

DIVERSITY IMPACT ASSESSMENT

Title of policy/procedure: Custody Policy

Policy author/assessor: Colin Paine, T/Inspector 3441,

Department: HQ Criminal Justice

Date of assessment: 20/12/06

PART ONE

Aims of the Policy/Function

1.1 Identify the aims of the policy or function.

The aim of this document is to set out force policy in respect of the treatment of persons held in detention at a Thames Valley Police custody facilities, irrespective of whether the provisions of PACE and other associated provisions apply or not.

This policy is a high level document setting out just the key values, principles and requirements of custody.

More detailed protocols for dealing with detained persons are available in the Police and Criminal Evidence Act Codes of Practice, the National Guidance on the Safer Detention and Handling of Persons in Police Custody and in the Custody Standard Operating Procedure (SOP).

[See Notes](#)

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

HQ Criminal Justice
BCU Custody and Criminal Justice staff
BCU Commanders
Independent Custody visitors

Crown Prosecution Service HMCS Criminal Defence Service Force Medical Examiners See Notes
Age: Age Concern
Disability: Disability Rights Commission
Faith or Religion: All major religions
Gender (including transgender): Equal Opportunities Commission, British Association of Women Police Officers
Race: Race Equality Councils.
Sexual Orientation: Gat Police Association
Evidence
2.1 What quantitative information is available about the subject matter of the policy/function and its effect on each diversity target group? See Notes
Age: Yes – work commissioned.
Disability: No
Faith or Religion: No
Gender (including transgender): Yes – work commissioned
Race: Yes

Sexual Orientation: No
2.2 What qualitative information is available about the subject matter of the policy/function and its effect on each diversity target group?
See Notes
Age: Home Office Research and Development Statistics: http://www.homeoffice.gov.uk/rds/
Disability: Home Office Research and Development Statistics: http://www.homeoffice.gov.uk/rds/
Faith or Religion: Home Office Research and Development Statistics: http://www.homeoffice.gov.uk/rds/
Gender (including transgender): Home Office Research and Development Statistics: http://www.homeoffice.gov.uk/rds/
Race: Home Office Research and Development Statistics: http://www.homeoffice.gov.uk/rds/
Sexual Orientation: Home Office Research and Development Statistics: http://www.homeoffice.gov.uk/rds/
2.3 What are the gaps in the available data?
See Notes
Age: None
Disability: Sufficient information not available
Faith or Religion: Sufficient information not available
Gender (including transgender): None.
Race: None.
Sexual Orientation: Sufficient information not available

2.4 Have you considered doing new research? If not, state why not.
See Notes
Age: Not required
Disability: Sufficient resources not available
Faith or Religion: Sufficient resources not available.
Gender (including transgender): Not required
Race: Not required
Sexual Orientation: Sufficient resources not available
Assess the likely impact – negative impact
3.1 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.
See Notes
Age: No
Disability: No
Faith or Religion: No
Gender (including transgender) : No

Race: No
Sexual Orientation: No
<p>3.2 If the answer to 3.1 is yes, is there any negative impact which is intended or justified under law?</p> <p>Explain.</p> <p>See Notes</p>
Age: Not applicable
Disability: Not applicable
Faith or Religion: Not applicable
Gender (including transgender) : Not applicable
Race: Not applicable
Sexual Orientation: Not applicable
<p>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.</p> <p>Give examples.</p> <p>See Notes</p>
Age: Not applicable
Disability: Not applicable

Faith or Religion: Not applicable
Gender (including transgender) : Not applicable
Race: Not applicable
Sexual Orientation: Not applicable
3.4 Are there other factors that might explain the negative impact?
Age: Not applicable
Disability: Not applicable
Faith or Religion: Not applicable
Gender (including transgender) : Not applicable
Race: Not applicable
Sexual Orientation: Not applicable
Assess the likely impact – positive impact
<p>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?</p> <p>Say how.</p> <p>The policy is a high level document that requires practitioners to treat each case on its own merits, that is, each person is treated as an individual. This is likely to have a positive impact on all strands of diversity.</p> <p>See Notes</p>

Age: As above.
Disability: As above
Faith or Religion: As above
Gender (including transgender) : As above
Race: As above
Sexual Orientation: As above
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?
If there are no such amendments, please say so.
Age: Not applicable
Disability: Not applicable
Faith or Religion: Not applicable
Gender (including transgender): Not applicable
Race: Not applicable
Sexual Orientation: Not applicable
Amendments to policy
5.1 Which diversity target groups were identified as being negatively affected by the policy or function?
Summarise the negative impact for each group (you may do so by reference to your answers at 3.1 above if appropriate)
Age: Not applicable

