

# THE REVIEW OF POLICING

BY SIR RONNIE FLANAGAN

## EQUALITY IMPACT ASSESSMENT REPORT

February 2008



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## Introduction/Background

On the request of Sir Ronnie Flanagan an Equality Impact Assessment Group (EIAG) was established to work with the review team to ensure that an Equality Impact Assessment (EIA) was carried out and also to make sure that equality was mainstreamed throughout the whole review process. An EIA was a prerequisite to enable us to systematically and thoroughly assess and consult on the effects that a proposed review was likely to have on people, depending on their racial group, gender, sexuality etc. It is important that the review's recommendations secure the support of all stakeholders and communities in England and Wales and the EIA team took into account the seven strands of diversity; Age, Disability, Faith, Gender, Race, Sexual Orientation and Transgender in conducting this piece of work.

## Legal framework

The Review of Policing will have a significant impact on people in a variety of ways and the EIA team have ensured that all the relevant legislation has been taken into account when conducting this report. There is a legal obligation to screen all policies and services for relevance to Race, Disability and Gender and policies that are relevant to any of the above mentioned strands of diversity must be fully impact assessed for any potential adverse impact under the statutory duties of the Race Relations Amendment Act 2000, Disability Discrimination Amendment Act 2005 and the Sex Discrimination Act 1975 as amended by the Equality Act 2006. As this was an independent review, Sir Ronnie Flanagan requested that a voluntary EIA be conducted in line with anti discrimination legislation.

Other statutory responsibilities that were also considered:

- Employment Equality (Sexual Orientation) Regulations 2003
- Employment Equality (Religion & Belief) Regulations 2003
- Human Rights Act 1998
- The Employment Equality (Age) Regulations 2006

## Methodology

The methodology will focus on how the EIAG took forward the EIA. The EIA team aimed to address equality issues as they arose by attending and participating in meetings on the four work stream groups as well as the reference groups. The EIA team also carried out their own consultations with key internal and external stakeholders to examine any key issues in relation to equality and diversity.

The aim was to examine each area specifically with regards to equality and diversity and outline measures to mitigate disproportionate or adverse impact in the form of focused recommendations. The positive opportunities that the review created would also be addressed and key areas to improve equality and diversity highlighted within the findings.

The final EIA report would be published parallel to Sir Ronnie Flanagan's Review in February 2008.

## Mainstreaming the EIA

Equality and diversity was mainstreamed throughout the whole review process. The EIAG, consisted of key stakeholders involved within the EIA process, such as the Association of Police Authorities (APA), National Policing Improvement Agency (NPIA), Home Office and Association of Chief Police Officers (ACPO). Members of this group were involved in the overall decision making process and acted as the project board.

It was also decided that there would be an EIA team member working closely with each of the four work stream groups and designated leads to constructively highlight any key issues that may have an adverse impact on minority groups and provide realistic measures to mitigate disproportionate impact. This was achieved by ensuring that the EIA team members took part in all main meetings and was also part of the Review Secretariat, therefore mainstreaming equality into the review process.

The EIA team members also attended all of the following reference groups:

- Police Authorities Reference Group
- Police Service Reference Group
- Police Practitioners Group
- Government Reference Group

## Data Collection

The collection of data for the policing review EIA consisted of both quantitative and qualitative data. Some of the sources included:

- Consultations:
  - External Consultation
  - Internal Consultation
- Data from workshops on the four work stream areas
- Statistical Data (Home Office Sources)
- Focus groups and Interviews

This list is not exhaustive

## Approach to Consultation/Stakeholder Identification

Despite the tight timescales the EIA team aimed to conduct significant engagement with internal and external stakeholders. The starting point for stakeholder engagement was firstly to identify who the stakeholders were, how they would be affected by the review and the most suitable way to engage with them. The aim of using the methods outlined was to involve stakeholders in the development of the EIA of the review to reduce risk of it being received negatively and also to:

- Increase transparency of the EIA development process
- Focus and understand the needs of the internal and external stakeholders
- Ensure that anyone who is likely to be affected by the review both internally and externally have the opportunity to express their views, concerns and suggestions.

## Internal Consultations

Internal consultations were also carried out with number of key statutory and staff support associations. This included, but not limited to, Police Federation, Superintendents Association, Unison, National Black Police Association (NBPA), British Association of Women in Policing (BAWP), National Association of Muslim Police (NAMPP) and the Gay Police Association (GPA). Other organisations that were also consulted included Association of Chief Police Officers (ACPO), Association of Police Authorities (APA), National Policing Improvement Agency (NPIA), Her Majesty's Inspectorate of Constabulary (HMIC) and Home Office.

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## External Stakeholder Consultation

The EIA team held an event on 31 July 2007, which involved inviting a number of key stakeholders that had a good understanding of equality and its importance to the policing landscape. The stakeholders consisted of 62 individuals and organisations that were able to assist the team in highlighting key areas of concerns with regards to the four main work streams and how they impacted on the different strands of diversity.

The EIA team ensured that the consultation had a clear purpose; there was prompt analysis of the results and these were communicated to those involved in the form of an Information Gathered Report and a clear explanation of how the consultation would inform future decision making. This assisted the overall review team in improving the development of the final findings of the EIA report.

The event was structured so that workshops were established covering the work streams; Reducing Bureaucracy, Neighbourhood Policing, Local Accountability and Managing Resources. The focus was on gaining feedback from the stakeholders as to their concerns with each work stream, specifically with regard to the seven stands of diversity.

