



Interim Equality Impact Assessment

Police Senior Appointments Provisions in the Policing and Crime Bill.

1. Summary

For the policing provisions on the Senior Appointments Panel, initially announced in the Policing Green Paper, work is underway to develop and implement the overall senior appointment system with stakeholders. The new arrangements provide an opportunity for greater transparency and to further support greater diversity in the pool of senior officers in the future. Effectively delivering these aims will help improve the confidence of police officers and staff at all levels in these arrangements, as well as the confidence of the communities they serve.

2. Objectives of the Provisions

- Reform of the Senior Appointment Panel and process, including putting the SAP on a strategic basis with an independent chair, coordination of the appointments process, succession planning and talent management, strategic management of leadership development, advice on chief officer teams where performance is of concern and transparency including the publication of annual reports.
- To give the Commissioner of the Metropolitan Police a formal role in the appointment of his senior officers.
- Providing police authorities with a clearer ability to agree appropriate compensation when the changing needs of the force mean that it is appropriate for a senior officer to leave before their fixed term appointment is completed.
- To enable secondments to a broader range of organisations than the previous arrangements.

The Bill measures are part of the wider Green Paper leadership agenda which also includes:

- Implementing the Leadership Strategy for the Police Service, in particular ensuring that the three leadership domains of Professional, Business and Executive leadership skills are introduced in all leadership development and selection processes.
- The creation of the National College of Police Leadership.

- Enabling and developing national and local accountability through for example changes to the chief officer PDR system; giving overall lead responsibility to police authorities for chief constable or commissioner PDRS, whilst HMIC will lead on operational and national sections and contribute a comparative view of performance.

3. Statistics & Research

The Policing Minister, Vernon Coaker, published on 20th November 2008 an “Assessment of Minority Ethnic Recruitment, Retention and Progression in the Police Service”. The report confirms that police forces are already doing good work to assist minority ethnic recruitment, retention and progression in the police, but recognises that there is still more to do – proposals from the report will be taken into account in developing the new framework. This can be found on the Home Office Police website.

Data from the report showed that 3.5% of the most senior officers (Assistant Chief Constable or Commander and above) were BME in 2007/8. This is against the national target for the police service as a whole set in 1999 of 7%. BME officers make up 2.3% of Chief Superintendents – who are the main feeder rank for promotion to ACC and Commander through the Senior Police National Assessment Centre and Strategic Command Course processes.

The Home Office Statistical Bulletin – Police Service Strength - 31 March 2008 showed that on 31 March 2008 there were 29 women in the most senior ranks, 14.4%, compared to 5.5% in 1998.

4. Gathering Evidence through Community Engagement

On the 27th November 2008 an Equality Impact Assessment was published of the Policing Green Paper. This followed a wide consultation. Recruitment, retention and progression were identified as areas of concern in the context of national target setting.

We will be conducting a diversity consultation on the specific arrangements by the Summer. Stakeholders for this will include:

- the staff associations and trade unions, including the British Association of Women Police Officers (BAWP), National Disabled Police Association (NDPA), National Black Police Association (NBPA), National Association of Muslim Police (NAMPA), the Police Federation, the Superintendents’ Association and Unison.
- ACPO, APA, HMIC, and NPIA who work with local forces ensuring that our equality and diversity policies are supported and implemented

5. Assessment & Analysis

Both the Equalities Commission and the Joint Committee on Human Rights support the introduction of the new Statutory SAP. It will be a stronger

mechanism for getting the best and widest possible future talent pool for the service. A key element of this is to increase the diversity of senior officers. Publication of reports by the panel will increase transparency alongside increased independent membership. The SAP will also have a role as the national client for the selection and development of chief officers. Given the importance of this role for the diversity agenda the SAP will need to draw on diversity expertise in its work.

In implementing the new appointment arrangements which the panel will oversee, the views of those who provide policing services are important, but equally we need to understand and respond to any concerns that the community has with the appointment arrangements.

A number of points have been made about the new SAP in responses to the Green Paper.

The Equality and Human Rights Commission has welcomed the plans to establish a statutory Police Senior Appointments Panel, to advise the Home Secretary on matters relating to the appointment of senior officers, as well as ways to increase the pool of potential candidates for senior officer appointments, and training and development needs of such potential candidates.

They were pleased that the Panel will be included in the Race Relations Act and will be subject to the general Race Duty. The Commission recommended that in order to comply with the general duty, actions such as consultations, monitoring data and impact assessments should be carried out to ensure that the Panel is working to eliminate unlawful racial discrimination, promote equality of opportunity and good race relations.

The Commission would like to see a duty on the Secretary of State to ensure that the representative members of the panel should be from diverse backgrounds. However the Home Secretary will only nominate her own representative member, as ACPO and APA will also nominate representatives. This reflects the tripartite nature of the panel. Independent members will be recruited using OCPA principles. These state that appointment on merit is the overriding principle within the appointments process and that the principles of equality and diversity must be inherent within the appointments process.

They would also like to see a requirement that the Panel's annual reports include data broken down into ethnicity, gender, disability and sexual orientation. The panel will make annual reports, and as the Commission recommends, these will include diversity data.

The Joint Committee on Human Rights published its Legislative Scrutiny of the Policing and Crime Bill on 31 March 2009. The report said

1.14 Given the recent controversy about the lack of diversity amongst the senior ranks of UK police forces, we welcome the proposal to establish a panel to provide advice about ways to increase the pool of potential candidates as appointment as a senior officer as a potentially

human rights enhancing measure. However, we recommend that the Bill be amended to require the Senior Appointments Panel, in discharging its functions under subsection (2)(a), to have regard to Article 25 ICCPR. This is consistent with other statutory provisions which require certain bodies to have regard to unincorporated human rights treaties.

The support of the Joint Committee on Human Rights for the new Senior Appointments Panel, including the role it will play in increasing the pool of potential candidates for appointment as a senior officer, is welcome.

However the proposed JCHR amendment is not necessary for achieving the aims which JCHR and the government share for the panel as the Bill already ensures that the panel is subject to the relevant equality duties. The legislative framework provides the equalities responsibilities which the amendment seeks to establish, and the amendment is too broad to be a useful guide to the panel in its work. The Policing and Crime Bill amends the Race Relations Act to apply the race equality duty to the Panel, and the equality duties for gender and disability will apply to the Panel as it will be carrying out public functions. In future we fully expect, subject to Parliament, that the panel will be subject to the requirements of the Equality Duty, set out in the Equality Bill.

Some stakeholders have suggested that if the panel were to instruct officers to take up particular appointments this would cut across personal circumstances and have disproportionate effects on certain groups. However the reforms to the Senior Appointments Panel do not include any plans for central direction of the appointments process.

6. Conclusions and Next Steps from Interim Assessment

1. A full consultation will be carried out with stakeholders, staff associations and community representatives on the new arrangements being developed by the tripartite for senior appointments. This will take place by Summer 2009.
2. Given the important role it will play in future to encourage greater diversity in the senior ranks, the SAP will need to draw on diversity expertise in conducting its work. We will therefore consider the role a diversity adviser could play in supporting the work of the panel.
3. The panel's published reports will contain diversity data as the Equality and Human Rights Commission recommends.
4. The implementation of the panel arrangements will take account of the forthcoming Equality, Diversity and Human Rights Strategy for the Police Service. It will also take account of the Ministerial Steering Group on Minority Ethnic Recruitment, Retention and Progression, and the Women in Policing Group.