

## INITIAL DIVERSITY SCREENING AUDIT FOR POLICE AUTHORITY POLICIES AND FUNCTIONS

**DOCUMENT:** \_Custody Visiting

**AUDITORS:** Tamsin Kelland, Eelke Zoestbergen.

**Date :** June 2007

- The following provides a set of questions to be applied by those persons involved in auditing, drafting or amending Police Authority policy, procedures or working practices.
- The questions are prompts to ensure compliance with the key principles of the Race Relations (Amendment) Act 2000 and other diversity principles.
- This completed document must be attached to any policy subjected to this form of review, as this will demonstrate what steps have been taken by the Police Authority to ensure compliance with the Race Relations Act Amendment) Act 2000 and other diversity principles especially those relating to disability, age, gender, religion/belief or sexual orientation.
- The policy/function will be audited firstly from the viewpoint of a generic policy/function that could be used in any organisation and then secondly specifically from a Devon & Cornwall Police authority viewpoint;
- In an authority as small as Devon & Cornwall Police Authority, great care must be taken to ensure that actions such as monitoring activities do not provide opportunity for disclosure of information about an individual.

| <u>ISSUE</u> | <u>Question</u> | Response<br>(THIS SECTION SHOULD BE COMPLETED BY THE INDIVIDUAL AUDITING OR<br>DRAFTING POLICY/PROCEDURE/PRACTICE<br>AND PROVIDES THE EVIDENCE TO SUPPORT ANY CERTIFICATION OF<br>COMPLIANCE) | Page<br>REFERENCE<br>(cross reference<br>to section in<br>policy which<br>addresses the<br>issues raised) |
|--------------|-----------------|---|---|
|--------------|-----------------|---|---|

| <b><u>ISSUE</u></b>                                      | <b><u>Question</u></b>  | Response<br>(THIS SECTION SHOULD BE COMPLETED BY THE INDIVIDUAL AUDITING OR DRAFTING POLICY/PROCEDURE/PRACTICE AND PROVIDES THE EVIDENCE TO SUPPORT ANY CERTIFICATION OF COMPLIANCE)  | Page REFERENCE<br>(cross reference to section in policy which addresses the issues raised) |
|--|---|---|--|
| <b>Initial Screening for key Human Rights Principles</b> | 1. What is the intention of this policy/procedure/working practice?   | A) Clarify parameters of Custody Visitors' role<br>B) Allow effective Police Authority and community (public) scrutiny<br>C) To ensure that detainees are held according to statutory rules governing their welfare<br>D) Enabling Custody Visitors to undertake effective custody visits | <i>Foreword, p3.</i>   |
|  | 2. Have the contents of this policy been previously audited for human rights compliance?  | No, although diversity considerations were taken into account when the Scheme was reviewed in 2005/06.  |  |
|  | 3. Is there any <b>potential</b> interference with an individual's rights contained in the policy as set out in the Convention Articles?<br>If <b>yes</b> please provide details and evidence and undertake a full impact assessment by completing the relevant template. | Only if the policy is not adhered to correctly or is unfairly applied.<br>Furthermore when the policy was reviewed much 'diversity' work was done in relation to recruitment, interviewing, training, communications etc.<br>Please see attached Appendix A – ICV Update 2006             |  |

