality of treatment and respect for diversity are embedded in the fundamental ethos of the Independent Custody Visiting (ICV) process and this is reflected in the Board's guidelines and in the National Standards. However, both documents have been examined, together with other paperwork used by the Board. The Board's ICV application form previously contained a question asking whether the candidate was

disabled. This has been removed and replaced by the inclusion with the application form of a comprehensive Equal Opportunities Monitoring Form covering ethnic origin, disability and gender. The Constabulary has supplied on request a list of those custody suites that are wheelchair accessible and this information is therefore now available when deploying any visitors with mobility difficulties.

16. Whilst numbers and the make-up of the team of volunteers has fluctuated over the years, the Board currently has 11 Independent Custody Visitors, comprising 5 women and 6 men (at times in the past women have out-numbered men.). Of the 11, 7 are of white Scottish origin, 3 of white other British origin and 1 of Pakistani origin. One member of the team is registered as disabled. All Visitors have been asked to make particular note on their visit report forms of any equalities-related issues they may encounter during the visit process. Visitors are able to call on the Northern Constabulary's interpretation service should they wish to interview someone in custody unable to speak English.
17. In relation to race equality issues, the Board is aware that the largest minority community in the Highlands is now the Polish community and efforts have been made to target this group through writing to one of its recognised main contacts, seeking consultation on how best to promote awareness of the ICV scheme within that community. A reply is awaited and consideration will be given to whether additional focussed targeting is required. Again, the Board has access to the registers of interest groups drawn up by the Constabulary and by the local authority.
18. The induction training for all IC Visitors includes an introductory element relevant to equalities and diversity issues, emphasising, for example the importance of equality of treatment and of such attributes as being respectful and non-judgmental. ICVA has a further training module, tailored to the ICV process, that looks in greater depth at diversity and cultural issues. Some of the current team, who have been in place for some time, have received this training, delivered by an external consultant under the umbrella of ICVA. The most cost-effective means of delivering this training in 2008 to those who did not receive it previously – and of providing refresher training to those who did – is currently being explored. This may again be by the same consultant, or, copyright issues permitting, by a more local training provider. The position should be clearer following the attendance of the Scheme Administrator at an ICVA training course for Scheme Administrators at the end of January 2008.
19. The Board has established an Independent Custody Visiting Sub-Committee to appoint Visitors and to consider any matters arising from ICV reports. The Board will ensure that during 2008 its Members receive appropriate training on recruitment and on equalities and diversity issues.
20. **Staff Appeals** The Board has appointed two support Staff Appeals Sub-Committees: a Grievance Appeals Sub-Committee and a Discipline Appeals Sub-Committee. The Board's Appeals Procedures have been examined with a view to eliminating any potential barriers and to ensuring they are not discriminatory. The Board will ensure that during 2008 its Members receive appropriate training, including on equalities and diversity issues. The Clerk to the Board is also the Registrar to any Police Appeals Tribunal the Board is required to appoint and convene. The Board will ensure that, when holding any appeal hearing, all necessary arrangements are made in terms of timing, location, room layout, assistance, etc, to accommodate the needs of any participant with disabilities.

21. **Procurement** The DES Action Plan drew attention to the then current review of the Board's Standing Orders Relating to Contracts. It is confirmed that the revised Standing Orders contain reference to the need to adhere to all recent equalities legislation in the procurement process, including the Disability Discrimination Act. In addition, the Board's Standard Terms and Conditions of Contract have been amended to reflect the current legislation requirements.
22. **Scrutiny Function** The Northern Constabulary 2007 Annual Report on progress towards meeting the Disability Equality Duty is being reported to the Board at the January 2008 meeting. The Board is also being invited at that meeting to appoint Members to sit on Northern Constabulary's Diversity Progress Group. Certain targets in the DES Action Plan were considered on reflection to fall rather to Northern Constabulary: those relating to the annual publication of employment monitoring results and also consultation with professional bodies to identify any measures that could be taken to promote equality of opportunity in recruitment and selection practices. It has been confirmed that both are in hand on an ongoing basis.

