



The Equality Impact Assessment Report Police and Crime Commissioners

Background

The **Policing in the 21st Century: Re-connecting the police and the people** consultation document set out the Government's intention to introduce directly elected **Police and Crime Commissioners** (PCCs) to replace Police Authorities. For the first time ever, the public will be able to directly vote for an individual to represent their community's policing needs. PCCs will ensure that:

- the public can better hold police forces to account;
- there is greater public engagement in policing;
- there is greater public ownership of police force performance;
- the public have a powerful local representative who can help them in the fight against crime and ASB.

Aims and Objectives

The current system of governance under Police Authorities has become distorted and over-centralised in recent years, leading to a system that is heavily bureaucratic and removed from the public view.

The aim of this policy is to implement a key Coalition Agreement commitment: to return proper operational responsibility to Chief Constables (CCs), but with greater accountability directly to the public by introducing directly elected PCCs. These individuals, to be elected in 2012, will replace Police Authorities. They will be visible, and with the right checks and balances, more accountable, in particular they will:

- Have a wider role in community safety;
- Set force budgets;
- Have the power to appoint and where necessary remove the Chief Constable.

The key objective of this revision to policing governance arrangements is to establish a system by 2012, whereby the general public can participate in elections that will establish a PCC at the level of each force in England and Wales, replacing the existing Police Authorities.

PCCs will be established with a remit to hold the CC of their force to account for the full range of their responsibilities. They will, in turn, have to demonstrate the outcome of their work to the public who elected them. The aim is for PCCs to hold three key roles, setting the force budget (agreeing the local strategic plan and priorities for the force), playing a role in wider questions of community safety and appointing (and where necessary removing) the Chief Constable.

Outcomes

The intended overall effect is of greater public engagement and confidence in local policing, and a service free to concentrate on frontline issues.

Central to this will be for PCCs to ensure that forces are working to deliver value for money, and are meeting local policing priorities. They will also help to simplify the existing local delivery landscape for crime prevention and community safety and enable Community safety partners to work together with CJS partners to deal with forcewide community safety issues, working collectively towards a common aim, in particular:

- police and their partners working collaboratively to tackle crime and antisocial behaviour at a local level;
- a reduction in levels of crime and antisocial behaviour;
- people getting involved in local policing and holding the PCC to account;
- the police are more visible and accountable to the public as a result of stripping out unnecessary bureaucracy;

- increased responsibility of individuals and communities in policing;
- a more streamlined cost efficient service with less meddling from Whitehall;
- the policing landscape is simplified resulting in a more efficient, cost-effective service;
- the service has the right tools to develop of chief officer capability.

The Equality Act 2010 which, in the main, came into force on 1 October simplifies and in some areas strengthens anti discrimination laws and brings them together in one piece of legislation. This includes:

- Race Relations (Amendment) Act 2000
- Disability Discrimination Act 2005
- Equality Act 2006

The Equality Impact Assessment Process is designed to ensure that, as polices are developed and changed, they do not have a discriminatory or negative impact on diverse groups.

This report broadly summarises the potential impacts identified as a result of replacing Police Authorities with directly elected PCCs. This report will be updated over time as more detailed aspects of the policy are determined.

Stakeholder Engagement and Consultation

Government primarily sought feedback on its proposals to introduce PCCs via formal on-line consultation process, which ended on 20 September 2010. Over 900 responses were received to the on-line consultation and included feedback from key stakeholders including the Association of Chief Police Officers (ACPO), Association of Police Authorities (APA), Association of Police Authority Chief Executives (APACE), Police Federation, and Police Superintendents' Association.

Several key themes emerged from the consultation including: the cost of introducing the policy; the scope of the PCC role; the role and remit of the Police and Crime Panel; and the issue of operational independence.

To supplement the on-line consultation six stakeholder consultation workshops for Police professionals, police practitioners and the general public were held to gather a range of internal and external views on directly electing PCCs in each force area.

Conversations were undertaken with ACPO and the APA. There are other key organisations, such as the Local Government Association (LGA), who we will continue to work with throughout the policy development period. Engagement has been at both Official and Ministerial level, and will continue to support ongoing policy development.

Local practitioners and national networks were encouraged to respond to the consultation, for example the National Community Safety Network and local Community Safety Partnerships.