| <b>ISSUE</b>   | <b>Question</b>  | <b>Response</b><br>(THIS SECTION SHOULD BE COMPLETED BY THE INDIVIDUAL AUDITING OR DRAFTING POLICY/PROCEDURE/PRACTICE AND PROVIDES THE EVIDENCE TO SUPPORT ANY CERTIFICATION OF COMPLIANCE)  | <b>Page REFERENCE</b><br>(cross reference to section in policy which addresses the issues raised) |
|--|--|--|---|
| <b>GENERAL DUTY TO PROMOTE RACE EQUALITY AND OTHER DIVERSITY PRINCIPLES BOTH INTERNALLY AND EXTERNALLY</b> | <p>4. Which if any of the three aspects of the General Duty does the policy/procedure have links with?</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <i>Eliminate racial discrimination</i></li> <li><input type="checkbox"/> <i>Promote equality of opportunity</i></li> <li><input type="checkbox"/> <i>Promote good relations</i></li> <li><input type="checkbox"/> <i>The above 3 principles (eliminating discrimination, promoting equality of opportunity and promoting good relations) in relation to race, disability, age, gender, religion/belief or sexual orientation.</i></li> </ul> <p><i>Does it support our statutory responsibility as outlined in The Children's Act 2004?</i></p> | <p>The policy has links with all these aspects of the general duty and diversity principles although its purpose is much wider. It facilitates the verification that all people involved in the custody visiting process are treated in accordance with the General Duty and HR laws.</p> <p>It discourages behaviour which does not accord with these principles as it specifically identifies intimidation or bullying on grounds of age, race, disability, etc as gross misconduct.</p> <p>As far as the Children's Act is concerned, it was highlighted that the initial training did not include a specific focus on children / children's issues in custody. Specific Age Training will incorporate this angle, which will become part of the Training for Custody Visitors.</p> |   |

| <b><u>ISSUE</u></b> | <b><u>Question</u></b>   | <b>Response<br/>(THIS SECTION SHOULD BE COMPLETED BY THE INDIVIDUAL AUDITING OR DRAFTING POLICY/PROCEDURE/PRACTICE AND PROVIDES THE EVIDENCE TO SUPPORT ANY CERTIFICATION OF COMPLIANCE)</b>   | <b>Page REFERENCE<br/>(cross reference to section in policy which addresses the issues raised)</b> |
|---------------------|--|--|--|
|                     | <p>5. Is there evidence or reason to believe that some groups could be differently affected by the policy/procedure/practice and if so, which groups e.g. people from a particular race, culture or belief, gender, sexuality?</p> <ul style="list-style-type: none"> <li>• How much evidence do you have? You should consider existing performance monitoring data recorded by the Police Authority and issues of public interest.</li> </ul> | <p>No, if followed correctly, the impact is the same on every employee.</p> <p>All forms (containing all details of the visit) are monitored and kept on a database. Any issues can thus be addressed and a continuous improvement structure is in place by addressing any issues and providing evaluation and feedback.</p> <p>Furthermore there are Panel meetings held in both Devon and Cornwall to discuss any issues.</p> <p>So far no specific diversity issues have been highlighted but this will continue to be monitored.</p> |  |

| <u>ISSUE</u> | <u>Question</u>   | Response<br>(THIS SECTION SHOULD BE COMPLETED BY THE INDIVIDUAL AUDITING OR DRAFTING POLICY/PROCEDURE/PRACTICE AND PROVIDES THE EVIDENCE TO SUPPORT ANY CERTIFICATION OF COMPLIANCE)  | Page REFERENCE<br>(cross reference to section in policy which addresses the issues raised) |
|--------------|---|---|--|
|              | <p>6. Is there any <b>potential</b> for policy/ procedure /working practice to be applied in a discriminatory manner with respect to race or any other group of people to which diversity principles apply?</p> <ul style="list-style-type: none"> <li>• How much evidence do you have? You should consider whether there is a chance for the policy to be applied disproportionately.</li> </ul> | <p>All Custody Visitors are diversity trained, furthermore custody visits are conducted in pairs which should overcome any difficulties an ICV may have as a result of a disability coupled to a more objective &amp; scrutiny approach towards the detainee.</p> <p>All forms are checked and verified by - see update above.</p> <p>Furthermore the DCPA has a dedicated Custody Liaison Officer who is also trained and aware of all Diversity issues.</p> |  |
|              | <p>7. <i>Is there any evidence of public concern that the policy/ procedure /working practice has been or is being generated in a discriminatory way.</i></p> <p><i>How much evidence do you have? You should consider current and historical media and press interest.</i></p>   | <p>No</p> <p>Deaths in custody are rare and in case this occurs the IPCC are always involved.</p>   |  |

