



## Policy Impact Assessment (including Equality Impact Assessment)

The purpose of conducting this Policy Impact Assessment is

- to ensure that the activities of the Force when delivering policy, strategy, function or working practice do not have an unjustified and adverse impact on policing minority groups and communities of Devon, Cornwall and Isles of Scilly.
- to ensure that the activities of the Force when delivering policy, strategy, function or working practice does not have an unjustified and adverse impact on its staff, particularly those from minority groups.
- to ensure any new or revised policy, together with its associated **working practices** complies with our obligations, some of which are statutory, in respect of:
  - Reducing Bureaucracy – Section A
  - Freedom of Information – Section B
  - Data Protection – Section C
  - Management of Police Information – Section E
  - Health & Safety/Environmental – Section D
  - Equality and Human Rights Impact (screening decision) – Section F
  - Equality Impact Assessment (full) - Section G

**Please complete this form in conjunction with the Force Policy Handbook and assessment guidance notes available on the Force Policy Admin Website or by contacting the Force Policy Admin Team on 22826/22336/22557.**

Policy (function/procedure/working practice/strategy) Title and Number	D258 - Anti-Social Behaviour Orders Policy D290 - Anti-social Behaviour and Escalation Policy		
Name and contact details of Assessor	Policy Officer		
Policy Owner (Department)	Local Policing and Partnerships Dept		
Portfolio Owner (COG)	ACC Sharon Taylor		
Date of Assessment	13 <sup>th</sup> September 2013		
Policy Version date (to be completed by Policy Admin)	15/08/13		
Verified by : (Policy Officer)	Policy Officer		
Associated working practices :	TP05 – ASBO Working Practice		
Date submitted to Policy Admin	15/01/2015	Check completed and registered	17/02/2015

- **For the purposes of ease of reference 'Policy' as referred to within this Assessment equates to : Policy/Function/Project/Procedure/Working Practice/Strategy/Step by Step Guidance.**

**Reducing Bureaucracy – Section A (to be completed for new policies only)**

**Please complete in conjunction with the guidance notes**

1.1 What has changed or emerged to trigger this new policy and are the objectives of the policy clear and linked with Force Strategy?

Policies and associated working practice are not new.

1.2 Does the new policy impact unnecessarily on any front-line staff. If it does, how?

1.3 What is the full impact on implementing this new policy? (eg are new processes required/cost implications/bureaucratic burden/risks involved)

**Freedom of Information – Section B**

**Please complete in conjunction with the guidance notes**

2.1 Has the Policy been FOI marked in accordance with the relevant exemptions? (Where a paragraph/section is 'Closed' one or more of the 23 exemptions must be identified and justified – for further details see guidance notes)

Yes. All documents have a suitable and appropriate FOI marking

**Data Protection – Section C**

**Please complete in conjunction with the guidance notes**

3.1 Does the Policy refer to personal information? (i.e. any information which identifies a living individual)

If yes please complete the following :D290 & D258 – No, TP05 – Yes. If No – go to Section D

3.2 Please list the personal information that will be collated? (eg name, dob, address etc)

**NOT PROTECTIVELY MARKED**

1. Evidence to support an application for an ASBO can include the following: -

- Details of any breaches of an Acceptable Behaviour Contract
- A list of any previous convictions and a brief summary of the facts
- Statements of those persons affected by the behaviour in question or witness statements of officers attending incidents
- Evidence of complaints recorded by the police or other agencies
- Statements from professional witnesses
- Reports from other agencies
- Records of previous arrests
- Information from witness diaries

2. The following documents will be filed with the court and served on the defendant.

- The summons
- The ASBO application
- The draft order containing prohibitions sought
- A certificate of consultation, provided by the local ASB co-ordinator
- A list of previous convictions
- Information to the defendant on how to obtain legal advice
- Hearsay notices
- Evidence in support of the application
- A case summary
- A clear warning to the defendant that it is an offence to pervert the course of justice and that witness intimidation in civil proceedings is a criminal offence under the Criminal Justice & Police Act 2001, s 39-41 and can lead to prosecution.

