

## DIVERSITY IMPACT ASSESSMENT

Title of policy/procedure: DNA Policy, Procedure and Guidance
Policy author/assessor: Amanda Cooper
Department: Forensic Investigations Unit
Date of assessment: 26 <sup>th</sup> July 2006

### PART ONE

#### Aims of the Policy/Function

##### 1.1 Identify the aims of the policy or function.

The aim of this policy is to document the taking of intimate and non-intimate samples of DNA for evidential purposes, the routine taking of non-intimate body samples of DNA from people arrested for a recordable offence, Volunteer DNA samples, the procedures surrounding Intelligence led DNA screening and Continuity of Exhibits and Exhibit Labels

##### 1.2 Which individuals and organisations are likely to have an interest in or likely to be affected by the policy or function?

Senior Investigating Officers, Crime Managers, Operational staff, Forensic Service Providers, Detainees following arrest for a recordable offence and Victims of crime and The Custodian of the National DNA Database.

Age

N/A

Disability

N/A

Faith or Religion

N/A

Gender (including transgender)

N/A

Race

N/A

Sexual Orientation

N/A
<b>Evidence</b>
<p><b>2.1</b> What <b>quantitative</b> information is available about the subject matter of the policy/function and its effect on each diversity target group?</p> <p>TVP currently provide DNA Sampling Activity data to the Home Office on a quarterly basis. One area of the General Data Return (GDR) is Custody Sampling and asks for arrest offence sampling activity which includes whether subjects are already DNA Confirmed.</p>
Age N/A
Disability N/A
Faith or Religion N/A
Gender (including transgender) N/A
Race N/A
Sexual Orientation N/A
<p><b>2.2</b> What <b>qualitative</b> information is available about the subject matter of the policy/function and its effect on each diversity target group?</p>
Age N/A
Disability N/A
Faith or Religion N/A
Gender (including transgender) N/A

Race N/A
Sexual Orientation N/A
<b>2.3</b> What are the gaps in the available data?  The policy has been written based on Home Office legislation surrounding the sampling and retention of DNA samples – The Criminal Justice and Public Order Act 1994 as amended by the Criminal Justice Act 2003 and The Criminal Justice and Police Act 2001.
Age N/A
Disability N/A
Faith or Religion N/A
Gender (including transgender) N/A
Race N/A
Sexual Orientation N/A
<b>2.4</b> Have you considered doing new research? If not, state why not.  New research or amendment to the policy would follow the introduction or amendment of Home Office Legislation or changes to internal working policy or procedures.
Age N/A
Disability N/A
Faith or Religion N/A
Gender (including transgender) N/A
Race N/A

Sexual Orientation N/A
<b>Assess the likely impact – negative impact</b>
<p><b>3.1</b> From the information available, and your knowledge and experience of the policy or function, could it (if properly followed) have a negative impact on any one of the diversity target groups? State how.</p> <p>If properly followed and in line with legislation this policy will not have a negative impact affecting a target diversity group either by way of discrimination or denial of opportunity.</p>
Age N/A
Disability N/A
Faith or Religion N/A
Gender (including transgender) N/A
Race N/A
Sexual Orientation N/A
<p><b>3.2</b> If the answer to 3.1 is yes, is there any negative impact which is intended or justified under law? N/A</p>
Age N/A
Disability N/A
Faith or Religion N/A
Gender (including transgender) N/A

Race N/A
Sexual Orientation N/A
<b>3.3</b> If the answer to 3.1 is yes, explain any negative impact which you feel is justifiable in order to achieve the overall policy/function aims.  N/A
Age N/A
Disability N/A
Faith or Religion N/A
Gender (including transgender) N/A
Race N/A
Sexual Orientation N/A
<b>3.4</b> Are there other factors that might explain the negative impact? N/A
Age N/A
Disability N/A
Faith or Religion N/A
Gender (including transgender) N/A
Race N/A
Sexual Orientation N/A

**Assess the likely impact – positive impact**

**4.1** Could the policy or function have a positive impact on any of the diversity target groups, by promoting equality or improving relations between those groups and other employees or service users outside each group?

If properly followed and in line with legislation the policy won't have a positive impact on any of the diversity groups.