Action Plan

23. **Member Training** The above paragraphs contain a number of references to Member Training. The DES Action Plan stated that the Board would ensure that its Members were aware of the Board's obligations in respect of the Scheme and would include appropriate training as part of the induction process for the Board appointed in May 2007 and its successors. The target date was September 2007. Whilst the fact of the Board's Equalities Schemes and associated responsibilities has been drawn to the attention of Members within that timescale, it is acknowledged that the Board has not yet provided in-depth training on equalities and diversity issues. Discussions are in hand with the Highland Council's Training Unit and with Northern Constabulary training staff on the most suitable training delivery for the particular requirements of all Board Members.
24. **Distribution and Publicity** The DES Action Plan stated that the Board would publish the Scheme on its website and that it would be available at public libraries across the Northern Constabulary area. This was completed by July 2007 rather than by the target date of March 2007. It was also stated that the Scheme would be placed on the Northern Constabulary website. Instead, a direct link to the Board's webpage within the Highland Council site has been placed on the Links page of the Northern Constabulary website. This should assist in securing access to information on the Board generally, as the Constabulary's site could be the first point of enquiry for anyone interested in police authority information; although use of a web search engine should direct a user to the relevant page on the Highland Council site. Contact has also been made with the Islands authorities with a view to creating similar links on their websites. The Board's web page on the Highland Council site will be reviewed in the course of 2008 with a view to making it more accessible and user-friendly for all.

25. **Equality Impact Assessment** While the actions taken by the Board to date in relation to its functions may not constitute full equality impact assessments, the Board's commitment to these issues is sincere and, despite the limited staffing resources available, the Board can claim genuine progress on a range of matters. To assist the Board in continuing this progress and in identifying and taking forward future improvements, arrangements are in hand for all staff in the Clerk's office to receive formal training in the equality impact assessment process in 2008.
26. A revised Action Plan is appended (all annotations/additions in italics).

Recommendation

The Board is asked to note the contents of this report and to approve the revised Action Plan.

Signature

Designation Clerk

Date 14 January 2008

Author Mrs R Moir, Assistant Clerk

NORTHERN JOINT POLICE BOARD

DISABILITY EQUALITY SCHEME ACTION PLAN 2008*

	What we will do	Comment:	When we will do it:	
			2007	2008
The Disability Equality Scheme	Review The Board will review the Scheme annually.	<i>Report to Board January 2008</i>	November 2007	<i>November 2008</i>
Impact Assessment	<p>Plan The Board will develop a prioritised Plan for Equality Impact Assessment of its functions, policies and procedures.</p> <p><i>The Board will ensure that the Clerk's staff receive formal Equality Impact Assessment training. Thereafter an analysis will made of further Assessment requirements.</i></p>	<i>Relevant functions, policies and procedures identified and reviewed.</i>	By June 2007	<i>By November 2008</i>
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><i>Action for Northern Constabulary</i></p> <p><i>Completed</i></p>	<p>November 2007</p> <p>By June 2007</p>	
The Board's Functions	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.	<i>Action for Northern Constabulary</i>	By November 2007	
	<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.</p> <p><i>The Board will ensure diversity monitoring of complaints received, where available information permits</i></p>	<i>Appropriate consultation options under discussion with Northern Constabulary to identify levels of public awareness of processes.</i>		<p>By June 2008</p> <p><i>Ongoing</i></p>

	What we will do	Comment:	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 required to promote equality, particularly in the recruitment and selection of visitors.</p> <p><i>The Board will ensure that all Independent Custody Visitors receive initial/refresher specialist training on equalities and diversity issues</i></p>	<p><i>Reporting format under discussion</i></p> <p><i>Guidelines reviewed</i></p> <p><i>Publicity/recruitment methods under review</i></p>		<p>By January 2008</p> <p><i>By March 2008</i></p> <p>By January 2008</p> <p><i>Ongoing</i></p> <p><i>By November 2008</i></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> <p><i>The Board will obtain from the Chief Constable evidence that the operation of the procurement function is in accordance with equalities principles.</i></p>	<p><i>Review completed and reference to equalities legislation obligations included</i></p>	By June 2007	<p><i>By November 2008</i></p>

	What we will do	Comment:	When we will do it:	
			2007	2008
	<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	Ongoing
Publicity	<p>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.</p> <p><i>The Board will review its website.</i></p>	<p><i>Appropriate consultation options under discussion with Northern Constabulary to help identify levels of public awareness of the Board.</i></p>	By November 2007	<p><i>By June 2008</i></p> <p><i>By June 2008</i></p>
	<p>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.</p> <p><i>The Board will investigate the creation of web links from the websites of all Constituent Authorities.</i></p>	<p><i>On Board web page and in libraries by July 2007. Also link established from Northern Constabulary website to Board web page</i></p>	By March 2007	<p><i>By June 2008</i></p>

	What we will do	Comment:	When we will do it:	
			2007	2008
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.	<i>Initial "awareness" information provided. Discussions on delivery of full specialist training on Equality and Diversity still in hand Done</i>	By September 2007	<i>By November 2008</i>
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.	<i>Chief Constable's Annual Report on his scheme being submitted to the Board January 2008</i>	November 2007	<i>November 2008</i>

January 2008

**All annotations/additions to the 2007 Action Plan shown in italics*