

**LINCOLNSHIRE POLICE AUTHORITY
HUMAN RESOURCES COMMITTEE
15 JUNE 2010**

SUBJECT	POLICE AUTHORITY/FORCE EQUALITY AND DIVERSITY UPDATE
REPORT BY	VICE CHAIRMAN OF HUMAN RESOURCES COMMITTEE & CHIEF CONSTABLE
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SUMMARY AND PURPOSE OF REPORT	
To provide an update on progress made with regard to the Authority's Combined Equalities Scheme Action Plan and provide a status update on the Force's position with regard to equalities.	
RECOMMENDATION	<i>That:</i> 1. the report be noted; 2. the HR Committee Vice-Chairman's update is noted regarding: a) progress against the Authority's Combined Equalities Scheme Action Plan; b) the Force's status update in relation to equalities and diversity issues. 3. the Equalities Bill briefing report be noted.

A. SUPPORTING INFORMATION

1. Background

- 1.1 The HR Committee now take the primary responsibility for equality and diversity issues; they also highlighted the amendment '*to maintain an overview and monitor the Combined Equalities Scheme of both the Authority and Force*' in their terms of reference at their last meeting.
- 1.2 The Authority published its Combined Equalities Scheme (CES) 2008 - 2011 on 30 May 2008. The CES covers the seven strands of diversity – namely age, disability, gender, race, religion/belief, sexual orientation and transgender.
- 1.3 As Members will be aware, the Authority revised its strategic objectives for publication in the in Policing Plan 2010 – 2013. The Authority agreed the following strategic objective in relation to equalities and diversity:

We will promote fairness and equality and ensure that people are treated with respect and dignity at all time.

- *We will demonstrate our commitment to equality and diversity including embedding and delivering the objectives detailed in our Combined Equalities Scheme and by ensuring the Force progresses its own diversity agenda.*

2. Authority – Current Situation

- 2.1 The Committee reviewed the Authority's Combined Equalities Scheme (CES) Action Plan at its meeting on 26 November 2009.
- 2.2 As Members know, the Vice Chairman of the HR Committee, Mrs Angela Crowe JP, is the Portfolio Holder for the equalities and diversity. There was agreement at the November 2009 HR Committee meeting that the Vice Chairman will report to the HR Committee on an 'exceptions' basis.
- 2.3 Mrs Crowe has reviewed progress and performance in terms of the Authority's CES Action Plan. The highlight exception issues are as follows:
- Authority Equalities Annual Report drafted
 - 'Values' training arranged for all members in 16 July 2010
 - Widespread publicity to diverse groups as part of independent Member recruitment campaign.
 - Force Employment targets set.
 - Contribution to Hate Crime Awareness session (with partners eg Age Concern, LCJB) on 9 March 2010
 - Ongoing engagement and consultation activity e.g. Multi agency event with diverse community representatives held at Boston (12 May 2010)
 - New members attending Equalities training (in support of National Occupational AA1 Standards).
 - Access to Policing Follow up Scrutiny included reality checking 'mystery shopping' exercise (on the accessibility of police stations).

2.4 Vice Chairman's Comments – Authority Progress

A lot of progress has been made over the last year. The Research and Performance Officer has worked closely with the Force's Equalities and Diversity Officer to ensure that our work dovetails appropriately with that of the force. The pressure on secretariat resilience has meant that we have not yet been able to continue to action impact assessments but there is every reason to be confident that this will be happening in the coming months. Working closely with the Force the Authority is developing effective links with diverse groups. Members are encouraged to contribute to this work and ensure that they provide feedback to the Research and Performance Officer.

3. Force – Current Situation

- 3.1 The Equalities Portfolio Holder and the Research and Performance Officer (RPO) met with the ACC (Safer Neighbourhoods) and the Equalities and Diversity Officer (EDO) on 18 March 2010 to monitor and review progress in relation to the equalities and diversity agenda. The notes of this meeting are attached for members' information at Appendix 1.
- 3.2 The Equalities Portfolio Holder has also been invited to join the Force's Strategic Diversity Board. A Board meeting was held on 28 April 2010 and the Equalities Portfolio Holder attended on behalf of the Authority. A file note has been produced and Members can request a copy of the minutes of the meeting by contacting the RPO.

Background

3.3 As Members will be aware, up to 2009/10, Lincolnshire Police had three separate Equality schemes that focused on race, gender and disability. They described what the Force would do, to make sure that people's needs were taken into account, and that the statutory duties that were placed on the organisation were met..