Age  
N/A

Disability  
N/A

Faith or Religion  
N/A

Gender (including transgender)  
N/A

Race  
N/A

Sexual Orientation  
N/A

**4.2** If there is no evidence that the policy or function promotes equality or improves relations between diversity target groups and other people, what amendments could be made to achieve this?

The policy is written in conjunction with Home Office Legislation and internal submission processes therefore no amendment could be made to promote equality or improves relations between diversity target groups and other people.

Age  
N/A

Disability  
N/A

Faith or Religion  
N/A

Gender (including transgender)  
N/A

Race  
N/A

Sexual Orientation N/A
<b>Amendments to policy</b>
<b>5.1</b> Which diversity target groups were identified as being negatively affected by the policy or function?  N/A
Age N/A
Disability N/A
Faith or Religion N/A
Gender (including transgender) N/A
Race N/A
Sexual Orientation N/A
<b>5.2</b> Have you removed or reduced the possibility of negative impact by making changes to the policy or function?  N/A
Age N/A
Disability N/A
Faith or Religion N/A
Gender (including transgender) N/A
Race N/A
Sexual Orientation N/A

<p><b>5.3</b> If changes were considered but not made, explain why this was the case.</p> <p>N/a</p>
<p>Age N/A</p>
<p>Disability N/A</p>
<p>Faith or Religion N/A</p>
<p>Gender (including transgender) N/A</p>
<p>Race N/A</p>
<p>Sexual Orientation N/A</p>
<p><b>5.4</b> If the possibility of negative impact remains despite amendments, explain why implementing the policy is justifiable to meet the wider policy aims.</p> <p>What alternative options have you considered for delivering the policy or function's aims?</p> <p>N/A</p>
<p>Age N/A</p>
<p>Disability N/A</p>
<p>Faith or Religion N/A</p>
<p>Gender (including transgender) N/A</p>
<p>Race N/A</p>
<p>Sexual Orientation N/A</p>

IMPACT LEVEL – (CONSULTATION)							
	Scoring	Age	Disability	Faith or Religion	Gender (and transgender)	Race	Sexual Orientation
Does the policy or function affect TVP staff?(i.e. officers or staff)	Yes = 1 No = 0	0	0	0	0	0	0
Does the policy or function affect the public served by TVP?	Yes = 1 No = 0	0	0	0	0	0	0
Does the policy or function involve the use of a statutory power?	Yes = 1 No = 0	1	1	1	1	1	1
Does the policy, when properly followed, allow for the exercise of discretion by the person implementing it?	Yes = 1 No = 0	0	0	0	0	0	0
Do you perceive the function to be politically or socially sensitive?	Yes = 2 No = 0	0	0	0	0	0	0
Insert your answer to Question 3.1 above (Yes/No)	Yes = 2 No = 0	0	0	0	0	0	0

Insert your answer to Question 3.2 above (Yes/Partly/No)	Yes = -2 Partly = -1 No = 0	0	0	0	0	0	0
Insert your answer to Question 5.2 above (Yes/Partly/No)	Yes = -2 Partly = -1 No = 0	0	0	0	0	0	0
Insert your answer to Question 4.1 above (Yes/No)	Yes = 1 No = 0	0	0	0	0	0	0
Add your scores for each column	Total score	1	1	1	1	1	1
Impact Level:	1-3 = Low 4-5 = Medium 6-8 = High						

## PART TWO

### Formal consultation

**6.1** Has the policy or function been consulted upon?

If not state why not.

If yes, state which individuals and organisations were consulted and what form the consultation took.

[See Notes](#)

Age

Disability
Faith or Religion
Gender (including transgender)
Race
Sexual Orientation
<b>6.2</b> What was the outcome of the consultation?  State briefly what the recommendations or comments arising from the consultation consisted of.  <a href="#">See Notes</a>
Age
Disability
Faith or Religion
Gender (including transgender)
Race
Sexual Orientation
<b>6.3</b> Has the policy or function been revised or amended as a result of the consultation?  State how
Age
Disability

Faith or Religion
Gender (including transgender)
Race
Sexual Orientation
6.4 Have the results of the consultation been fed back to the consultees? How?
Age
Disability
Faith or Religion
Gender (including transgender)
Race
Sexual Orientation
<b>Monitoring</b>
7.1 Make monitoring arrangements  Will monitoring be at force, BCU/ Dept level? Monitoring means scrutinising, following up and evaluating the policy/function  It should be comprehensive enough to inform future policy making and development.  <a href="#">See Notes</a>
Age

Disability
Faith or Religion
Gender (including transgender)
Race
Sexual Orientation

### **1.1 Identify the aims of the policy or function**

This includes the reasons for creating the policy and what it hopes to achieve in terms of its effect on individuals as employees or service users and the organisation as a whole.

