

Nottinghamshire Police Equality Analysis



An EA is a tool to help us make sure that our policies and the way we make decisions or carry out our functions, do what we intend them to do and do it for everybody. This step by step document should be completed in parallel with the development or review of our functions and provides a record of the issues that you have considered and the consultation that has taken place in the development of our policy / project.

The protected characteristics that need to be considered throughout the impact assessment are:

- ✓ **Age**
- ✓ **Disability**
- ✓ **Gender reassignment**
- ✓ **Marriage or civil partnership (employment only)**
- ✓ **Pregnancy or maternity**
- ✓ **Race**
- ✓ **Religion or belief (or lack of)**
- ✓ **Sex**
- ✓ **Sexual orientation**

Please ensure that you read the guidance notes for completion of Equality Analysis at the rear of this document before continuing. [Click here to jump to the guidance section:](#)

[Link to guide](#)

Title of Policy, Project or function:

Transgender Policy

Lead Officer:

Sharon Ault, Head of HR & OD

People involved in completing EA:

Sue Peckham, Kevin McCudden

Type of policy, project or function (double click and select checked):

Existing



New/Proposed



Changed



Please note that you are required to explain your reasoning for each of your answers within this assessment. If a section does not apply, you must explain why.

Step 1 – Setting out your aims and objectives

It is important that the aims and objectives are clear. This will help you to identify who might be affected by the policy or function and whether that effect is likely to be positive or adverse. You should also consider any potential barriers to achieving your desired outcomes and how they can be overcome.

What is the aim of the policy, project or function?

To ensure Nottinghamshire Police's commitment to any police officer, police staff or special constable that identifies themselves as transsexual or transgender, and may be intending to undergo, are undergoing or have undertaken gender reassignment.
To ensure that Nottinghamshire Police is supportive of equal opportunities and that all people working for Nottinghamshire Police are treated with dignity and respect.

Who will this policy, project or function affect, and how?

Managers will have the information and guidance to ensure that a transsexual or transgender person will be treated with dignity and respect.
All individuals working for Nottinghamshire Police will have the information available on the legislation which protects transgender people.

Who will you consult with and how?

Record all consultation on the consultation log (step 4)

Trade Unions, Staff Associations, DSSA including CPA, BPA, WIN, DAWN & OUT. HR personnel, Heads of Department, Police Authority, Legal Dept & specific Chief Officers.
Through WIN the policy was consulted upon with a member of the transgender community and their feedback was incorporated into the policy.

What outcomes do you want to achieve?

All Police officers, police staff, special constables and managers know how to successfully manage the transition process when an employee changes gender.
To provide managers with the information on the legal rights of individuals intending to undergo, are undertaking

Are there any barriers to achieving these outcomes?

That managers or colleagues may ignore the policy/procedure/management guide and discriminate against colleagues. Lack of training in this area may impact on the implementation.

Step 2 – Data collection

There is a need to understand what data or evidence is available when carrying out an equality analysis. This could include diversity monitoring data, surveys, statistical databases, consultation results, publications and other sources. Evidence-based policy making and delivery of our functions is more likely to be successful in achieving the desired outcomes.

What data or evidence is available?

There is no evidence that any individuals working for Nottinghamshire Police are intending to undergo, are undergoing or have undertaken gender reassignment. Nationally the number is increasing. According to a GIRES survey in 2009, the Nottinghamshire Policing area has the second highest gender identity disorder in the UK after Sussex.

What does your data tell you?

That although there are no individuals currently, nationally this is increasing so there is a possibility that the data could change. The policy is potentially relevant given the data GIRES survey 2009 as above.

What gaps are there in the available data or evidence?

There are no identified gaps although the situation will be regularly monitored.

Where there is no available data or there are significant gaps in data, consideration should be given to commissioning new research.

Step 3 – What is the impact

It is important that you use the data you have collected and the results from your consultation, to identify the potential impacts on the basis of the protected characteristics. You should always consult and engage with the people who could be affected, to ensure that you can identify opportunities to promote equality as well as mitigating any adverse effect. It is only the people who experience our service (internally and externally) who truly understand how we affect them.