3.4 The new EDO took up her post in February 2010.

3.5 One of the first tasks the new EDO undertook was a review of the existing Race, Disability and Gender Equality schemes and the development of a single Equality scheme. The single Equality Scheme describes what Lincolnshire police would do to build the trust and confidence of all of its communities by meeting the needs of different people and explains how the Force will meet the duties under equality legislation and across all established strands of diversity.

The Force's Draft Equalities Scheme 2010 - 2013

3.6 The scheme makes sure that everyone can get involved in shaping their Police Service and telling us what is important to them and aims to:

- Build a Police Service that represents and meets the needs of the communities of Lincolnshire
- Makes sure that our officers and staff are trained to take account of the differing needs of local people
- Allow local people to tell us what they think of our service and help us to address the issues that are important to them
- Meet our statutory duties by building trust and confidence between people of different backgrounds, gender, age, belief, sexuality, race and disabilities
- Encourage everyone can get involved in developing a service that meets their needs

3.7 The Draft scheme was developed with community groups including Just Lincolnshire, Boston Belles, Catch 22, Kaleidoscope, Boston Disability Forum and the Learning Disability Partnership Board. The Scheme was presented to the Strategic Diversity Board on the 28th April 2010 and is currently in a formal consultation process.

3.8 The Authority has been consulted on the draft scheme and comments from both Members and secretariat officers have been submitted.

The Scheme's action plan incorporates requirements for the Equality Standard for the Police Service, the Equality Bill, the Government's cross cutting Hate Crime Strategy and feedback from community and diversity groups. The Action Plan will be monitored quarterly by the Force's Strategic Diversity Board.

3.9 Equalities Bill Briefing

The Equalities Bill is a historic piece of legislation that contains a range of new rights, powers and obligations to help the drive towards equality, including tackling the overarching inequality caused by where you are born and what your parents do for a living.

- 3.10 The Equalities Bill finally received Royal Assent as it was passed before Parliament in the 'wash-up' period in early April 2010 (before Parliament was formally dissolved).
- 3.11 It is the most significant piece of equality legislation for a generation. It will simplify, streamline¹ and strengthen the law. It will also give individuals greater protection from unfair discrimination and make it easier for employers and companies to understand their responsibilities. It also sets a new standard for public services to treat everyone, no matter what their background or personal circumstances, with dignity and respect.
- 3.12 The main implications of the Bill are:
1. Introducing a new public sector duty to consider **reducing socioeconomic inequalities**;
 2. Putting a new integrated **Equality Duty** on public bodies;
 3. Using **public procurement** to improve equality;
 4. Banning **age discrimination** outside the workplace;
 5. Requiring **gender pay** and employment equality publishing;
 6. Extending the scope to use **positive action**;
 7. Strengthening the **powers of employment tribunals**;
 8. Protecting **carers** from discrimination;
 9. Clarifying the protection for **breastfeeding mothers**;
 10. Banning discrimination in **private members' clubs**;
 11. Strengthening protection from discrimination for **disabled people**; and
 12. Protecting people from **dual discrimination** - direct discrimination because of a combination of two protected characteristics.
- 3.13 Further information about the Bill, its requirement for public bodies and its impact on Lincolnshire Police can be found in **Appendix 2**
- 3.14 The legislations requirements have been built into the Force's Equality Scheme.
- 3.15 Hate Crime update**
The EDO has been working with Just Lincolnshire's Hate Crime Sub group, the Learning Disability Partnership Board, Stop Hate UK and other community and statutory agencies to look at the development of a multi agency Hate Crime Strategy for Lincolnshire.
- The strategy is in the early days of its development and the equality and diversity officer is working with community safety boards, officers and community groups to scope what should be in the strategy, what work is already happening around the county, who all the partners are and the main issues around hate crime for different community groups.
- Baseline Assessment (National Policing Improvement Agency)**
- 3.16 The EDO has undertaken an assessment of the Force's position on the Equality Standard for the Police Service.
- 3.17 The Standard is based on the long standing Equality Standard and more recent Equality Framework for Local Government both of which the EDO has extensive experience of working with and achieving. (The EDO enabled Lincoln City Council to achieve their target of the "Achieving Level" by December 2009 which was formally

¹ The Bill replaces 9 major pieces of legislation, around 100 statutory instruments and over 2,500 pages of guidance and statutory codes of practice.

assessed in January 2010 by the Local government equivalent to the NPIA - the IDEa).