Outlined below is a sample of some of the External stakeholders that were engaged:

- Commission for Racial Equality
- Stephen Lawrence Charitable Trust
- Peace Alliance
- Independent Police Complaints Commission
- Equality & Human Rights Commission
- Muslim Council of Britain
- National Travellers Action Group
- Stonewall
- A:Gender
- Liberty

This list is not exhaustive (Full list Appendix A)

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## Outcome of Internal and External Consultations

- The concerns and views of internal and external stakeholders heard and noted
- Valuable information collated in relation to adverse and positive impact that could take place as a result of Review taking place on these specific areas and the recommendations being implemented
- Reducing Bureaucracy and Managing resources were amalgamated into one workshop
- Information Gathered Report

## Testing of Disproportionate or Adverse Impact – Identified by Internal and External Consultations

The following issues needed to be considered to ensure that our statutory and moral responsibilities, covering all the strands were met:

- Whether the analysis of the qualitative data relating to the Review of Policing has any potential for differential or adverse impact on the four work stream areas.
  - The proposed Review with the outlined recommendations could have both positive and negative implications for minority groups and these would need to be balanced before reaching a decision about the likely overall effect of the review
  - Would the findings and recommendations lead to unlawful direct or indirect discrimination.
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## REDUCING BUREAUCRACY & MANAGING RESOURCES

1. Risk identified if discretion is increased for officers, this may be received negatively as it could have an impact on accountability. There are no boundaries or guidelines with regards to discretion, officers need to be held accountable and the public need to see that sanctions are being used against officers that operate outside of these boundaries.
  2. Possible risk that the review could focus on the bureaucratic forms and not look into the disproportionality against black males that bureaucracy creates. There is also a possible risk that trust and confidence of these communities could deteriorate further if nothing is done with the data that is collected.
  3. Potential adverse impact highlighted if stop and account encounters with the public are not recorded. If discretion is used it may increase the current situation of staff recording as a precaution against a complaint. (more information in stop and account section).
  4. Concerns raised by representatives of Romany Gypsy and Gypsy Travellers, as they are not captured on data in relation to ethnicity monitoring such as racial incidents against this group as invariably on the form they put themselves down as white English, so any incidents against them are lost in this data.
  5. Concern that there is a concentration on the numbers associated with STOPS information and not enough on encounter between the officers and communities, these relationships are becoming submerged under the completion of the forms.
  6. Potential adverse impact if there is not more work done in relation to finding out what the perception is of the public and what they feel is needed. This engagement would increase public confidence.
  7. Risk identified that police paperwork has also had an impact on policing communities. The encounter form, for example, is a requirement when conducting stop and search/account on the street. This is an over-complicated form and impacts disproportionately on those communities more likely to be stopped by police (young Asian and black males for example).
  8. Potential adverse impact was identified by the communities represented in relation to the quality of the encounter between the officer and community member. There is currently too much emphasis on checking boxes, maintaining statistics and more time should be spent on supervising the interface between the police and the public, but this won't happen without strategic influence by Home office, ACPO and APA.
  9. Possible adverse impact on minority staff (but not exclusive) in the service if the Performance Development Review process is not utilised to its full potential and is merely seen as a bureaucratic process by many managers.
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10. Potential adverse risk if the opportunity is not taken in this review to look at the National Crime Recording System (NCRS) and the need to capture consistent Homophobic and Transgender phobic monitoring data.
11. Potential for adverse impact if the performance framework is not looked into as this has unintended consequences for some minority groups and can sometimes ignore the quality of offences brought to justice. Benefits would flow from reversing the direction from which targets and attendant bureaucracy flow, putting local officers and communities first.

## NEIGHBOURHOOD POLICING

12. Possible concern that role profiling and police activity that forms part of the National Intelligence Model (NIM) can affect minority groups. A further effect of deploying resources too closely to the hotspot areas is a deterioration of policing in areas where crime is lower. Thereby policing can become something of a postcode lottery, whereby law abiding communities and areas receive little visible policing, until a crime hotspot flares, inner city areas (who tend to more populated by BME communities) can get disproportionately policed.
  13. Possible adverse impact on young people if there is not more engagement with them. They see different aspects of policing everyday which needs to be tapped into. Communication and trust is not right and the police service has to make a concerted effort to involve young people in day to day policing activities.
  14. Risk was identified in relation to the Gypsy and Traveller communities. It was highlighted that gypsies are a transient community and the problem with Neighbourhood Policing is that it usually has a geographical focus and transient communities are unpopular with settled communities. Gypsies and travellers need a regional overview so that local policing teams do not just shunt the problem on.
  15. Perception that youth crime is getting worse and needs to be tackled at the ground level and not in the courts, so making a visible presence and having interaction should be a priority. This needs to be about confidence building and identifying key people to develop positive relationships through the Neighbourhood Policing strategy to work with key partner agencies.
  16. Age is now classed as one of the strands of diversity and the police service needs to harness young people's skills and take into account their needs. It was also highlighted that taking the partnership approach can be really useful and have a positive impact on many aspects of Neighbourhood Policing.
  17. Neighbourhood Policing needs to take cognisance of the issue of growing/emerging communities and the impact on people from these communities. It is very important to take their needs into consideration when developing their Neighbourhood Policing approach. There is a possible adverse risk if they are not engaged.
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18. Potential risk for the Transgender community, it was highlighted that there is limited knowledge of Transgender issues and there needs to be more robust training for PCSOs on this subject matter with Trans people involved in the training.
19. Neighbourhood Policing could be more effective if the police service was more reflective of the community it serves. There is currently under representation in all ranks of the police service for both BME and women.
20. There is a possible adverse impact on minority communities such as the Gay, Lesbian, Transgender and BME in relation to the performance management culture that exists in the service. Police officers who are measured on performance are going to have a very different relationship with the community as they are focused on achieving their targets by exercising their powers. There is the potential to learn from the PCSOs, who tend to have a good relationship with the community with limited conflict.
21. There is a negative perception that the police service only engages with the community in times of crisis or when they are carrying out an operation. The police service needs to be more proactive in engaging as this leads to increased trust and confidence and intelligence gathering.
22. Possible adverse impact on BME and Women in relation to the possible proposals on volunteer PCSOs, as this may devalue the role, which could have an impact on these minority communities.