Disability Not applicable
Faith or Religion Not applicable
Gender (including transgender) Not applicable
Race Not applicable
Sexual Orientation Not applicable
5.2 Have you removed or reduced the possibility of negative impact by making changes to the policy or function? Explain what changes were made.
Age Not applicable
Disability Not applicable
Faith or Religion Not applicable
Gender (including transgender) Not applicable
Race Not applicable
Sexual Orientation Not applicable
5.3 If changes were considered but not made, explain why this was the case.
Age Not applicable
Disability Not applicable
Faith or Religion Not applicable

Gender (including transgender) Not applicable
Race Not applicable
Sexual Orientation Not applicable
<p>5.4 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>See Notes</p>
Age Not applicable
Disability Not applicable
Faith or Religion Not applicable
Gender (including transgender) Not applicable
Race Not applicable
Sexual Orientation Not applicable

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 Comments	0	0	0	0	0	0
Does the policy or function affect the public served by TVP?	Yes = 1 No = 0 Comments	1	1	1	1	1	1
Does the policy or function involve the use of a statutory power?	Yes = 1 No = 0 Comments	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 Comments	1	1	1	1	1	1
Do you perceive the function to be politically or socially sensitive?	Yes = 2 No = 0 Comments	0	0	0	0	0	0

Insert your answer to Question 3.1 above (Yes/No)	Yes = 2 No = 0 Comments	0	0	0	0	0	0
Insert your answer to Question 3.2 above (Yes/Partly/No)	Yes = -2 Partly = -1 No = 0 Comments	0	0	0	0	0	0
Insert your answer to Question 5.2 above (Yes/Partly/No)	Yes = -2 Partly = -1 No = 0 Comments	0	0	0	0	0	0
Insert your answer to Question 4.1 above (Yes/No)	Yes = -1 No = 0 Comments	-1	-1	-1	-1	-1	-1
Add your scores for each column	Total score	2	2	2	2	2	2
Impact Level:	1-3 = Low 4-5 = Medium 6-8 = High	Low	Low	Low	Low	Low	Low

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.

This policy had initially been through the formal policy consultation process, it was sent to the following for comment:

Expert consultees:

Human Rights Lawyer, Freedom of information, Data Protection, Diversity, Health & Safety, Federation and UNISON

Senior Management consultees:

Heads of Crime Support, Local Policing, Roads Policing, HR Service Delivery, PSD, Learning & Development, Major Crime, CRED, Tactical Support, Specials, Volunteers, BCU Commander.

The policy was sent to each of the above and they were provided with 3 weeks to provide comment on, any comments were passed to the policy author to amend. At a later review only minor amendments were made and the Head of Legal Services approved the amendments and the DIA was approved by the Equality Schemes Co-ordinator.

[See Notes](#)

Age

Disability

Faith or Religion

Gender (including transgender)

Race

Sexual Orientation

6.2 What was the outcome of the consultation?

The consultees found the policy to be sound in content.

State briefly what the recommendations or comments arising from the consultation consisted of.

The Head of Legal Services suggested amendments to section 5.7 and 5.8.

The Equality Schemes Co-ordinator commented that:

'The intention behind the policy is sound'

'The policy author is correct to point out that legislation always takes primacy in respect of custody policy and procedures'

'The policy is better than s.40 PACE'

'The policy is sound on the detainees welfare'

'The policy installs the custody officer as responsible for identifying the 'diversity dimension' attributed to vulnerable groups'

'For the above reasons and the statistics that accompanied the policy and DIA I agree with the policy author's conclusions that the impact of the policy on diversity is accorded a 'Low' grading.

[See Notes](#)

Age

Disability

Faith or Religion

Gender (including transgender)

Race

Sexual Orientation

6.3 Has the policy or function been revised or amended as a result of the consultation?

Yes

State how

The amendments suggested by the Head of Legal Services were made to the policy.
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? Yes How? See Notes
Age
Disability
Faith or Religion
Gender (including transgender)
Race
Sexual Orientation
Monitoring

7.1 Make monitoring arrangements

Will monitoring be at force, BCU/ Dept level? Monitoring means scrutinising, following up and evaluating the policy/function
Monitoring of this policy is to be carried out by HQ Criminal Justice at least annually.

Any review will take account of:

- Changes in legislation
- Court rulings
- Examples of good practice from other Forces
- Changes in Home Office Circulars
- Developments with ACPO Policy Unit
- Representations made
- Relevant diversity & equality data

It should be comprehensive enough to inform future policy making and development.

[See Notes](#)

Age

Disability

Faith or Religion

Gender (including transgender)

Race

Sexual Orientation