The online publication of the document *Policing in the 21st Century: Reconnecting the police and the public* gave us the opportunity to publicly set out the Commissioner model for the first time, and to consult both the public and interested parties on the proposal. We have used the responses we received from that consultation to inform ongoing policy development.

Consultation with internal stakeholders (including cross government)

At an official level, there is a close ongoing relationship to ensure consistent policy development, as far as possible with other government departments including Communities and Local Government, Ministry of Justice, Cabinet Office and Treasury as well as the Home Office Crime Team in Wales.

A range of stakeholders on individual policy areas have been, and will continue to be engaged and consulted. For each key policy area consultation will be an ongoing process throughout the policy development stage and beyond, into implementation. Consultation will be undertaken with a wide range of stakeholders, including those representing diverse groups. To gather views of diverse groups within the police service the Police National Diversity Staff Support Associations were formally advised of the on-line consultation and encouraged to submit their views.

A range of additional stakeholders have already been identified and are listed at annex A.

Views from the on-line consultation and stakeholder events will be considered in developing policy and the appropriate legislation required to support its successful introduction.

Consultation Questions

The consultation document set out six specific questions in relation to the introduction of Police and Crime Commissioners, they were:

Q1 Will the proposed checks and balances set out in this Chapter provide effective but un-bureaucratic safeguards for the work of Commissioners, and are there further safeguards that should be considered?

Q2 What could be done to ensure that candidates for Commissioner come from a wide range of backgrounds, including from party political and independent standpoints?

Q3 How should Commissioners best work with the wider criminal justice and community safety partners who deliver the broad range of services that keep communities safe?

Q4 How might Commissioners best engage with their communities – individuals, businesses and voluntary organisations - at the neighbourhood level?

Q5 How can the Commissioner and the greater transparency of local information drive improvements in the most deprived and least safe neighbourhoods in their areas?

Q6 What information would help the public make judgements about their force and Commissioner, including the level of detail and comparability with other areas?

We have received a range of responses in relation to the questions posed as part of the consultation. In particular, respondents, in answering Q2 and Q4 highlighted the need to ensure the diversity of PCC candidates; and the ability of one person to effectively represent diverse communities across a force area.

Desk Research

Government reports and consultation papers have been examined to inform the development of these reforms. These include:

- *Leading Policing - Tripartite Leadership Strategy*, 2008;
- Value for Money profiles and Police Report Cards, published by HMIC Value for Money statements published by police authorities;
- Race and Faith Inquiry Report – Metropolitan Police Authority – July 2010;
- Assessment of Women in the Police Service – Home Office March 2010;
- Stephen Lawrence Inquiry, Ten Years on – Feb 2009;

- Assessment of Minority Ethnic Recruitment, Retention and Progression in the police service – Home Office 2008;
- Stephen Lawrence Inquiry – MacPherson Report – 1999;
- Safe and Confident Neighbourhoods Strategy – 2010;
- HMIC Getting Together (2009);
- Statutory guidance & toolkit on collaboration (2010) – “models and legal implications of collaboration”.

This list is not exhaustive

Assessment and Analysis

There is statistical evidence to show that the general public have a poor understanding of the roles and responsibilities, and existence of Police Authorities; are unclear about how to progress complaints; and would like a single individual to work on behalf of the community to hold the police to account.

Louise Casey's Crime and Communities Review found that:

- 67% of people would not know who to go to, to complain if they weren't happy with the way their local area was being policed;
- Only 7% know that they should complain to their local Police Authority
- 68% of people agree or strongly agree that there should be a person elected by local people to hold the police to account on behalf of the community.

The Lyons Inquiry into Local Government showed that:

- 48% of people mistrust councils whereas only 24% mistrust the police
- Senior police officers are among the most trusted public figures, although local police officers are even more trusted
- 25% of people think that councils should have responsibility for policing
- 34% of people thought it appropriate local councils decide on spending cuts or increases for policing

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- 37% of people feel that independent members of police authorities are the best people to hold the police to account, shortly followed by 34% who think directly elected members are
- 19% of people feel that councillors are the best people to hold the police to account
- 19% disagree that "a politician should be elected by local people to the Police Authority to represent concerns about crime and policing in their area"

- 17% of people would raise concerns over policing with their councillor, 18% said they would raise it with a directly elected representative

In developing or changing any policy an assessment of the potential impacts on diverse groups must be undertaken, in particular having due regard for issues of race, gender, disability, and age. The main potential equality impacts for each of the key policy areas have been identified and are set out below.

