



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.

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| Policy (function/procedure/working practice/strategy) Title and Number | Sexual Behaviour in Public Places - D325 | | |
| Name and contact details of Assessor | Strategic & Policy Support Officer Ext 23642 | | |
| Policy Owner (Department) | Local Policing & Partnership Department | | |
| Portfolio Owner (COG) | ACC Sharon Taylor | | |
| Date of Assessment | 25 th March 2014 | | |
| Policy Version date (to be completed by Policy Admin) | 10 th April 2014 | | |
| Verified by : (Policy Officer) | Strategic & Policy Support Officer | | |
| Associated working practices : | None | | |
| Date submitted to Policy Admin | 11/04/14 | Check completed and registered | 25/04/14 |

- **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?

Policy is 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

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)

No

If yes please complete the following :

If No – go to Section D

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

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

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

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

NOT PROTECTIVELY MARKED

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

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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](#)

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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](#)

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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, 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 :

No

| POLICY PARAGRAPH NUMBER | RECORDS GENERATED | RETENTION PERIOD | AUTHORITY FOR RETENTION |
|-------------------------|-------------------|------------------|-------------------------|
| | | | |

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?

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/K

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

Equality Impact Screening and Human Rights – Section F

- Initial Impact Screening - decision checklist -

Please complete in conjunction with the guidance notes

(6.1-6.10 - to be completed by Policy Officer/Assessor)

6.1 What is the purpose of the policy?

The policy seeks to provide guidance suitable for policing this emotive issue within the parameters of the law, the concerns of the wider public, and the sensitivities and needs of minority sections of the community.

6.2 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')

Article 8 – Right to Respect – private / family life
Article 14 – Prohibition of Discrimination

6.3 Does the policy contain a statement explaining what the specific legal basis is for any potential interference within the Human Rights Act?

Explain in full (including whether the interference is justifiable, necessary and proportionate)

These principles apply to actions taken to prevent crime and disorder and to promote public safety as well as actions taken to detect crime. In SBPP matters, Article 8 of the ECHR (right

NOT PROTECTIVELY MARKED

to respect for private and family life), either alone or in conjunction with Article 14 (prohibition on discrimination), must be considered. Our policy in relation to SBPP therefore avoids discrimination on the basis of gender or sexual orientation.

**6.4 What are the positive/adverse impacts of the implementation of the policy?
Explain in full**

This policy sets out this forces stance on SBPP in relation to relevant legislation. This will assist in enhancing the forces reputation by fulfilling its obligations in an equitable and corporate manner.

6.5 Proceeding to full Equality Impact Assessment?

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| YES | NO |
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6.6 Date of screening decision
11th April 2014

6.7 Deadline for completing assessment or proposed deferred date

6.8 If NOT proceeding to a full Equality Impact Assessment, complete ONE of the following :

6.8.1 Policy Officer's/Assessor's reasons for deciding there is insufficient resource to proceed (eg insufficient time, staff, competing priorities, etc):

6.8.2 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):

no adverse equality impacts likely within or between equality groups

6.9 Advice taken?

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| 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 | 11 th April 2014 – Equality & Diversity Sergeant |

6.10 What was the advice provided or reason as to why advice was not sought?

No requirement for a full EIA, due to work currently being done by the Diverse Communities Teams in relation to promotion of this policy. External members have been involved in this. The policy is current and fit for purpose.

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

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| 6.11 What level of risk would the organisation be exposed to by not proceeding with an assessment? |
| Reason to support decision : Little risk with not proceeding to full EIA |

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| 6.12 Decision whether to proceed with assessment and supporting comments | |
| Reason to support decision : Full EIA not required | |
| Deadline for completing the assessment or deferred proposed | Date |

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| 6.13 Decision approval by Departmental Head / Function Owner or appropriate Chief Officer: | |
| Name: P J Kennedy | |
| Position held: LPP Department Head | |
| Date: 11 April 2014 | |