## LOCAL ACCOUNTABILITY

23. Concerns raised that young community members are not currently involved in the decision making processes and many of the policies that the police implement affect them. Local accountability can only improve if trust and confidence increases in the service.
  24. Possible adverse impact highlighted in relation to increasing the discretion of police officers as it could impact negatively on the accountability aspect. There is a risk that the police service is losing the confidence of the community in particular young black and Asian males who are disproportionately being stopped and searched and stopped and asked to account.
  25. The police service being performance driven is a barrier for community engagement especially as it does not fit with Neighbourhood Policing, community cohesion and cannot be easily measured.
  26. Potential impact identified in relation to Transgender people not being involved in consultation on local policing issues, as they were seen as difficult to engage, so they tend to be left out of the process on key policies and procedures that impact them.
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27. Potential disadvantage for certain communities who are represented by so called community leaders, they are only part of a narrow band who actually attend meetings and people at grass roots are not engaged. Flow of information has got to improve from police to all local communities – Independent Advisory Groups (IAG) are only one method, other channels of engagement must be utilised to reach all sectors of the community.
  28. Risk that there is insufficient engagement with the police in many communities and English, European, non-nationals and local communities together need to decide what they want from their police.
  29. Risk identified by the Metropolitan Police Authority (MPA) which highlighted that local accountability is about managing expectations and is not just about local police officers advising what they are and not accountable for. There needs to be a definition of what we want the police to be accountable for.
  30. Risk identified by a number of community members from different backgrounds that many members of the public do not know what the police are responsible for, they do know how the system works but don't understand the role of Police and Criminal Evidence Act (PACE) and the PACE Codes of Practice, which provide the core framework of police powers and safeguards around stop and search, arrest, detention, investigation, identification and interviewing detainees. If it is not explained what the police are accountable for, then the public cannot be expected to know what they have a right to expect from the police. This is the role of the police and police authorities.
  31. Risk identified from the BME community that we have a number of diverse communities, who have a range of different levels of knowledge; it is hard to know what level to pitch an explanation of the police's role and responsibilities.
  32. Possible problem highlighted by members of the BME and Gender groups that if local accountability is working, then people should feel comfortable going to the police to report crimes i.e. Racist crimes, Rape etc. The challenge is to build relationships that are meaningful.
  33. Concerns raised by a young community member who highlighted that there is a perception that young men and women do not feel they have any trust in the police. They do not understand how the police work and that they are there to protect them.
  34. Potential concerns were raised by community members representative of different strands of diversity that the accountability process needs to be simplified. The public needs to feel that the police are accountable to them for their actions and the review needs to address this.
  35. Potential impact was identified by the GPA who highlighted the problem with the complaints system. It was perceived that the only way to complain was to
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make a formal complaint, and this could take a long time to process and could end up going through the Independent Police Complaints Commission with its middle England bias.

36. Risk was identified by all representative communities that police authorities need to be more representative of the communities they serve. The authorities are extremely political with representatives from the same parties sitting together. It was highlighted that there was a problem with the existing system in that people in some police authorities have the power to prioritise what the police do. This means that the views of the majority are driving the policing priorities and never the view of minorities.

## Stop & Account

As stop and account was highlighted as a specific area that was being looked at in the Interim Report, it was important that this topic was given a section in the EIA report. Recommendation 9 stated:

### **Recommendation 9:**

The Review will give urgent consideration to how stop and account/search can be better administered and the bureaucracy surrounding it significantly reduced. In doing so, I will consult widely (and as part of my existing Equality Impact Assessment) both with key leaders and stakeholders from a diverse range of communities and from within the service.

In order for this section to be clearly understood, It is important to highlight that Sir Ronnie is proposing changes to the recording of Stop & Account and not Stop & Search. The later which is clearly more intrusive, will remain unchanged with a written record produced at the scene, although technology will be used at some point to streamline this process.

There were a number of consultations carried out to identify any potential adverse impact that could occur for a number of minority communities if changes to the recording mechanisms were implemented. The question that needed to be asked was whether the recording of this was necessary or unnecessary bureaucracy, Stop and Account is a tool to demonstrate accountability, but does consume a resource. The aim of the consultations was to gain views on how the service could reduce bureaucracy and promote better business processes without losing the balance between the rights of the individual and necessary/appropriate levels of bureaucracy being maintained. Sir Ronnie made reference in the report to look at the possibility of giving police officers more discretion in their decision making process but made it clear that he was particularly interested in not just reducing bureaucracy, but improving the quality of police encounters with the public.

## Testing of Disproportionate or Adverse Impact – Identified by Internal and External Consultations on Stop & Account

Highlighted below are some of the key factors that emerged from the consultations on proposed changes to Stop and Account:

37. There was a clear message from a number of attendees that there was lack of emphasis placed on the communication of individual's rights to the communities in relation to Stops in general.
  38. Currently there has been no or limited analysis of the data with regards to Stops and the impact that it has on the communities, especially the Black Minority Ethnic (BME) community.
  39. The quality of the encounter was a key issue that kept emerging as a recurring theme. A number of attendees pointed out that their communities were not concerned with the way the information was gathered but the professional way in which the police officer interacted with the individual whilst carrying out the Stop, which was referred to as the critical encounter. Most attendees agreed that the Stop and Account process needs to demonstrate transparency and accountability, but there was consensus that the current methods using the paper based forms was not working robustly.
  40. Training and development of officers was identified as an area that needed to be looked at specifically with regards to the encounter on Stop and Search/ Account. Training and supervision were seen as extremely important elements to dealing with the issues of BME communities feeling marginalised by the behaviour of some police officers and staff in their attitudes whilst carrying out Stop & Account or Stop & Search.
  41. Concerns were highlighted in relation to the need for greater community engagement and buy in for the use of Stop and Search/Account. This would require the use of intelligence based policing and open communication with the community about how the police intend to tackle areas of high criminality. Stop and Account could not continue to be used as a safety blanket, as opposed to targeted use.
  42. There was mixed opinion about the usefulness of Stop and Account and the right of the officer to stop and challenge someone about what they are doing, however most felt that the bureaucracy of having to fill in a form every time prevented them from doing their job of information gathering and that a more informal method of recording was needed but with relative accountability.
  43. Certain representatives endorsed the view that Stop and Account needs to change due to the impact on police encounters with the public. The distinction needs to be made between the use of forms where the police are
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using a coercive power, which is not the case for Stop and Account; there was encouragement from the group to consider alternatives.