3.18 The Standard has been designed to support the police service in:

- Assessing current activity (around Equality and Diversity)
- Identifying gaps in performance
- Benchmarking progress and sharing best practice; and
- Improving performance by delivering positive equality outcomes

3.19 The standard is distinct from existing compliance frameworks, however evidence on police use of stop and search powers will also be used for the Public Service Assessments (PSA). It also connects with both the Policing Pledge and the National Community Safety Plan, as well as contributing to customer service Excellence activity.

3.20 The Standard is designed to be used as a continuous improvement tool and is split up into 22 requirements.

3.21 There are three stages to the standard, namely: Baseline, Integrating and Excelling. The EDO's initial assessment has been on the first stage of Baseline which is essential; however linkages to the other stages have been incorporated into the assessment.

3.22 Each Stage is further broken down into three headings:

- Operational Delivery (meeting the needs of diverse individuals and communities)
- People and Culture (Building an inclusive and supportive working environment)
- Organisational Processes (Integrating equality across business areas)

3.23 The Standard is not intended to be an additional burden on the Service but seeks to improve equality outcomes from existing policing and corporate tasks and complements other improvement initiatives. So, for example evidence of delivering equality outcomes from the Policing Pledge, Citizen Focus Hallmarks and Public Service Agreements can all be used as evidence for the Equality Standard.

3.24 The Force has committed to achieving the Baseline of the standard and actions needed to achieve this have been built into the Force's Equality Scheme.

3.3 Vice Chairman's Comments – Force Progress

There has been significant development in the Force with the appointment of the Equalities and Diversity Officer (Melanie Cowell) who brings a wealth of experience to the role. The single Equality scheme will ensure that equality and diversity are embedded throughout the Force. Consultation and engagement with diverse groups combined with clear and accessible guidance to everyone working within Lincolnshire police will have a positive impact. The attendance of the Equalities Portfolio Holder at the Force Strategic Diversity Board and regular meetings with the ACC (Safer Neighbourhoods) and with the EDO means that the Authority is able to monitor and scrutinise the progress being made.

B. FINANCIAL CONSIDERATIONS

There are no direct financial implications arising from this report.

C. LEGAL AND HUMAN RIGHTS CONSIDERATIONS

The legal structure is currently changing.

The existing legal framework that underpins equalities and diversity duties comprises the following: Race Relations Amendment Act 2000, Disability Discrimination Act 2005, Equality Act 2006, The Employment Equality (Sexual Orientation) Regulations 2003/The Civil Partnership Act 2004, The Employment Equality (Religion and Belief) Regulations 2003, The Employment Equality (Age) Regulations 2006, Other Employment Legislation (e.g. Employment Act 2002), Human Rights Act 1998 and the Police and Justice Act 2006.

The Authority's Combined Equalities Scheme provides the framework for meeting all the statutory duties under the separate pieces of equalities legislation, which relates to the specific and general duties.

As noted in the report, on 8 April 2010 the Equality Bill received Royal Assent and became the Equality Act 2010. It is not yet in force. The Act brings disability, sex, race and other grounds of discrimination within one piece of legislation, and also makes changes to the law.

The Labour Government envisaged that the main provisions of the Act would come into force in October 2010, with the integrated 'public sector equality duty' and dual discrimination provisions being delayed until April 2011 and some other parts later than that.

D. PERSONNEL, EQUAL OPPORTUNITIES AND DIVERSITY ISSUES

(including any impact or issues relating to Children and Young People under the Every Child Matters (ECM) framework.)

These are outlined within the context of the report.

E. REVIEW ARRANGEMENTS

The Committee will monitor progressing of this work on a quarterly basis in accordance with the HR Workplan.

One of the objectives highlighted in the Authority's Combined Equality Scheme is to maintain a mechanism to monitor the progress and development of both Lincolnshire Police Force and the Authority in delivering equality and diversity aims.

F. RISK MANAGEMENT

The following risk is captured on the Authority's Non-critical risk register: Failure to comply with statutory duties with effective overview mechanisms leading to negative reputation consequences and interventions from Home Office/other organisations. (the Equalities and Human Rights Commission).

There is no intention to include a specific comment within existing Force Risk Registers.