3. The case file must contain all evidence that is to be used in support of the application. This will include a brief summary of the facts on the MG5, detailing why an order is deemed necessary and details of relevant previous convictions, reprimands or final warnings. The following are the areas of evidence required:-

- (a) Evidence of the behaviour associated with the relevant offence that is before the court for sentence
- (b) previous convictions of an anti-social nature with the full details noted.
- (c) other incidents of an anti-social nature. The means of adducing this evidence will be
  - (1) Witness testimony given in person at the application hearing whether direct or hearsay
  - (2) Agreed statements
  - (3) Self-proving documents, for example a summary of the relevant incident logs should have a covering statement "The attached spreadsheet of logs is a direct analysis of the incident data from the Devon & Cornwall Police's incident log recording system, and the logs relate to relevant incidents of anti social behaviour and crime with which the defendant is associated or involved."
  - (4) Documents proved by production as an exhibit. The type of evidence may either be Direct or Hearsay. All hearsay evidence is admissible, but failure to give a Hearsay Notice prior to the trial may be taken into account by the Court in considering the exercise of its powers with respect to the course of the proceedings and costs, and also as a matter adversely affecting the weight to be given to the evidence.

## NOT PROTECTIVELY MARKED

3.3 How will it be collated? (Where will we get the personal information? the individual?)

1. Various police recording procedures
2. From the ASBO file
3. ASBO file will be collated through methods detailed in both policies and supporting working practice.

3.4 Why is it to be collated and how will it be kept up to date?

The above evidence is collated to support the application for the granting of an ASBO. Files are retained in accordance with legislation and policy D32.

3.5 Are the time periods for retention of the personal information defined? (See Policy D32)

Time periods are defined as above.

3.6 Is the process for removal and disposal of the personal information defined?

Processes for removal and retention as legislation and D32.

3.7 Are access controls in place, for the defined personal information, in accordance with the Government Protective Marking Scheme? (ie Not Protectively Marked, Restricted or Confidential) - Please contact the Information Assurance Unit for further guidance. Their contact details can be found on the attached [link](#)

Access controls in accordance with GPMS are in place.

3.8 If personal information is to be routinely disclosed please identify the relevant lawful basis - (please contact the Data Protection Unit for guidance on this issue) Their contact details can be found on the attached [link](#)

Any information disclosure to be made under the relevant ASBO legislation. Anti-Social Behaviour Orders (ASBO's) are community based orders that came into Force in April 1999 under the Crime and Disorder Act 1998. The legislation was amended by the Police Reform Act 2002, the Anti-social Behaviour Act 2003, the Drugs Act 2005 and the Serious Organised Crime and Police Act 2005.

## Records Management and Management of Police Information – Section D

**Please complete in conjunction with the guidance notes**

4.1 Will the application of this policy generate information which will be held for policing purpose? ie

- Protecting life and property
  - Preserving order
  - Preventing the commission of offences
  - Bringing offenders to justice
  - Any duty or responsibility on the police arising from common or statute law
- OR

Does it generate formal records? - If it “comprises sufficient content, context and structure to provide evidence of the activity – that is, it contains information that is worthy of preservation in the short, medium or long term”.

This will mainly incorporate the information held to meet **legal** requirements **or** information that is required to be maintained for operational and/or business reasons,

**NOT PROTECTIVELY MARKED**

e.g. MoPI, PACE, HR Records etc. The managers of your specific business function will provide the guidance on what is encompassed in this scope.

If Yes - list the records generated by this Policy :

<b>POLICY PARAGRAPH NUMBER</b>	<b>RECORDS GENERATED</b>	<b>RETENTION PERIOD</b>	<b>AUTHORITY FOR RETENTION</b>
TP05 - Numerous	ASBO files	As per relevant legislation	As per relevant legislation

4.2 Does this policy have any connection with :

- Collection
- Recording
- Evaluation and actioning
- Sharing
- Review retention and disposal of information

If No - then this policy does not fall under MoPI requirements - go to Section E

If Yes - does the Policy contain links to documented working practices/guidance covering roles and responsibilities?