44. The point was raised in relation to the original purpose of Stop and Account, which was directly linked to the accountability of the police officers carrying out Stops. The recording of Stops was originally introduced under recommendations 61-63 of the Stephen Lawrence Inquiry report to improve accountability by ensuring that the police service and police authorities monitored and analysed these records.
45. The methods by which the police are held accountable need to be streamlined and improving the encounter with the BME communities was seen as a vital element to improving trust and confidence.
46. Technology was not seen as the whole answer to the problem of tackling disproportionality, more emphasis needed to be placed on looking at the inefficiencies in the police service to collate and analyse data that was collected from the forms.

The key question that needs to be addressed is whether recording data on Stop and Account forms actually acts as a disincentive to officers to investigate (because of the time taken to fill out the forms) and does the process damage police/public relations because of the action of recording their data. Another aspect that needs to be taken into consideration is the current terrorism threat and the role of Stop and Search/Account in police and community relations.

There is certainly scope for radical review with the option of abolishing the whole bureaucratic process which would help to restore the use of discretion and professional judgment in police officers but could have an adverse affect on the communities, specifically with the issue of accountability. There are a number of proposals that have been considered for the changes to the recording of the Stop and Account. The recommendation that will be put forward is:

**Recommendation 24:**

The current comprehensive form for Stop and Account should be removed and replaced with the following measures:

- a) Any officer who asks an individual to account for themselves should provide that individual with a 'receipt' of the encounter in the form of a business card or similar, and use Airwave to record this encounter, including the ethnicity of the person subject to the encounter to enable disproportionality monitoring; and
- b) Supervisory officers should 'dip sample' these recordings.

These proposals should be piloted in the West Midlands and evaluated by the end of summer 2008.

Stop and Search process be streamlined as new technology emerges such as Personal Digital Assistant (PDA), cameras, scanning solutions etc. There are advantages for both the public and the police if all encounters were to be recorded. In the meantime a full written account of Stop and Search should however still be taken and provided to the individual searched.

This would maintain the public accountability aspect of the Stop and Account process, but would also be of minimal burden to an individual officer. However in order for this proposal to be implemented, the above factors need to be implemented in order to eradicate or minimise any adverse impact.

In summary the participants seemed to agree that Stop and Account, in whatever form it takes needs to take cognisance of accountability, training & development, Improved supervision, greater communication of individual rights and Intelligence led policing to ensure that powers are exercised in a way which would be as effective as possible in reducing crime, but would also promote trust and confidence in minority communities.



# Testing of Disproportionate or Adverse Impact from Statistical Data

## Statistical Data for the Review of Policing

### STOP AND SEARCH/ACCOUNT

*(Data on **RACE** – stop and search/account) extracted from Ministry of Justice – statistics on Race and the Criminal Justice System 2006 (section 95 data)*

Recommendation 61 of the Stephen Lawrence Inquiry Report and subsequent amendment of PACE Code A included a requirement for officers in all forces to record all stops including voluntary and non-statutory Stops by 1 April 2005. The Ministry of Justice intends to publish data on all Stops by next year (2008).

#### 2005/06:

**878,153** Stop and Searches recorded by the police under section 1 of PACE and other legislation.

**135,262** – Black (15%)

**69,274** – Asian (8%)

**14,101** – Other ethnic origin

The number of Stops and Searches rose by 3.4% for England and Wales as a whole:

2004/05 – **849,027**

2005/06 – **878,153**

This is the highest figure since 1998/99, when 1,037,271 Stop and Searches were recorded.

For the vast majority of police forces it is apparent that the number of recorded Stop and Searches relative to the general population was higher for black people than for white people.

Black people were nearly 7 times more likely to be searched than white people in 2005/06 (6 times ratio in 2005/06). No data is collected centrally in terms of Stop and Search/Account on gender, disability, age, faith/religion, sexual orientation or transgender.

There is no national data currently available on Stop and Account, however there is some local data which can give a brief snapshot in terms of any disproportionality. From the data below there appears to be disproportionality in the number of young males being stopped and asked to account for themselves.

## Stop and Account – snapshot data

	Time Period	Stop and Search	Stop and Account
<b>Metropolitan Police Service</b>	May 06–April 07	361,639 (add an additional 17,413 if you want to count Section 60 stops which gives a total of 379,052)	288,185
<b>Dorset Police</b>	April 06–March 07	7,110	2,243
<b>Hampshire Police</b>	April 06–March 07	21,846	59,325

Dorset data (Stop/Account)

- out of the 2243 people recorded for Stop/Account, 1949 were male
- 1646 were aged under 25 years old – 58% of the total

## Neighbourhood Policing

### *Police Community Support Officers (PCSOs)*

*The Government publication "Neighbourhood Policing, your police; your community; our commitment" (published in March 2006) set out a target for a total of 24,000 PCSOs by March 2008 mostly funded through the Neighbourhood Policing Fund. Budget 2006 allocated additional funding in 2006-07 to accelerate PCSO recruitment to provide a total of 16,000 PCSOs in England and Wales by end April 2007. A Written Ministerial Statement on 27 November 2006 noted that forces would no longer be expected to increase the number of PCSOs beyond 16,000.*

PCSO figures extracted from Police Service Strength 31/3/07: HO statistical bulletin 13/07). As at 31 March 2007, there was 232,948 full-time equivalent (FTE) staff working in the 43 forces of England and Wales.