Is there any adverse impact on any group based on a protected characteristic?

Record your reasoning.

Any individual intending to undergo, are undergoing or have undertaken gender reassignment will be supported. appropriately

Can any adverse impact be explained or justified?

Record your reasoning.

N/A

Is there any positive impact on any group based on a protected characteristic?

Record your reasoning.

Transsexual and transgender people will be supported. Equality training will promote our equality duty to support transsexual and transgender people.

What action have you taken to mitigate or remove any adverse impact?

N/A

Step 4 – Consultation Log

You should record all of the consultation you have undertaken in the development of your policy, project or function, as well as any changes that have been made in response to feedback from consultation. It is also important that the people or groups consulted are informed of any decision made in relation to their feedback and the reason for that decision.

To create more boxes, go to the last box on the bottom right of the table and press the TAB key

Person or group consulted (show how consulted)	Date	Feedback received (give details)	Were any changes made in light of this feedback? (include reasons)	Date fed back to consulted person or group
HR/Heads of Dept/TU/DSSA/Staff Assns/ACC/Equality Advr	22/12/11	See separate paper	Yes – Policy/Procedure/Guide have been adjusted to take into account the feedback from various parties.	13/2/12
Meeting with TU/Staff Assn/EA/DSSA	16/2/12	As above	Yes – as above	22/2/12
As above	22/2/12	As above	Yes – as above	

Step 5 – Make a decision

Based on the above evidence you must now decide what recommendation to make in relation to your policy, project or function. There are four possible outcomes from an EA as listed below. You must also describe what arrangements will be made for monitoring and reviewing the effect of your policy, project or function on equality. This monitoring information will help you to understand whether your policy or project has produced the expected outcome, or requires further changes to achieve the desired outcome.

What measures are being taken to monitor and review the impact of the policy, project or function?

Include due date of review

The policy will be reviewed regularly and at least every 3 years.

Final Recommendations:



No major change: The EA shows that the current policy or practice is robust and there is no potential for discrimination or adverse impact. All opportunities to promote equality have been taken.



Adjust the policy, project or function: the EA shows potential problems or missed opportunities. Adjust the policy or activity to remove barriers or better promote equality.



Continue the policy or activity despite known issues: The EA identifies the potential for adverse impact or missed opportunities to promote equality. Clearly set out the justification for continuing with the policy or project. Any justification must be in line with the duty to have due regard.



Abandon the policy, project or function: The EA shows actual or potential unlawful discrimination, it must be stopped or removed. (Please state how the implications of abandoning this activity will be managed).

Step 6 – Publish the EA

Send an electronic copy of your EA to Corporate Documentation to arrange publication after obtaining sign off from the identified lead officer.

Lead Officer Authorisation

Date forwarded to Corporate Documentation

Nottinghamshire Police

Equality Analysis (EA) – Guidance for practitioners

What is an EA?

An EA is the thorough and systematic analysis of a proposed or existing policy, practice, procedure or strategy, to determine what effect, or likely effect, it will have on different groups in the community.

EAs may anticipate and identify the equality consequences of particular policy initiatives and ensure that as far as possible any negative consequences for a particular group or sector of the community are eliminated, minimised or counterbalanced by other measures. They help us by:

- ✓ Identifying whether we are excluding different groups from any of our policies, procedures, strategies and services.
- ✓ Identifying and eliminate any direct or indirect discrimination.
- ✓ Assisting us in considering alternative policies or measures that might address any adverse impact.
- ✓ Incorporating equality into our policies and practices.
- ✓ Giving us a better understanding of the needs and aspirations of our employees and the communities we serve.

When do we need to do an EA?

We are required by law to conduct an EA for all our policies, procedures, strategies, function and service to ensure we do not discriminate against people in respect of:

- ✓ **Age,**
- ✓ **Disability,**
- ✓ **Gender Identity,**
- ✓ **Marriage and civil partnership, (employment only)**
- ✓ **Pregnancy and maternity,**
- ✓ **Religion or belief,**
- ✓ **Race,**
- ✓ **Sex, or**
- ✓ **Sexual orientation.**

These are known under legislation as protected characteristics and we are under a duty to ensure we do not discriminate against people on the basis of these characteristics and aim to promote equality of opportunity for people falling within these groups.

