

Part 3 - Assessment Matrix: **First draft test**

Title of policy/procedure: Thames Valley Police's Independent Advisory Group Policy
Policy author/assessor: Force Community and Race Relations Officer
Department: Local Policing, Headquarters
Date/period of assessment: 5 August 2004
Aim of policy/procedure: 'to maintain and increase the trust and confidence of the communities we serve' (Para. '1.2')

Nature of function i.e. policy/procedure	Potential Impact (Yes/No)	Score	Comments/Rationale
Does the function impact directly on the public or any Thames Valley personnel (<i>for Human Resources issues</i>)?	Yes	2 <i>(Yes = 2, No = 0)</i>	<ol style="list-style-type: none"> 1. The establishment of Independent advisory Groups is a public function. 2. It is unlawful for a public authority in carrying out any functions of the authority to do any act which constitutes discrimination (S.19B 1976 Race Relations Act (as amended)).
Can discretion be used in the carrying out of the function?	Yes	2 <i>(Yes = 2, No = 0)</i>	<ol style="list-style-type: none"> 1. Discretion underpinned by objectivity can be exercised in the: selection of advisors; in the consideration of advice from advisors; in the investigation of advisors conduct; in the termination of advisors roles. 2. In balance with the foregoing the policy denies the Chief Constable and h/er Area Commanders to carry out inquiries into, for example, the conduct of an independent advisor. The policy affords the independent advisor the protection of the 'balance of probabilities' test: which is equivalent to the same protection extended to uniformed officers and a higher protection than that applied to non-uniformed officers. 3. The policy extends to independent advisors the mechanism for an appeal where an adverse decision has been made (see Paras. '3.97 – 3.101'). 4. Para. '5.0' permits challenges and

Thames Valley Police
Race Equality Impact Assessments

<p>Is there any evidence or reason to believe that some racial groups could be differently or adversely affected?</p>	<p style="text-align: center;">Yes</p>	<p style="text-align: center;">2 <i>(Yes = 2, No = 0)</i></p>	<p>representations to the policy.</p> <ol style="list-style-type: none"> 1. Potential representatives from some racial groups may not be able to participate in all Independent Advisory Groups for various reasons. 2. On 'Critical Incidents' (see the Force Critical Incidents Policy) it is inevitable that some groups will be excluded and others included to advise 'Silver' and 'Gold' Command groups (see Para. '3.67'): discrimination (that is the exercise of choice based upon objective criteria) will be justifiable. 3. Where, for example, in the case of a newly arrived asylum seeker group a suitable representative cannot be found: the policy permits and encourages their professional advisors to be invited to sit within an Independent Advisory Group: this discrimination will be justifiable. (See S. 1(1) (a) [direct discrimination]; S. 1 (1) (b) [indirect discrimination]; S. 3A [harassment]; S. 2 [victimisation] 1976 Race Relations Act (as amended)).
<p>Is there an opportunity to promote equality of opportunity? <i>(consider whether the function impacts on career development)</i></p>	<p style="text-align: center;">"Yes"</p>	<p style="text-align: center;">2 <i>(Yes = 2, No = 0)</i></p>	<ol style="list-style-type: none"> 1. This is one of the most difficult questions to answer as there is no definition of "equality of opportunity". 2. Nor has this concept been developed in case law. The author, however, has been impelled to develop a doctrine on this subject – which is open to challenge (and equally counter-challenge).
<p>Is there an opportunity to promote good race relations?</p>	<p style="text-align: center;">Yes</p>	<p style="text-align: center;">2 <i>(Yes = 2, No = 0)</i></p>	<p>The author has had his interpretation of the</p>

Thames Valley Police
Race Equality Impact Assessments

			concept “good race relations” accepted by the Force (see P. 6 Thames Valley Police Force Race Equality Scheme): good race relations are the promotion of just and fair relations between different racial groups (as defined by the Act). The policy clearly helps to promote good race relations.
Is there data already being collected for race equality purposes?	“Yes”	1 (Yes = 1, No = 0)	<ol style="list-style-type: none"> 1. Again, as in the response above the answer is a qualified one. The policy does instruct staff to maintain a register of Independent Advisory Group members which should record private details. Any issue concerning <i>proportionality and representation</i> will become immediately apparent as the groups are small and therefore, the remedy should be swift. 2. Where advisors are invited to advise a ‘Gold’ or ‘Silver’ group this question will have no relevance as the subject matter will dictate which racial group(s) are invited to participate.
Has any consultation been carried out so far?	Yes	0 (Yes = 0, No = 1)	1. Comments relayed to the policy author from the 4 th Independent Advisory Group Conference (2004); the TVP Black Police Association and <i>ad hoc</i> comments made by members of Racial Equality Councils and Milton Keynes Independent Advisory Group.
Is there any other public concern in relation to race issues attached to this function? (think locally as well as nationally)	Yes	2 (Yes = 2, No = 0)	<ol style="list-style-type: none"> 1. The policy is too long; 2. It has too many rules; 3. It gives the police the power to select members for their ‘Gold’ and ‘Silver’ groups and will exclude, thereby, other members and interests; 4. where a member is excluded from one

Thames Valley Police
Race Equality Impact Assessments

			<p>group s/he should not be automatically excluded from another group;</p> <p>5. it may harm the credibility and standing of advisors within their own communities if they are seen to be in ‘the pockets of the police’;</p> <p>6. advisors may have to protect themselves with insurance cover;</p> <p>7. advisors, themselves, should be allowed to select and deselect advisors – and not the police.</p>
Do you perceive the function to be politically or socially sensitive?	Yes	2 (Yes = 2, No = 0)	
Total points:		15	
Risk Assessed as <i>(Low 0-4 Medium 5-9 High 10-16)</i> :		HIGH	