	Percentage	Staff number's
Police ranks	61%	141,892
Police staff	32%	75,178
PCSO	6%	13,497
Traffic wardens	0.3%	764
Designated officers	0.7%	1,617

The total number of Police Community Support Officers was 13,497, up 99% on the previous year.

Minority ethnic police officer strength (including central service secondments) by rank as at 31 March 2007, England and Wales.

Rank	Percentage of minority ethnic officer strength
ACPO	3.2
Chief Superintendents	2.6
Superintendents	2.4
Chief Inspectors	2.8
Inspectors	2.4
Sergeants	2.9
Constables	4.2

### Total minority ethnic strength 3.9

As at 31 March 2007, there was 91,056 full-time equivalent police staff in supporting roles. This is an increase of 10% from the previous year.

- Police Community Support Officers (PCSOs) made up 15 per cent of this total.
- Designated officers made up two per cent
- Traffic wardens one per cent of this total.

Police staff numbers (i.e. non-officer police employees, excluding PCSOs, traffic wardens and designated officers) increased by 2% compared to 31 March 2006. The number of PCSOs increased by 99% to 13,497 in the year ending March 2007, following a 9% increase in the previous year.

## Gender – PCSO's

58% of all police staff are female, a much higher proportion than in the police officer ranks.

43% of all Police Community Support Officers are female.

## Race – PCSOs

As at 31 March 2007, there was 6,563 minority ethnic police staff, accounting for 7% of the total. Within the police staff group, 12% of PCSOs are minority ethnic, a high proportion compared with other police staff and police officers.

27% of Police Community Support Officers are concentrated in the Metropolitan Police (or 3,694 officers), the largest percentage when compared with other police forces. The second highest is Greater Manchester police who have 6% (or 763 officers).

From the analysis of the statistical data, if the proposed recommendations are implemented with regards PCSO's, there will a positive impact for all the strands of diversity.

**No statistical data is available for PCSOs in terms of disability, sexual orientation, faith/religion, transgender and age.**

## Representation within Police Authorities

### What relevant quantitative data has been considered?

Age	<p><i>The Hamer Review of the Selection and Appointments Process of Independent Members of Police Authorities:</i></p> <ul style="list-style-type: none"> <li>• Only 4 successful candidates in the 2003 round were aged between 21 and 30. (Partly at least due to the age profile of councillors, who currently form 52% of membership)</li> </ul> <p>2003/4 DCA data on magistrates (2004/5 data shortly available)</p> <ul style="list-style-type: none"> <li>• 82% of magistrates are over the age of 50.</li> </ul> <p><b>Latest APA figures for 2007 outlined below</b></p>
Disability	None available
Gender	<p>APA data on Police Authority Membership:</p> <ul style="list-style-type: none"> <li>• 29.3% of members are women (Dec 2005)</li> <li>• nearly 20% of female members are magistrate members.</li> </ul> <p>2003/4 DCA data on magistrates (2004/5 data shortly available)</p> <ul style="list-style-type: none"> <li>• nearly 50% of magistrates (not just PA members) are women.</li> </ul> <p><b>Latest APA figures for 2007 outlined below</b></p>

What relevant quantitative data has been considered? <i>(continued)</i>	
Race	<p>APA data on police authority membership</p> <ul style="list-style-type: none"> <li>• 8.5% of police authority members are from BME groups</li> <li>• But, only 1 police authority chair is from a BME group, and only 1 clerk/Chief Executive</li> <li>• 66% of BME members are independent members</li> <li>• 20% of independent members are from BME communities</li> </ul> <p>2003/4 DCA data on magistrates (2004/5 data shortly available)</p> <ul style="list-style-type: none"> <li>• 9.66% of appointees (as magistrates) were of minority ethnic origin</li> </ul> <p>LGA data on councillors</p> <ul style="list-style-type: none"> <li>• Only 3% of councillors nationally from BME communities</li> </ul> <p><b>Latest APA figures for 2007 outlined below</b></p>
Religion/Belief	None available
Sexual Orientation	None available
What relevant qualitative information has been considered?	
Age	<i>The Hamer Review of the Selection and Appointments Process of Independent Members of Police Authorities</i>
Disability	None available
Gender	APA Competency Framework
Race	<p><i>Race Equality Programme for the Police Service (July 2005 – HO, APA, ACPO)</i></p> <p><i>APA Competency Framework</i></p> <p><i>The Hamer Review of the Selection and Appointments Process of Independent Members of Police Authorities</i></p>
Religion/Belief	None available
Sexual Orientation	None available

What gaps in data/information were identified?	
Age	Already collected
Disability	Information not collected
Gender	Already collected
Race	Already collected
Religion/Belief	Information not collected
Sexual Orientation	Information not collected
What consideration has been given to commissioning research?	
Age	APA initial view that this information could be collected from now on
Disability	APA initial view that this information could be collected from now on
Gender	Already collected
Race	Already collected
Religion/Belief	APA initial view that this information could be collected from now on
Sexual Orientation	APA initial view that this information could be collected from now on

Police authorities have been slow to enhance the diversity of their elected and independent membership. In 1999 there were just 13 (3.5%) minority ethnic councillors, 33 (15.7%) independent members and only 1 minority ethnic magistrate. This is compared to 359 white elected members, 179 Independents and 122 magistrates.

Four years later in July 2003 these figures had moved to 16 (4.2%) elected members, 46 Independents (21.5%) and 6 minority ethnic magistrates. Comparative figures for white elected members were 379, Independents 168, and 124 Magistrates. In September 2007 figures for independent minority ethnic members had fallen to 40 (18.5%) with 176 white independent members. Figures for female membership were of a similar nature in 1999, there were 87 (23.1%) female councillors, 84 (40%) independent and 24 (19.5%) magistrates.

In July 2003 the figures were 91 (23%) councillors, 99 (46.3) independents, 37 (28.5%) magistrates and in September 2007 87 (40.3%) Independents (40.3). Some police authorities have diverse and rich communities and recruitment of independent members has added significantly to the diversity make up of some police authorities.