In particular, we should complete an EA whenever:

- The policy affects employment or employment opportunities.
- The policy affects the service we deliver to our communities.
- The policy is of significant interest to our communities or the wider public.
- The policy relates to an area of known inequality.

The question that needs to be asked is - under your proposal:

- would you receive a different outcome if you were from one the groups above
- would this outcome be adverse i.e. worse for you than for others not in your group
- can anything be done to address this adverse outcome

The aim of the EA process is to ensure that any proposal reflects the needs of the diverse communities we serve and ensure there is equality of access and shared benefit across all groups. It is important to recognise that providing the same service in the same way to everyone may create disadvantages to some groups. Different groups have different needs and indeed different people within the same group may have different needs. The aim of the process is to ensure that where practicable and reasonable, we can address an individual's need in a manner that is appropriate to them.

Note: there is a legal requirement to ensure that services undertake reasonable adjustments for persons who are disabled, even where this involves treating disabled persons more favourably than other persons.

EA's should enable us to identify and negative impacts that a policy may have and help identify ways in which we can mitigate this or bring positive benefits for under-represented groups.

There are 2 types of negative impacts that screening could identify.

The first is **discrimination**.

Discrimination means to treat a person or group unfairly or less favourably than another which is against the law in relation to the 6 equality strands.

Discrimination can be direct or indirect.

- **Direct discrimination** is when someone is deliberately treated unfairly due to an irrelevant characteristic, such as their race, gender, age, disability, religion/belief or sexual orientation. An example is to not employ someone who is qualified for the job because he or she is disabled.
- **Indirect discrimination** occurs when a criterion or practice is applied to everyone but has the effect of putting a particular group at a disadvantage. An example is an organisation having a requirement that all its jobs are full time. This could prevent those groups who are likely to want part time hours, such as women, from working for the organisation.

If you identify discrimination, action must be taken immediately to prevent or remove it. Otherwise, it may be determined that the Force is breaking the law. Conducting an equality impact assessment allows you to identify potential discrimination.

If you are screening a new policy or service before it is implemented and you identify that discrimination is likely to take place, you must not implement the policy or service until action is taken to remove discrimination. If you identify discrimination when screening an existing policy or service you should take immediate and urgent action to remedy it.

The second type of negative impact is **unmet needs**.

- Unmet needs are specific requirements of particular groups that might be overlooked. Whilst overlooking specific needs may not be against the law, doing so may have a negative effect on different groups, preventing them from accessing a service, applying for a job or taking part in society for example.

An example of unmet needs could be not asking about dietary requirements when organising a meeting or event. This could mean that people who cannot eat certain foods for religious or health reasons are not provided for.

If you identify unmet needs you should consider how you can make your service or policy more inclusive and accessible for all groups.

For example:

- Providing information in different formats
- Delivering the service in a different way for different groups
- Publicising the service in different ways and in different places so more people can learn about it

In this way you will be helping to promote equal opportunities and offer a better service to all customers.

EA's are not a tick box exercise. They are key to enabling the Force to make decisions and achieve better outcomes by taking account of the needs of the people we serve.

EA's never really end. Once we introduce our proposal we should continue to ensure that it delivers what we intended for all in our communities by monitoring the outcomes and consulting with the users or recipients of our service.

EA's are not a separate bolt on at the end of our proposal. Consulting with our communities is a key part of developing your proposal and should be done before a decision is finalised. Consultation is about engaging with others to improve our understanding of an issue and how it can be addressed. It is not merely a hoop to jump through to get a proposal 'rubber stamped'.

EA's are not just about addressing discrimination and adverse impacts. The process of the EIA should also aim to positively promote equality of opportunity and access to services.

Outcomes of an EA.

There are four possible outcomes of an EIA:

Option 1:

No major change the EA demonstrates that the policy is robust and that the evidence shows no potential for discrimination and that all opportunities to promote equality have been taken.