Yes – Documents contain links to appropriate supporting documentation.

## **Health & Safety/Environmental/Green Agenda – Section E**

**Please complete in conjunction with the guidance notes**

5.1 Does this policy have health and safety implications for the public or for our staff? If yes – are they detailed within a generic risk assessment? (please include GRA reference if a risk assessment has been completed. If not covered by a generic risk assessment – a specific risk assessment should detail any significant risks.)

No

5.2 Who has been consulted in respect of health and safety issues? (eg Health & Safety Advisor/Occupational Health/Operations/Federation/Unions)

N/A

5.3 Has compliance with environmental legislation and the 'green agenda' been considered with respect to this policy?

If so, please provide details  
If not, explain why

Not considered relevant at this stage.

## **Equality Impact Screening and Human Rights – Section F - Initial Impact Screening - decision checklist -**

**NOT PROTECTIVELY MARKED**

**Please complete in conjunction with the guidance notes  
(6.1-6.10 - to be completed by Policy Officer/Assessor)**

<b>6.1</b>	<b>What is the purpose of the policy?</b>
It is the intention of the policies and working practice to provide guidance to officers and staff in relation to all aspects of ASBOs.	

<b>6.2</b>	<b>Does the policy contain any potential interference with an individual's rights as set out in the Convention Articles listed within the Human Rights Act? (the articles most likely to impact are listed within the guidance notes at Appendix 'A')</b>

<b>6.3</b>	<b>Does the policy contain a statement explaining what the specific legal basis is for any potential interference within the Human Rights Act?</b>
Explain in full (including whether the interference is justifiable, necessary and proportionate)	
N/A	

<b>6.4</b>	<b>What are the positive/adverse impacts of the implementation of the policy? Explain in full</b>
The guidance, as contained in the policies and working practice is intended to assist in the understanding of, and obtaining of ASBOs. This will have the effect of enhancing the force reputation	

<b>6.5</b>	<b>Proceeding to full Equality Impact Assessment?</b>
YES	NO

<b>6.6</b>	<b>Date of screening decision</b>
16 <sup>th</sup> September 2013	

<b>6.7</b>	<b>Deadline for completing assessment or proposed deferred date</b>

<b>6.8</b>	<b>If NOT proceeding to a full Equality Impact Assessment, complete ONE of the following :</b>
<b>6.8.1</b>	<b>Policy Officer's/Assessor's reasons for deciding there is insufficient resource to proceed (eg insufficient time, staff, competing priorities, etc):</b>

<b>6.8.2</b>	<b>Policy Officer's/Assessor's reasons and evidence why it is not necessary to do an assessment on this policy (eg no adverse equality impacts likely within or between equality groups):</b>
no adverse equality impacts likely within or between equality groups	

**NOT PROTECTIVELY MARKED**

<b>6.9 Advice taken?</b>	
6.9.1 Has advice been taken from the Equality & Diversity Department?	YES/NO
6.9.2 Date advice taken and contact name within E&D Department	Sent to Diversity Unit 16/09/13

<b>6.10</b> What was the advice provided or reason as to why advice was not sought?
This policy does not appear to have any adverse impacts on an individual's Human Rights or between Equality Groups. E&D 230913.

**(6.11 - 6.13 to be completed/verified by Departmental Head / Function Owner or appropriate Chief Officer)**

<b>6.11</b> What level of risk would the organisation be exposed to by not proceeding with an assessment?
<b>Reason to support decision :</b> There is minimal risk of not proceeding with a full EIA.

<b>6.12 Decision whether to proceed with assessment and supporting comments</b>	
<b>Reason to support decision :</b> There is no individual or group that would be greatly affected by this policy therefore a full EIA is not required.	
Deadline for completing the assessment or deferred proposed	Date

<b>6.13</b> Decision approval by Departmental Head / Function Owner or appropriate Chief Officer:
<b>Name:</b> P J Kennedy
<b>Position held:</b> LPP Commander
<b>Date:</b> 22/07/2013

**Once completed an electronic copy of this completed form must be sent to Policy Admin**