## Outlined below are recent figures that have been provided by the Association of Police Authorities.

*Diversity Analysis – November 2007 (source APA December 2007)*

The following analysis provides a demographic breakdown of police authority membership

### AGE RANGE

	Councillors	Independent	Magistrates	Total
21-30	0%	1%	0%	1%
31-40	4%	10%	0%	5%
41-50	13%	24%	2%	14%
51-60	24%	30%	27%	27%
61-70	45%	34%	71%	46%
71+	14%	1%	0%	7%

	Assembly Members	Councillors	Independent	Magistrates	Total
21-30	0	0	2	0	2
31-40	0	10	18	0	28
41-50	0	31	42	2	75
51-60	3	58	54	26	141
61-70	3	107	61	70	241
71+	0	32	2	0	34
<b>Total</b>	<b>6</b>	<b>238</b>	<b>179</b>	<b>98</b>	<b>521</b>

163 Not Said



## GENDER – FEMALE REPRESENTATION

	Councillors	Independent	Magistrates	Total
%	21.3%	43.3%	33.3%	30.7%

	Assembly Member	Councillor	Independent	Magistrates	Total
Female	6	72	90	42	210

## BME REPRESENTATION

	Councillors	Independent	Magistrates	Total Makeup
%	3.6%	18.3%	5.6%	8.5%

	Assembly Member	Councillor	Independent Member	JP	Grand Total
Asian – Other		1	6	2	9
Bangladeshi			1		1
Black – African			3		3
Black – Caribbean	1	2	7		10
Chinese		1	3		4
Indian		1	8	3	12
Irish		1			1
Mixed – Other			1	1	2
Mixed – White and Asian			2		2
Mixed – White and Black African		1		1	2
Pakistani		4	6		10
White – British	11	315	164	116	606
White – Irish		1	4		5
White – Other		10	2	3	15
Black – Other		1	1		2
Total	12	338	208	126	684

*Currently no statistical data is available for the faith/religion, sexual orientation, disability and transgender equality strands.*

There has been significant focus on police authorities under the Local Accountability work stream and if there are changes to the structure of authorities, action must be taken to ensure that the overall representation of minority groups are not adversely impacted upon. The above statistics highlight that there is already limited representation and emphasis needs to be placed on creating governing bodies that are truly representative of the communities they serve. The above figures need to be improved and action plans put in place to achieve this.

## Disproportionate or Adverse Impact Identified on the Different Strands of Diversity

In conducting this part of the assessment, the proposals set out in the Review have been evaluated against the quantitative and qualitative data available on the different groups that could potentially be affected such as BME, Women, Disabled, Sexual Orientation, Faith/Religion, Age and Transgender. The data has been analysed together with any other relevant information and judged as to whether the proposals are likely to have significant negative consequences for particular groups.

### RACE

Possible adverse impact that the proposals could have on Race:

47. Potential adverse impact identified as a result of the police service focus on performance indicators to the detriment of Race Equality i.e. Stop and Search targets in some forces.
48. Possible adverse impact if discretion is increased for police officers and PCSOs, this may be received negatively and could have an impact on the accountability of officers to the public. There is a risk that trust and confidence of BME communities who are disproportionately impacted by measures such as Stop and Search/Account may deteriorate even further. Action needed to address this impact.
49. Potential adverse impact identified in relation to the proposed changes in recording of Stop and Account. There is a danger that there could be negative impact on trust and confidence of BME communities as there is a concern that institutional racism is still alive in the service and some officers could abuse this power. Action should be planned to address this.
50. Potential adverse impact identified in relation to the quality of the encounter between the officer and community member. This has been seen as a big problem and proportionate action needs to be taken to ensure that measures are put in place to eradicate or minimise adverse impact.

51. Possible adverse impact on BME police authority members and staff if proposals are accepted to reform police authorities. So far independent members do currently act as a safeguard to maintain a non-partisan approach and this could be lost if different appointment methods are adopted. There could be an imbalance in terms of BME make-up of police authority membership in relation to magistrates, councillors, independents and police authority staff.
52. Possible adverse impact identified in relation to police authorities not being representative of the communities they serve. The new proposals should ensure that there is an increase in the number BME representation within police authorities and the organisation.
53. Potential adverse risk of diversity being lost as an element within inspections if inspections become more collaborative as.
54. Possible adverse impact if the Neighbourhood Policing work strand does not take into account the important link between protective services, especially the counter terrorism Prevent Strategy and the significance to it delivery through Neighbourhood Policing.
55. Possible adverse impact on the retention of minority and other staff if there is no conscientious effort made to expand the role of the PCSO into other permanent.
56. Possible adverse impact if BME communities are not more involved in the decision making processes of their local police forces, as many of the policies that are implemented affect them.
57. Risk identified in relation to the lack of public knowledge on their rights on Stop and Account, they do not know what the police are accountable for and the system needs to be simplified.
58. Possible adverse risk for BME staff if there is a drive to cut bureaucracy, this could indirectly impact on police staff, which tend to have higher BME representation in lower grade posts.

There is no reason to think that there will be any major adverse impact on the Race strand as a result of this review. There are some key areas that the review is looking at such as Stop & Account, community engagement and increasing officer discretion that may have some negative implications, but these will need to be managed in the correct manor and positive action taken to mitigate adverse impact. As a result of some of the proposals being put forward in the Review, policing services should improve for the minority communities.

## GENDER

Possible adverse impact that the proposals could have on Gender:

59. Possible adverse impact on the retention of women, if there is no conscientious effort made to expand the role of PCSO into other permanent roles.
60. Possible adverse risk for women if there is a drive to cut bureaucracy; this could indirectly impact on police staff, which tends to have higher women representation in some forces.
61. Risk identified in relation to the lack of public knowledge on their rights on Stop and Account, they do not know what the police are accountable for and the system needs to be simplified.
62. Possible adverse impact identified in relation to police authorities not being representative of the communities they serve. The new proposals should ensure that there is an increase in the number of women representatives within police authorities and the organisation.