Appendix 1

Lincolnshire Police Authority

Notes from the Equalities Meeting with Keith Smy/Melanie Cowell

18 March 2010

Present: Angela Crowe JP (Police Authority Equalities Portfolio Holder), Melanie Cowell (equalities and Diversity Officer), ACC Keith Smy, Ginny Mason (Research and Performance Officer)

Apologies: None

Priorities

The priorities and challenges for MC are around:

- Ensuring that the workforce is representative of the communities it serves (links to HR Committee's work around setting employment monitoring targets for inclusion in the policing plan).
- Understanding internally the cultural differences of the county.
- Developing the change in the culture of the organisation to be 'service driven'.
- Implementing the equality scheme.

1. Update on Combined Equalities Scheme

- *Progress on draft CES*
- *Consultation/update?*
- *Timescale regarding publishing on Force website*
- *CES Action Plan (was in skeleton form, what shape now?)*
- MC has been working on the CES since her appointment 2 months ago. The document has been reviewed to ensure that it is up to date in accordance with social and economic considerations as referred to in the Equalities Bill. It also includes linkages to the NPIA Baseline Equalities Standards Assessment, the CAA and ECM.
- The document has been developed to complement the Authority's CES. The group agreed that any good practice be shared with the RPO for a refresh of the Authority's CES.

ACTION

MC to produce briefing paper following the issuing of the Equalities Bill to ensure that the Authority's CES includes current legislation.

- The CES includes the developed Action Plan.
- Consultation on the Scheme with the public and other agencies will start in April 2010. MC will work with local partners (eg Boston Borough Council and South Holland District Council) to consult on the CES. The Scheme will be published for the consultation phase in April 2010.
- The Strategic Diversity Board will adopt the CES.

ACTION

MC to attend the Full Authority Meeting to provide an update on the equalities work (Authority meeting on 28 May 2010 at 10.30am).

2. NPIA Equality Standard

- *Baseline self assessment – completed/position status?*
- *Next steps?*

- MC has been working on gathering evidence, meeting people across the Force to carry out a baseline self assessment against the NPIA Equality Standards.
- The Chief Constable has indicated that the Force should aim to attain 'baseline' status by June 2010. However, it was acknowledged that there may be some gaps at this point. MC has been tasked with producing a paper for COG that sets out the baseline assessment and an accompanying action plan that shows how the gaps will be closed. Once the baseline has been reached, the Force will be 'peer reviewed' to provide quality assurance. The Force will then decide where to put the emphasis in terms of meeting the 'Integrating' standards.
- This process will help to prepare the Force for any HMIC/NPIA equalities inspections.

ACTION

At some point, it is suggested that the Baseline assessment is reported to the HR Committee as part of the Equalities Update (perhaps as an appendix). This will ensure transparency and accountability in the public domain. The next HR Committee is on 10 June 2010.

3. Strategic Diversity Board

- *Progress update? Meetings since our last meeting (23 November 2009).*
- *Authority membership? (due to meet on 22 January 2010?)*
- The Strategic Diversity Group has met once.
- The group comprises ACC Smy, the Equalities and Diversity Officer, BCU Commanders, Crime Support, HR, Children and Young People representative and an IAG member.
- It was agreed that AC would be formally invited to join the group.
- The next meeting is on 28 April 2010 at 2.00pm in Conference Room A.
- The group will refresh their terms of reference and to review where the Board can show 'added value'.

4. Lincolnshire Equality and Human Rights Council

- *Force involvement in re-establishment of LE&HR Council - Force objectives/aims, intended outcomes?*
- The Force is heavily involved and is a leading member of the Hate Crime Sub Group.
- The Force is in a position to be able to help to shape priorities.

5. Independent Advisory Groups (IAGs)

- *Next steps after the review?*
- *Aspiration expressed at last meeting (23 November 2009) to make better/more appropriate use of IAGs*
- Roger Bannister's review of IAGs is ongoing.
- There was agreement that there is a need for a coherent structure for IAGs and that further work is required in developing and formalising the relationship between the Force and the IAGs.
- The Authority will support this process where they can.
- IAG work feeds into the Community and Partnership Committee.

6. Hate Crime

- *Authority involvement with LCJB.*
- *Force plans? Progress?*
- AC updated the group on the Authority's involvement at the LCJB Hate Crime session (with many partners in attendance).
- AC highlighted that hate crime legislation omits hate crimes relating to elderly people.
- There is an internal review of the LCJB ongoing at present.

- The force will seek to influence the LCJB. Force is involved in the Hate crime Sub group.

ACTION

MC and GM work together on developing hate crime monitoring.

GM to sort out another meeting of this group before HR Committee on 10 June 2010

GM 19 March 2010

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