#### Definitions

- 'Function': In this context, any activity carried out by TVP. This may be guided by a policy, procedure or other guidance.
- 'Policy': Policies may be sub-divided into external (service delivery) and internal (organisational management) policies.

'External policy' (Service delivery): General principles which direct our officers and staff when making decisions in connection with service delivery. Generally based on European or domestic legislation and case law.

'Internal policy' (Organisational management): General principles which direct our officers and staff when making decisions in connection with the scope and provision of facilities, services and goods. They are sometimes based on legislation or regulation.

- 'Procedure': Detailed guidelines for tasks and activities that show how work should be carried out. They are often issued to deliver implementation of a policy.

### **1.2 Which people and organisations are likely to have an interest in or likely to be affected by the policy or function?**

Where a policy or function is being developed or reviewed, considering these relevant people and organisations (inside and outside TVP) will allow you to involve them in the policy writing or revision process. You may or may not need to consult with them, depending on the answers to the later questions in the matrix.

#### Definitions

##### 'Age':

The age groups to consider and consult with will depend upon the kind of policy or function in question, e.g. some employment policies may have a negative impact on middle aged people (and pensionable age may vary for men and women), or women of child-bearing age. Operational policing functions may naturally affect one age group more than another, e.g. youths or pensioners.

##### 'Disability':

A disability is a physical or mental impairment which has a substantial and long-term negative effect on a person's ability to carry out normal day-to-day activities. This may affect a person's:

- mobility;
- manual dexterity;
- physical co-ordination;
- continence (bladder and/or bowel control);
- ability to lift, carry or move everyday objects;
- speech;
- hearing;
- eyesight;
- memory or ability to understand, concentrate or learn;

- perception of the risk of danger.

Disability may include HIV and other blood-borne infections, all forms of cancer, multiple sclerosis, and many kinds of mental illness and disorder.

#### 'Faith or Religion':

Religion has not been officially defined in statute and previous attempts to define it in stated case law have been guided very much by the context. A religious belief is likely to include some form of collective worship, a clear belief system or a profound belief in a way of life or view of the world. Belief in a deity is not essential to a belief system being classified as religious. In any event, the anti-discrimination laws governing this area of diversity also protect non-belief, e.g. atheism, or humanism. Therefore these are covered by the DIA process.

#### 'Gender':

Gender means men and females and males of all ages. It includes transgender people, whether or not they have changed to their new gender by gender reassignment surgery.

#### 'Racial group':

This means a group of people who are defined by race, colour, nationality and ethnic or national origins. References to a person's racial group mean any racial group into which that person falls. A racial group may include two or more distinct groups, e.g. 'Asian' could include Indians, Pakistanis, Bangladeshis, etc.

- Jews and Sikhs have been recognised by the courts as being racial groups for the purposes of the Race Relations Act
- Romany and Irish Gypsies are also recognised in law as racial groups and therefore you should consider how your policy or function might affect travellers as a whole.

#### 'Sexual orientation':

Covers:

- Orientation toward people of the same sex (gay/lesbian)
- Orientation toward people of the opposite sex (heterosexual)
- Orientation towards people of the same sex and the opposite sex (bisexual)

For further information on the six strands of diversity see the Diversity intranet site or ask the Equality Scheme Co-ordinator.

### **2.1 What quantitative information is available about the subject matter of the policy/function and its effect on each diversity target group?**

This means existing statistical information. It may have been collected in the course of research or as part of a monitoring process carried out within the force, locally or nationally.

#### Sources of Information

To find out what information is available, you may have to:

- Talk to the relevant TVP departments
- Look at national and local websites, e.g. Commission for Racial Equality, Disability Rights Commission, Age Concern, Youth Justice, Stonewall, etc.
- Seek information from the TVP or National Police Library

You may find the following sources useful:

Corporate Development Data: British Crime Survey

Community surveys (contact Brian Faulkner)

Human Resources data (Diversity monitoring booklet)

Internet and intranet

Home Office Research

Crime figures:

Business Information Unit, e.g. arrests, stop & search, homicides, hate crime, police complaints

Population data:

Office of National Statistics

Business Information Unit

Remember, local authorities may have already conducted research into equality impact regarding a particular function shared with the police.