There is no reason to think that there will be any major adverse impact on the Gender strand as a result of this review. As a result of the Review, policing services could improve for the minority communities.

## DISABILITY

Possible adverse impact that the proposals could have on disability:

63. Possible adverse impact if communities representing disability groups are not more involved in the local priority setting of their police forces. Police authorities and police forces could be in breach of the Disability Discrimination Amendment Act 2005.
64. Risk identified that many members of the public do not know what the police are accountable for and the system needs to be simplified.
65. Possible adverse impact identified in relation to police authorities not being representative of the communities they serve. The new proposals should ensure that there is an increase in the number of disabled people representative on police authorities and within the organisation itself in order to provide a perspective on community views.
66. Possible adverse risk for disabled staff if there is a drive to cut bureaucracy; this could indirectly impact on police staff.

There is no reason to think that there will be any major adverse impact on the Disability strand as a result of this review. As a result of the Review, policing services could improve for disabled communities.

## SEXUAL ORIENTATION

Possible adverse impact that the proposals could have on Sexual Orientation:

67. Risk identified many members of the public do not know what the police are accountable for, the system needs to be simplified.
68. Possible adverse impact identified in relation to police authorities not being representative of the communities they serve. The new proposals should ensure that there is an increase in the number of people from gay and lesbian community representative on police authorities and within the organisation itself in order to provide a perspective on community views.

There is no reason to think that there will be any major adverse impact on the Sexual Orientation strand as a result of this review. As a result of the Review, policing could improve for the gay and lesbian communities.

## FAITH/RELIGION

Possible adverse impact that the proposals could have on Faith/Religion:

69. Potential adverse impact for Faith communities has been identified in relation to the proposed changes to the recording of stop and account. With the current counter terrorism threat, Muslim communities in particular could be potentially impacted upon. Potential adverse impact identified in relation to the quality of the encounter between the officer and community member.
70. Possible adverse impact on retention, if there is no conscientious effort made to expand the role of PCSO into other permanent.
71. Possible adverse impact if communities representing different faiths are not more involved in the local priority setting of their police forces.
72. Risk identified that many members of the public do not know what the police are accountable for; the system needs to be simplified.

There is no reason to think that there will be any major adverse impact on the Faith/Religion strand as a result of this review. As a result of the Review, policing services could improve for people of different faiths or religions.

## AGE

Possible adverse impact that the proposals could have on Age:

73. Risk identified by members of the public who do not know what the police are accountable for, the system needs to be simplified.
74. Possible adverse impact identified in relation to police authorities not being representative of the communities they serve. The new proposals should ensure that there is a increase in the number of young people represented on police authorities in order to provide a perspective on community views.

75. Possible adverse impact if communities representing different Age groups are not more involved in the local priority setting of their police forces.

## TRANSGENDER

Possible adverse impact that the proposals could have on Transgender:

76. Potential adverse impact for Transgender communities has been identified in relation to the proposed changes to the recording of stop and account. Potential adverse impact was also identified with regard to the quality of the encounter between the officer and community member.
77. Risk identified by members of the public who do not know what the police are accountable for, the system needs to be simplified.
78. Possible adverse impact identified in relation to police authorities not being representative of the communities they serve. The new proposals should ensure that there is an increase in the number of Transgender representatives on police authorities in order to provide a perspective on community views.
79. Possible adverse impact if communities representing Transgender groups are not more involved in the local priority setting of their police forces.

There is no reason to think that there will be any major adverse impact on the Transgender strand as a result of this review. As a result of some of the proposals being put forward in the Review, policing services could improve for Transgender communities.

## POSITIVE OPPORTUNITIES

There has been much emphasis on the possible negative impacts of this Review, however there are many potential advantages and opportunities that could arise for police employees and minority communities as a result of the proposed recommendations highlighted in the report. The recommendations, if applied in a skilled and comprehensive manner could have lasting positive effects primarily in raising the profile of equality and diversity awareness, leading to police forces and authorities having the capacity and capability to provide local policing that truly reflects the diverse communities they serve.

Outlined below are some of the positives opportunities identified in the Review:

80. The proposal for ring-fenced funding for PCSO's at the very least for 2008/09 and 2009/10 is an advantage for police staff, which includes women and BME who tend to occupy these post in higher numbers.

81. Possible positive impact in relation to the funding formula proposal, this could have a favourable impact in areas of high population and deprivation.
82. Possible positive impact if proposal is put forward in relation to flexible working for neighbourhood policing staff including PCSOs (Women, BME).
83. Positive impact if the recruitment process for police officers takes into account previous skills obtained as a PCSO, this would ensure possible career progression for PCSOs, which could increase retention and progression for all strands of diversity within the service.
84. Possible positive impact on all stands of diversity if police authorities are inspected on the diversity of their elected and independent membership as proposed in the Police and Justice Act 2006 and for which protocols are being developed to implement in 2008/2009. As police authorities have been slow to enhance the diversity of their elected and independent membership, this could be an opportunity to ensure that this is increased.
85. Positive impact for Minority communities to get involved in the police authority inspection process and hold them to account on a number of specific measures such as:
  - a) Performance
  - b) Effectiveness of consultation processes with minority communities
  - c) Professional Development, such as more diversity awareness
  - d) Scrutiny of appointments to ensure fairness of representation – positive action to attract more people from minority communities.
86. Possible impact for all communities if there a proactive move to localise the priority settings for their police service. This move could indirectly advantage the minority communities who feel they have no say in what their local policing concerns are.
87. Positive impact if recommendation is put forward to ensure that there is an increased emphasis on police forces and authorities marketing their local services to the public, especially minority communities.