Will the proposals have significantly higher impact on a particular group, community, individual or certain police service ‘personnel’?

We know that there are a disproportionately low number of BME people and women in key public facing roles for example members of parliament, local councillors, and chief police officers.

Consideration of how those from diverse groups can stand and participate in elections is key in gaining the support from, and understanding the needs of diverse communities. This includes people with disabilities, people who are gay, as well as younger and older people.

Also people from BME groups are much more unlikely to get involved in influencing local services and voting so it is important that the PCC can represent the views of all local communities effectively.

To assist in ensuring that the PCC has as full regard to diverse community issues and matters within his force area, we will establish a Police and Crime Panel (PCP) for each Force Area to publicly scrutinize the PCC. We have decided that it is best to utilise existing elected individuals from Local Authorities, including district councils, to provide this function and for the Panels to be formed in the following way:

- The minimum size of a Police and crime Panel within a force area shall be 10 councillors plus 2 co-opted independent members (12)

- For a force area that has more than 11 constituent local authorities (Local Authorities) or more, each authority in that area will be required to send 1 elected member to the panel. For example, Thames Valley has 18 Local Authorities and therefore will have a Panel of 20 members (18 + 2 co-opted)
- For a force area that has 10 constituent Local Authorities, each LA will be required to send 1 elected member (10 + 2)
- For a force area that has 9 constituent Local Authorities or less, each LA will be required to send 1 elected member and the remaining councillor seats will be appointed by the consensus of the continuant Local Authorities up to a maximum of 10 Councillors.

We will require that PCP arrangements must secure that, as far as is reasonably practicable, the Local Authority Members represent all parts of the relevant police area but we will not legislate to determine how constituent Local Authorities appoint or select their member to each Police and Crime Panel. We will also not legislate to prescribe how Local Authorities will select the remaining councillors over and above their required 1 member, other than to say that it is for the Local Authorities within that force are to agree on the councillor representation up to the minimum size of a PCP (10+2).

Each PCP will have 2 co-opted members in addition to their Local Authority constituent members. We will set out in legislation the broad selection criteria for the co-opted members of the PCP. In co-opting members, the PCP must secure that, as far as is reasonably practicable, the members of the panel have, between them, the skills, knowledge, and experience necessary for the PCP to discharge its functions effectively.

Financial implications

Any structural changes and efficiency measures, at force level, need to consider potential adverse impacts on BME, women, disabled and older police staff and police officers as well as impacts to services provided to diverse groups. Any

decisions made by the PCC or the Chief Constable which impacts on officers, staff and the public will require a full equality impact assessment at force level.

Data Gaps

We are keen to ensure as broad a range of communities are empowered to stand for election to the post of PCC as possible. That is why we included a consultation question (question 2) which specifically asks what could be done to attract a diverse range of potential candidates for PCC roles.

We would also be interested in ideas to maximise voter turnout for the PCC election in 2012, particularly from hard to reach groups. We have also used the consultation to ensure that we have covered all the necessary issues in relation to both the powers that the PCCs should have, the systems for 'checks and balances', and how accountability should best work - that is how the PCC should report to the public that elected them.

Equality Issues identified

We also appreciate that there are particular sections of the community who, for a variety of reasons, may not be inclined to turn up and vote for their PCC in 2012. Raising public awareness of the elections and the importance of the PCCs role across all communities will be vital.

The Commissioner will play a key role in ensuring that the Chief Constable develops and builds a police force that represents the diversity of the population it serves.

Mitigation actions

Home Office equality and diversity colleagues are supporting policy development to ensure that initial feedback on the policy from representatives of diverse communities is obtained, and are aware of any potential risks and issues they may arise with the introduction of this policy.

We will work with colleagues experienced in election issues (Cabinet Office, the Electoral Commission) to ensure that we give proper consideration to how to encourage voters, particularly those from diverse groups to participate in the 2012 election. Where possible we will also link to local elections to maximise potential voter numbers.

Once in place, the PCC will be working closely with a support team, who will have a range of responsibilities. This model will ensure proper checks on propriety. The Police and Crime Panel will ensure proper checks and balances are in place in the work of the PCC, who must have due regard for equality and diversity in carrying out his/her functions.

PCCs will have a vested interest in ensuring that they can effectively represent all sections of the community, including people from across the generations, gay people, people with disabilities, and people from BME communities. They will have a key role in engaging with diverse community groups to ensure the right strategic priorities are set for the force. They will also be responsible for holding the Chief Constable to account to ensure the police force reflects the diversity of the population it serves. The PCC will be accountable to their communities for this.