To help people with whom you might subsequently consult, you should state where the information which you have considered can be accessed.

## **2.2 What qualitative information is available about the subject matter of the policy/function and its effect on each diversity target group?**

This means the results of previous surveys, consultations, interviews and focus groups, investigations and thematic reviews.

See the notes for 2.1

## **2.3 What are the gaps in the available information?**

Is there enough information to allow you to decide on the possible effect of the policy or function on different kinds of people? Is the information specific enough to the subject matter of the policy? Is it recent enough to rely on as the basis for your decisions?

## **2.4 Have you considered commissioning new research?**

The fact that there are gaps in the available information need not necessarily lead to you conducting further research. The available information should be considered as a whole. It is acceptable to say that no research will be undertaken because of the cost or the limited resources to conduct it. A proportionate response is needed.

## **3.1 From the information available, your knowledge and experience of the policy or function, could it (if properly followed) have a negative impact on any one of the diversity target groups?**

Give a brief description of how the policy or function might negatively affect a target diversity group, either by way of discrimination or denial of opportunity.

When considering each group, think about the potential for overlap between them:

- A person from an ethnic minority background is just as likely to be gay or lesbian, or to have a disability, as a white person.
- Muslim and Jewish men and women may have disabilities and diverse sexual orientations.
- Men and women of different ages may suffer discrimination in different ways.
- Disability may affect men and women differently.

When you consider the impact of the policy or function on different communities, you should bear in mind that:

- A person's racial origins, faith or religion, their sexual orientation or a disability may not be visibly obvious or publicly known.
- One person may feel differently about the effect of a policy or function to another person with similar characteristics.
- A policy or function which aims to tackle disadvantage in one area may have a disproportionate impact on another group. And steps you devise to address that disadvantage may do the same.

Think about direct and indirect forms of discrimination.

Direct Discrimination:

This is when a person is treated less favourably than other people because of their age, disability, faith or religion, gender, race or ethnicity, or sexual orientation.

Examples of direct discrimination are:

- Refusing a job to a woman because she is pregnant.
- Searching a member of the public only because he/she belongs to a particular ethnic minority group or religion.
- Applying a separate and less favourable procedure under a policy to be used where a person has a mental disorder

Indirect Discrimination:

This means a provision, criterion or practice which applies to everyone but which can only be met by satisfied by a much smaller number of people from a particular group.

Examples of indirect discrimination are:

- A job advertisement which requires that applicants speak good English or are of British nationality, when these are not necessary to perform the role effectively.
- A height or weight restriction or other physical requirement for employment which favours men over women and which is not operationally necessary.

Other forms of discrimination include Harassment and Victimisation. These should not normally occur when a policy is being followed, but if there is still some potential for either of these you should look very closely at the impact of the policy or function on relevant diversity target groups and look for ways to eliminate that chance as you would for other forms of discrimination.

**3.2 If the answer to 3.1 is yes, is there any negative impact which is intended or justified under law.**

Does the negative impact arise from a legal requirement which TVP has no choice but to comply with?

Discrimination need not be unlawful if it is justified by the need to comply with other legislation or if it falls within exceptions set out in the anti-discrimination laws. Some disproportionality that you identified could be a consequence of these other legal requirements. You will still need to examine whether there are ways of reducing the effect of that discrimination.

**3.3 If the answer to 3.1 is yes, explain any negative impact which you feel is justifiable in order to achieve the overall policy/function aims.**

**Give examples.**

Is the negative impact an inevitable result of the operation of the policy or function? Is it unavoidable if the aim of the policy is to be achieved or operational effectiveness maintained?

**4.1 Could the policy or function have a positive impact on any of the diversity target groups, by promoting equality or improving relations between those groups and other employees or service users outside each group?**

Give a brief description of how the policy could positively benefit the target group by promoting equality or improving relations.

Equality of Opportunity:

This means giving equal rights for men and women regardless of their age, disability, faith or religion, gender, race or ethnic origin, or sexual orientation. In carrying out the Diversity Impact Assessment, you should consider whether all people would in practice have the same access to the service or be able to participate as others would. Would the outcome for them be the same whichever diversity target group they belonged to?

