



Briefing Paper for Police and Crime Commissioners: Equality, Diversity and Human Rights

The Police Reform and Social Responsibility Act 2011 (PRSRA) established new arrangements for policing governance in England and Wales, effective from 22 November 2012.

This document has been developed to inform PCCs and the public. It aims to improve understanding of the changing landscape of equalities and policing governance and to help ensure consistent good practice across equality areas and the policing service.

Over recent years, there have been a number of high-profile reviews and inquiries, including:

- the Bradley Report (2009) – Lord Bradley's review of people with mental health problems;
- the Independent Police Complaints Commission's report into police custody as a 'place of safety' (2008);
- the Commission for Racial Equality's (CRE) Formal Investigation into the Police Service (2003); and
- the Stephen Lawrence Inquiry (1999) – Sir William MacPherson's report into the Stephen Lawrence Murder.

These have resulted in real change and significant improvements in the quality of service for all communities. Most importantly, these have had a lasting effect on the ways in which the police listen to, and consult and police diverse communities.

The Role of the Police and Crime Commissioner

The primary function of the Police and Crime Commissioner (PCC) is to secure the maintenance of an efficient and effective police force for the communities of their police force area and to hold the chief constable to account for the exercise of their functions and those of persons under their direction and control.

PCCs are responsible for the totality of policing in their area, including setting local policing and crime priorities, setting the police force budget and precept, and disbursing community safety funding. They also have responsibilities to co-operate with partners to

provide an efficient and effective criminal justice system; to co-operate with community safety partners and have regard to their priorities; to obtain views from the community and victims of crime on policing; and to exercise duties in relation to safeguarding children and the promotion of child welfare.

By law, in carrying out all these functions, PCCs need to have due regard to:

- eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act 2010;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and to
- foster good relations between such groups.

As public bodies, the offices of Police and Crime Commissioner and chief constable are subject to the general equality duty. The broad purpose of this duty is to integrate consideration of equality and good relations into day-to-day business and for consideration to be given to how public bodies can positively contribute to the advancement of equality and good community relations.

The chief constable is also subject to the Specific Equality duties. These include: publishing information to demonstrate compliance with the general equality duty; evidencing how policies and practices have (or would) further the aims of the general equality duty; evidencing that they fully considered equality implications when making decisions; carrying out and evidencing engagement with people who have an interest in furthering the aims of the general equality duty; and preparing and publishing equality objectives.

It will be for the Police and Crime Commissioner to maintain oversight of the police force and its chief constable in meeting the general and specific equality duties.

Key Policing Activities

Key national stakeholders were asked to identify areas of policing activity that the PCC should focus on, particularly activities that impact on under-represented, vulnerable and marginalised groups. Although this has been developed with a particular focus on Equality Diversity and Human Rights (EDHR) issues it is important to point out that each PCC will work with their local communities to set the local policing priorities and, as such, the areas identified cannot be utilised as an exhaustive list of policing activities. Local issues and priorities will vary.

The key policing activities that were identified to include within the framework are:

- Anti Social Behaviour
- Child Abuse
- Child Sexual Exploitation and Grooming
- Countering Terrorism
- Custody
- Data Sharing
- Domestic Abuse
- Female Genital Mutilation
- Hate Crime
- Honour Based Violence and Forced Marriage
- Human Trafficking
- Missing From Home
- Perpetrators
- Rape
- Recruitment, Retention and Progression
- Safeguarding Vulnerable Adults
- Sexual Exploitation
- Stop and Search
- Use of Regulation of Investigatory Powers Act
- Victims
- Witnesses

What PCCs Need to Know

We live in a diverse society that contains a wealth of skills, talents and expertise. It is essential to the future prosperity of our society and of the police service that it develops and makes use of those skills, talents and expertise by ensuring that all individuals can participate equally.

Clearly PCCs must observe the law on equality, diversity and human rights and need an understanding of how it applies to their role. Some of the key legislation which PCCs should familiarise themselves with are:

- Equality Act 2010
- Human Rights Act 1998
- Children's Act 2004
- The Criminal Justice Act 1991 – Section 95
- Mental Health Legislation
- European Union Victims Directive
- Regulation of Investigatory Powers Act 2000

The PCC will wish to ensure that all activities commissioned or directly provided by the police are effective and deliver not only increased satisfaction and confidence in all communities but that they are equitable and deliver real financial savings to ensure that public money is being used in the most efficient and prudent manner.

There are clear moral and ethical obligations to ensure that all members of the community receive open, fair and transparent treatment from the police and criminal justice system. However, there are real benefits beyond legal and integrity considerations of tackling some of the key policing activity areas, including those that may be perceived as being national rather than local impact issues.

It should be recognised that real progress has been made in fairness in policing and criminal justice in recent years. This has been driven by the natural progression of democracy and inclusivity but also by a combination of legislation, regulation, statutory guidance and national standards and targets, which have often (although not always) been influenced by significant high profile events, such as the Stephen Lawrence Inquiry (1999), the Bradley Report (2009) into mental health, the Independent Police Complaints Commission's report into police custody arrangements (2008) and the Commission for Racial Equality's Formal Investigation into the Police Service (2003).

PCCs will need to develop policies and strategies which ensure all sections of the community are served. Practical examples of good practice which was simple to deliver and has been successfully implemented by organisations can assist in this.

PCCs will face a number of challenges in an EDHR context as they fulfil their role and serve their local communities, balancing local priorities with national requirements. For example:

- Commissioning Role of the PCC;
- Communication and Engagement with the Local Community;
- Community Awareness and Equality Mapping;
- Complaints Handling;
- Data: Using It and Sharing It;
- Local Criminal Justice Boards (LCJBs);
- Police and Crime Panel;
- Police Professional Standards Investigations;
- Positive Action in Service Provision;
- Privacy Issues - RIPA powers overview and scrutiny function of PCC;

- The Strategic Policing Requirement (SPR); and
- Working with Local Authorities and other Partners.

There are many organisations that the PCC can work with to create innovative partnerships and bespoke services for vulnerable and under-represented groups - to help reduce crime, assist victims and manage offenders. PCCs will find it helpful to use the skills and experience of partners and organisations which can assist in delivering a fair and inclusive policing environment.

Where to Find More Information

More detailed information on all these areas can be found in the document *Police and Crime Commissioners: Equality, Diversity and Human Rights (2012)*.