In addition PCCs will have a role in ensuring that their CC has effective arrangements in place for engaging with the public in the policing arena – this includes the production of relevant crime data and holding regular beat meetings.

PCCs will also have a role in ensuring the needs of victims are considered in setting force priorities.

Potential PCC candidates will not be restricted to those supported by a main political party. **Any** independent member of the public (except those disqualified) may stand for election. Political parties will need to consider how they might increase their diversity to appeal to and encourage wider engagement across all sections of the population.

The Police and Crime Panel will comprise of LA councillors and independent members – totalling at least 12 members (which must include at least 2 independent members). Local Authorities, including District Councils, in the force area will appoint the councillor members and in doing so must have regard to issues such as relevant skills, diversity, and geographical spread to ensure as wide a representation across the force area as possible. All local authorities, including district councils will be represented on the police and crime panel by at least one councillor member (depending on the number of local authorities in a force area). This will ensure that each council area within the force is appropriately represented, providing an opportunity for the views of all local people to be reflected.

Once the Councillor members to the panel are appointed, they in turn must appoint independent members and in doing so have regard to relevant skills, diversity, and experience.

Conclusions and Recommendations

The Police and Crime Commissioner policy will respect diversity by:

- not unnecessarily restricting eligibility to stand as a candidate for the post of PCC;
- giving everyone the opportunity to vote for their PCC;
- ensuring that equality and diversity factor in the decisions made by the PCC, in setting local priorities in consultation with communities;
- ensuring the PCC and CC have a clear understanding of their respective roles in promoting equality and diversity and the positive impact of effective engagement with diverse communities on the work of the force;

PCCs will be held publicly accountable for how police forces are performing. Everyone will have the opportunity to get involved and take an active part in making sure their streets are policed effectively, by holding the Chief Constable to account through the PCC.

The election of PCCs will be achieved through a democratic process. This will ensure that everyone can have their say by voting for the candidate they want to represent them and their community. With the exception of certain disqualification, any independent candidate may stand for election – this will help to increase the potential diversity of candidates.

In striving for efficiency and better value for money all forces should be mindful of the impacts of decisions locally and to be mindful of potential negative effects on diverse groups, and to promote equal opportunity for all. The impact on equality must be undertaken locally where changes made by the PCC or the CC may impact on police personnel or the public. This is to remove the potential for direct or indirect discrimination.

Policing plans developed by PCCs must be HRA compliant.

Policing Partners and national organisations:

- Association of Chief Police Officers
- Association of Chief Police Officer in Scotland
- ACPO Women's Forum
- Association of Police Authority Chief Executives
- Association of Police Authorities
- Association of Senior Female Police Staff
- Audit Commission
- British Association of Women in Policing
- British Chambers of Commerce
- British Ports Association
- British Security Industry Association
- Chief Police Officer Staff Association
- The Children's Society
- Her Majesty's Inspectorate of Constabulary
- Her Majesty's Revenue and Customs
- The Howard League for Penal Reform
- The Independent Police Complaints Commission
- Local Government Information Unit
- National Police Improvement Agency
- National Probation Service
- Northern Ireland Office
- Police Federation of England and Wales
- Police Superintendents Association of England and Wales
- Police Foundation
- Runnymede Trust
- Skills for Justice
- Serious Organised Crime Agency
- The Law Society
- The Scottish Government
- UNISON
- The Welsh Assembly Government
- Local and Regional Government and Associations
- Individual Police Forces (x 43) and Authorities
- MP's

Government Departments:

- Treasury
- Communities and Local Government
- HMRC
- Ministry of Justice
- Cabinet Office

- The Attorney General's Office

Wider Partner and Public Interests:

- Community Safety Partnerships
- Local Strategic Partnerships
- Community and Voluntary Sector organisations (eg Catch 22, Victim Support, The Groundwork Trust, Age Concern)
- Local Councillors
- Professional groups and industry bodies - eg The Magistrates' Association
- Local Business Forums and Associations, Chambers of Commerce Think Tanks
- NDPB's
- Tenants and Residents Associations
- Neighbourhood Policing Teams, PCSO's and Wardens
- Community Crime Fighters
- Neighbourhood Watch Groups
- Housing Partnerships

This list is not exhaustive.