Examples of inequality are:

- A woman being paid less for doing effectively the same job as a man
- A disabled person being falsely treated as being unable to carry out duties as well as a non-disabled person
- Women being favoured in certain types of role despite a man having the same qualifications and experience for the role

To give equal opportunities you may have to take positive steps to “level the playing field” for groups who are negatively affected by a policy. This could, for example, mean making reasonable changes to the arrangements for doing a job so that a person with a sight or hearing impairment could do it, or providing translation services or interpreters to enable non-English speakers to communicate with officers and staff.

**5.4 If the potential for negative impact remains despite amendments, explain why implementation of the policy is justifiable to meet the wider policy aims.**

**What alternative options have you considered for delivering the policy or function’s aims?**

Different options should be examined which show different ways of delivering the policy or function’s aims, which would have a lesser adverse impact on the relevant diversity group or which better promote equality of opportunity for the relevant group. Consider how each option would further equality, what are the consequences for the group and the force of not adopting a more favourable option.

Consider:

- What are the costs of each option?
- Will the social and economic benefits to the relevant group of adopting another option outweigh the costs to the force or other diversity target groups?

**Impact Level****Consultation**

You should consider:

- How to ensure that those affected are consulted?
- What methods of consultation will be effective?
- How will information be made available to consultees – will it be accessible to all?
- What measures can be taken to overcome barriers to consultation?
- What resources are available to encourage participation?
- If there are to be meeting, where will they be held and at what time of day?

You can either use existing groups such as an Independent Advisory Group (IAG) or set up your own focus group.

Whichever method you use, you need to consider the make-up of the group. Will it reflect the different groups you need to consult with? Think about different racial groups, ages, gender, rural/urban split and so on.

You will need to present the policy to them and explain what it entails. You also need to explain how the policy is carried out, e.g. procedures. You may wish to invite external specialists, e.g. on Child Protection issues you may wish to invite the NSPCC as another perspective.

Make sure someone takes comprehensive notes as you will need to refer back to them and keep as part of the decision-making process. Ensure that any amendments to policy or procedures are clearly documented and kept on file for an audit trail.

IAG members may already be paid expenses, however if you are running a focus group you will need to consider things such as location, availability of those on the group, suitability of venue, refreshments (depending on time/length of meeting) and consider payment of expenses e.g. mileage and parking, other travel costs, childcare costs, special needs, interpretation etc.

Make sure you feedback to the Group members what actions are taken as a result.

The DIA should be made available to the consultees and a full explanation of the policy and its aims given to them before they are asked for their views.

[Internal consultation:](#)

Diversity Board

Diversity Action Group and sub-groups

Thames Valley Police Authority

Staff Associations:

- UNISON
- Police Federation – Diversity lead
- Superintendents Association
- Thames Valley Black Police Association
- Thames valley Gay Police Association
- British Association of Women Police
- Thames Valley Christian Police Association

Multi-faith Chaplaincy Team  
Force Community and Diversity Officers  
Diversity Advisers  
Disability Advisers

External consultation:

- Race Equality Councils
- Regional Independent Advisory Groups
- BCU Independent Advisory Groups
- Local Strategic Partnerships
- Local Criminal Justice Board
- Community Safety Partnerships
- Councils
- Local Government Offices
- Citizens' Advice Bureaux
- Disability charities & groups
- Victim Support
- Neighbourhood Watch

Part Two

**6.2 What was the outcome of the consultation?**

State briefly what recommendations or comments arose from the consultation, both in terms of the possible positive and negative impact of the policy or function and what steps could be taken to actively promote equality and good relations, or to reduce discrimination.

**6.4 Have the results of the consultation been fed back to the consultees?**

**How?**

Those people you have consulted will be interested to know what the outcome has been from the consultation in terms of changes to future practice. This contributes to transparency and encourages participation in future consultation. Feedback should include what changes have been made and if recommendations have not been resulted in amendments, the reasons why not.

**7.1 Make monitoring arrangements**

Monitoring means scrutinising, following up and evaluating the policy/function. It should be comprehensive enough to inform future policy making and development. You should have in place monitoring processes to measure the level of operational implementation of the policy as a whole and linked procedures. This allows a critical assessment of their effectiveness, which then feeds into the review process. The same should be done for diversity issues. Feedback from those implementing the policy will be invaluable in deciding whether it is working.