| <u>ISSUE</u> | <u>Question</u>  | Response<br>(THIS SECTION SHOULD BE COMPLETED BY THE INDIVIDUAL AUDITING OR DRAFTING POLICY/PROCEDURE/PRACTICE AND PROVIDES THE EVIDENCE TO SUPPORT ANY CERTIFICATION OF COMPLIANCE)   | Page REFERENCE<br>(cross reference to section in policy which addresses the issues raised) |
|--------------|--|--|--|
|              | <p>8. Considering the answers to Qs 4-7, is the current policy/ procedure /working practice or proposed policy/procedure/ working practice relevant to the General Duty to promote race equality or the effect on any particular group of people?</p> <p>Please underline a level of priority.</p> | <p>None      A little (3)      <u>Some (2)</u>      A lot (1)</p> <p><b>If None, complete a brief explanation for your reasons.</b></p> <p><b>If the policy is assessed as having “some” or “a lot” of relevance, then a Full Race Impact Assessment needs to be completed.</b></p> <p>Like many policies and procedures that directly affect the well being of individuals, diversity issues must, at all times, be taken into consideration. However, we feel that with the recent review of the Scheme all effective mechanism have been put into place to ensure these are considered.</p> <p>Therefore to undertake another impact assessment at this time is not considered to be a priority. This decision will be reviewed when the ICV scheme is to be re-audited in 3 years’ time.</p> |  |

| <b>ISSUE</b>                         | <b>Question</b>   | <b>Response</b><br>(THIS SECTION SHOULD BE COMPLETED BY THE INDIVIDUAL AUDITING OR DRAFTING POLICY/PROCEDURE/PRACTICE AND PROVIDES THE EVIDENCE TO SUPPORT ANY CERTIFICATION OF COMPLIANCE)  | <b>Page REFERENCE</b><br>(cross reference to section in policy which addresses the issues raised) |
|--------------------------------------|---|--|---|
| <b>MONITORING IMPACT OF POLICY</b>   | 9. Are current recording arrangements and data collection methods sufficient to allow the policy to be monitored with reference to any particular groups of people? | <p><b>If <u>yes</u> please list what they are, where they are held and when and how they are collected.</b></p> <p>From ICV's point of view – all this is recorded and monitored.</p> <p>As mentioned under point 5 – all forms are stored and monitored and actioned where appropriate.</p> <p>All the monitoring is undertaken by the voluntary ICV Administrator.</p> <p><b>If <u>no</u> please identify what you think needs to be done to enable this policy to be appropriately monitored.</b></p> |   |
| <b>BUREAUCRACY GATEWAY CHECKLIST</b> | 10. What has changed or emerged to trigger this policy (if it is a new policy which is being audited)?  | NA   |   |
|                                      | 11. Are the objectives of the Policy & Procedure clear?   | Yes  |   |

| <b>ISSUE</b>                                     | <b>Question</b>   | <b>Response</b><br>(THIS SECTION SHOULD BE COMPLETED BY THE INDIVIDUAL AUDITING OR DRAFTING POLICY/PROCEDURE/PRACTICE AND PROVIDES THE EVIDENCE TO SUPPORT ANY CERTIFICATION OF COMPLIANCE) | <b>Page REFERENCE</b><br>(cross reference to section in policy which addresses the issues raised) |
|--|---|---|---|
|  | 12. Does the policy/procedure require new processes or documents for implementation (consideration must be given to the costs or of implementation against the anticipated benefits)  | No  |   |
| <b>Freedom of Information Act Considerations</b> | 13. Does the policy contain clear information about the application of the Freedom of information Act?<br><br>Is the policy / procedure to be published on the Authority's website - if no please give explanation                      | No - this needs to be considered<br><br>To be considered  |   |
| <b>Declaration of Compliance</b>                 | 14. Does the policy contain a declaration that it has been drafted in accordance with the Human Rights Act, Race Relations Act, Disability Discrimination Act, and the Freedom of Information act and the principles underpinning them? | No – this needs to be considered  |   |
| <b>Policy Review Date</b>                        | 15. The suggested review date to ensure continuing compliance with legislative and best practice principles.  | June 2010 (3 years)   |   |