If this conclusion is reached it will be essential to document the reasons why and the evidence used and to have the EA quality assured. The assessment and the reasons for it will need to be brought to the attention of the decision maker (if it is not the person assessing the policy).

Option 2:

Adjust the policy to remove barriers or better promote equality

In considering how to adjust the policy, two possible courses of action will need to be considered. Firstly, it may be possible to remove or change the aspect of the policy that creates the unwanted impact. This simply relates to the particular aspect of the policy and does not mean that the whole policy will have to be abandoned.

Example 1

When developing its EA of a Bill on further education, the then DfES (now DCSF) identified that a disproportionate number of students from ethnic minority communities left full-time education at 16 and did not return until after the age of 19. This meant that the draft Bill's key proposal to provide financial support for students between the ages of 16 and 19 would not be of equal benefit to these students. Consequently, as a result of its EA, the department extended its financial support to 16-25 year olds

Secondly, the policymaker may introduce additional measures to reduce or mitigate the potential impact – by setting out the steps that the public authority will take to remove or reduce the potential impact. This could be an adjustment to the policy, substantially replacing the policy with a different approach or introducing additional measures that counteract the unwanted impacts. The impact of any changes needs to be fully understood and assessed to ensure that they do not have unintended consequences and can really achieve the impact expected.

Example 2

While considering its response to growing knife crime, the Metropolitan Police carried out an EA which identified a high probable impact on black and ethnic minority communities due to any action they might take. It was also aware that members of these communities were keen to see action taken. The Equality Analysis led to the development of an improved strategy to manage relations between officers and the community, especially during sensitive operations. This included:

- increased community engagement and involvement in operational activities
- members of the local community being part of street operations, leafleting, listening to local people and explaining police procedures,
- and specific training for operational staff to improve the experience of stop and search for all concerned. It was particularly important to ensure that those

questioned felt they were being treated with respect and also that they understood the reasons for the police action.

Option 3:

Continue the policy despite potential for adverse impact or missed opportunities to promote equality

The EA needs to clearly set out the justifications for doing this and must be in line with the duty to have due regard. For the most important relevant policies, particularly weighty reasons will be needed. It is important to underline that there can be no justification for direct discrimination and that indirect discrimination will need to be justified according to the legal requirements. Further details can be found in the relevant codes of practice from the Commission website.

Option 4:

Stop and remove the policy – if the policy shows actual or potential unlawful discrimination it must be stopped and removed or changed

At the other end of the scale are policies that are discriminatory or that create or enable unlawful discrimination. These must be immediately stopped and changed. Identifying what is and isn't unlawful discrimination can be difficult, even for the courts. For help in identifying what is unlawful discrimination, please refer to the guidance on the Commission website, including the codes of practice on each of the public sector duties and the anti-discrimination legislation.

Data collection and evidence

We should ensure that any proposal and the accompanying EA is made on the basis of evidence. Data may be obtained from a number of different sources. For example, there may be information from surveys done by the organization or data on the types of people using a particular service. There may be also data compiled nationally as part of social research into problems and issues faced by particular groups. Other organizations and forces may have useful evidence/data collected from their EA's. Evidence and data are important in helping identify our customers and gauging the potential impact of a new policy.

For example, survey data may suggest that a service is under-used by certain groups. Whilst there may be a perfectly good reason for this, investigation should be made to ensure that access to the service by these groups is not due to barriers not faced by others outside this group. It could be that service hasn't been promoted using approaches appropriate and sensitive to the needs to these groups such as different formats, languages, communication channels etc. It could be that service is less accessible to certain groups due to the way it is delivered. A service requiring internet access is likely to be unhelpful or accessible (or less accessible) for older people or persons with learning difficulties etc. By identifying potential barriers and the issues and problems faced by certain groups, we can take steps to ensure that access is wherever possible inclusive for all the communities and customers we serve.

While EAs are designed to ensure that we make better decisions serving the needs of all the customers we serve, they are not designed to prevent decisions being made. In cases where it is not possible to hold off making a decision or adopting a policy in order to complete a full EA, you should undertake basic provisional EA with a plan to conduct a fuller EA with clear timescales for when this will happen. This should be recorded in the Action Plan.