## Recommendations/Measures to Mitigate Disproportionate or Adverse Impact

The analysis of the data, established that some disproportionate or adverse impact could arise during the implementation of some of the proposed measures outlined in the Review of Policing. However, in response to this it is recommended that specific measures be taken to remove or minimise the negative impact the Review could have on the seven strands of diversity. Outlined below are a list of recommendations and measures to mitigate the possible disproportionate or adverse impact:

1. As there are no or limited boundaries or guidelines with regards to discretion, measures need to be put in place to ensure that officers and police staff are held to account for their actions and the public are reassured that complaints are fully investigated and appropriate action against officers and staff is seen to be transparent.
2. Action must be taken to address those possible options that might lead to an erosion of BME and female representation on police authorities. A positive action strategy needs to be formulated with an aim to increasing the representation of police authorities in line with their diverse population, this is crucial to ensuring that there is not an imbalance in terms of police authority membership and make up of staff.
3. Positive steps need to be taken to expand the role of PCSOs into other permanent roles. ACPO need to work with the Home Office and NPJA to develop a career pathway, so that the service can recruit, retain and progress people from minorities such as Women, BME within the police service.
4. If proposed measures to change the recording of Stop and Account are accepted, it is recommended that it is piloted and the effects of the change monitored, before complete roll out. Also, all the measures outlined in the Reducing Bureaucracy recommendation must be followed if recording of Stop and Account is to be changed.



## Conclusion

In the timescales allocated to this EIA, there have been a number of adverse impacts and opportunities identified as outlined in the main body of the report. These have been assessed in respect of all of the equality strands such as Race, Gender, Disability, Age, Faith/Religion Sexual orientation and Transgender. Similarly, there have also been a number of genuine opportunities that the Review has created to improve the current position of these minority groups and communities.

Having carefully assessed each risk individually and balanced this against the overall opportunities, it was found that the Review of Policing has limited adverse impact for minority groups and communities. However, the recommendations made in this report need to be implemented in order to ensure that where there is adverse impact it does not lead to direct or indirect discrimination. Similarly, we need to ensure that key opportunities are also promulgated within the police service.

## References

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# Appendix A

## DELEGATE LIST

List of attendees at the Review of Policing Event EIA on 31 July 2007 – Home Office

Koku Adomdza	1990 Trust
Maqsood Ahmad	Home Office – Review of Policing EIA Team
Dal Babu	National Association of Muslim Police
Derek Barnett	Police Superintendents Association
Erinma Bell	CARISMA
Linda Bellos	Diversity Solutions
Iqbal Bhana	West Yorkshire
Michael Bourke	Review of Policing
Charlene Brown	Met Police
Richard Clarke	Review of Policing
Judy Clements	IPCC
Vic Codling	GPA
Clliff Codona	National Travellers Action Group
John Coxhead	Derbyshire police
Steve Corkerton	Work stream Lead – Bureaucracy
Dee Evans	A: Gender
Robin Field-Smith	HMIC
Sir Ronnie Flanagan	HMIC
Fionualla Gill	APA
Gloria Gomez	Latin Front
Ben Gooch	GALOP
Anthony Gordon	HIMC Reference Group
Paul Grant	HMIC Reference Group
John Graham	Police Foundation – Work stream Lead – Local Accountability
Peter Haddock	Review of Policing
Katharine Hagestadt	HMIC: Review of Policing EIA Team
Everett Henry	HMIC: Review of Policing EIA Team
Alfred Hitchcock	ACPO
Peter Holland	National Policing Improvement Agency (NPIA)
Ruth Hunt	Stonewall
Uzo Iwobi	CRE

Keith Jarret	NBPA
Sam Johnson	Independent Researcher
Jennifer Joseph	DCA MOJ
Adil Khan	Humberside Police
Danny Lafayette	Home Office
Doreen Lawrence	Stephen Lawrence Charitable Trust
Doug Lewins	MPA
Shakina Luke	Community member
Gavin Mckinnon	NPIA
Peter Mercer	Gypsies and Travellers
Richard Morris	Review of Policing
Necdet Nedjet	National Association of Muslim Police
Rev Nims Obunge	Peace Alliance
Liz Owsley	BAWP
Jayne Pascoe	ACPO
Phil Pavey	CRE
Ray Powell	NPIA
Bob Purkiss	APA
Bernard Reed	GIRES
Terry Reed	GIRES
Andrea Reynolds	HMIC
John Roberts	APA
Hal Savas	Committee for Protection of Turkish Rights
Hayley Sharp	Review of Policing
Tony Smikle	NPIA
Delores Stratton	HMIC – Review of Policing EIA Team
Sail Suleman	Calderdale Race Equality Council
Talat Ahmed	Action Aid
Shahien Taj	Henna Foundation
John Willett	NPIA
Robyn Williams	HMIC
Umar Zamman	HMIC: Review of Policing EIA

## Appendix B

### STOP & ACCOUNT CONSULTATION MEETINGS

- 8th August 2007 – Hertfordshire Police – Stop & Search/Account scanning team.
- 10th October 2007 – Mike Ainsworth  
CJS Race, Confidence and Justice Unit – Home Office
- 19th October 2007 – Chief Constable Steve Green  
Nottinghamshire Police
- 30th October 2007 – Assistant Commissioner Tarique Ghaffur  
Metropolitan Police Service

#### *Stop & Account community consultation group*

- 31st October 2007 & 11th December 2007 – Doreen Lawrence, Lord Victor Adebawale, Iqbal Bhana  
Dal Babu, Rev Nims Obunge, Jago Russell, John Roberts
- 31st October 2007 – Commander Rod Jarman  
Metropolitan Police Service  
Portfolio lead for Stop & Search
- 2nd November 2007 – Commander Ian Quinton  
Metropolitan Police Service
- 9th November 2007 – Steve Anderson  
West Midlands Police
- 12th November 2007 – Chief Constable Craig Mackie  
Cumbria Constabulary  
ACPO lead Stop & Search

THE REVIEW  
OF POLICING

BY SIR RONNIE FLANAGAN

EQUALITY IMPACT  
ASSESSMENT REPORT

February 2008

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