Action planning

An action plan should be developed, monitored and reviewed.

The action plan should include:

- actions identified as necessary;
- Identification of who is responsible for implementation of actions timescale for implementation
- timescale and actions for review, and details of how the effects of actions will be
- evaluated to measure if expected outcomes are achieved in practice.

Involvement and consultation

Whatever the policy, project or function you are assessing, It is vital that you consult and involve the people that the activity may affect. In the case of disabled people, the requirement is for involvement, which goes further than consultation, with the expectation that disabled people will be actively involved in the development of the work. This could include ensuring that disabled people are recruited as members of relevant planning groups or working groups where appropriate.

There are many ways of consulting or involving people in the development of a policy, project or activity. These could include personal contact or liaison with relevant individuals, planned consultation events or meetings hosted by the organisation or attendance at pre-existing meetings or groups with an interest in the potential issues that have been identified.

Previous feedback from communities has shown that people often prefer to have organisations come to their own meetings or focus groups, rather than organisations expecting people to take time out to attend hosted consultation events. It is vital that the EA is completed by someone with a detailed knowledge of the project, to ensure that the right people or groups are identified for consultation.

Finding the right people or groups can sometimes be difficult; however most areas will have voluntary or statutory organisations that hold directories of contact details for relevant groups or individuals. In Nottinghamshire there are a number of these groups including CVS, NAVO, Self help Nottingham etc. all of these can be easily found via the internet and may be able to advise on relevant groups or contacts for consultation.

All consultation and results should be recorded on the consultation log along with details of whether feedback has led to changes or not. The log should also contain details of how the organisation has fed back the results of the consultation to the people or groups consulted.

Monitoring and Reviewing

The assessment, and the involvement and consultations associated with it, will have helped to anticipate the policy's likely effects on different communities and groups. However, the reality is that the actual impact of the policy will only be known once it has been introduced. It may become necessary to revise the policy where unintended and unexpected negative impacts occur. Additionally, a range of factors can affect a policy's effectiveness. Area demographics can change, leading to different needs that will have to be considered, alternative provision may become available through other sources, or options to reduce an adverse impact that were not there at the time of the initial equality analysis may become apparent.

Systems to enable monitoring of the actual impact of the policy therefore form a vital part of an EA and should be set out in the final section of the EA. In developing these, the following should be considered:

- What the type of data needed is and how often it will be analysed.
- How to continue to involve relevant groups and communities in the implementation and monitoring of the policy (in line with broader policy review and equality scheme commitments).
- Who will be responsible for the monitoring.

- When the policy will be reviewed and what evidence could trigger an early revision.

The type of data used during EA is also likely to be useful for monitoring. The following are likely to be of particular relevance to monitoring the actual impact:

- Service level data (including the additional data you have identified as part of the EA).
- Feedback, comments and complaints.
- Inspection reports and other performance evaluations.
- Involvement activities.

This data should be disaggregated for all relevant equality groups and can cover, for example:

- Levels of service take-up by different groups.
- Levels of satisfaction.
- Outcomes for different groups.

EA is an ongoing process that does not end once a document has been produced. The assessment and the monitoring and evaluation arrangements will need to be accompanied by a plan that sets out how and when the policy will be reviewed. It will also be important to use the findings of the analysis to identify appropriate 'triggers' that will indicate problems with a policy and suggest that a revision will be needed. The Commission suggests that a review that considers the actual impact of a policy should be undertaken no later than one year after its introduction. This is not repeating the EA, but going back to the original assessment and using the information and experience gained through implementation to check the findings and make any necessary adjustments. If the authority considers that one year is too short an amount of time in which to see how a particular policy operates, the EA should document the reasons for this and what the timescale should be.

Further guidance

Detailed guidance on the completion of EAs is available from the Equality and Human Rights Commission website

www.equalityhumanrights.com

Publication

It is a requirement that all EAs are published. Therefore it is important to ensure that sensitive or personal information is removed from the published version as appropriate. Publication in Nottinghamshire Police should be arranged through the Corporate Documentation mailbox. Further advice on this can be obtained from Martin Bakalarczyk on ext 800 2649

