



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	D286 - Unauthorised Encampments		
Name and contact details of Assessor	Strategy and Policy Support Officer		
Policy Owner (Department)	Local Policing & Partnerships Department		
Portfolio Owner (COG)	Sharon Taylor (ACC Local Policing and Partnerships)		
Date of Assessment	06/12/12		
Policy Version date (to be completed by Policy Admin)	03/12/12		
Verified by : (Policy Officer)	Strategy and Policy Support Officer		
Associated working practices :	None		
Date submitted to Policy Admin	22/07/13	Check completed and registered	14/08/14

- **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)

Policy is FOI open, and appropriately marked.

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 : Yes If No – go to Section D

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

3.9 - Welfare checks – information such as name and DOB would be collated.

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

We will get the information from the individual and it will be collated on form 324 which will be centrally collated by the DCT to ensure data protection is managed.

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

The information will be collated in order to cater for the welfare of any potential eviction. It will be retained in accordance with the DPA and Force policy D32.

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

Yes

NOT PROTECTIVELY MARKED

3.6 Is the process for removal and disposal of the personal information defined?
 The process for weeding is detailed in 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](#)
 Yes

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](#)
 Personal information not to be routinely disclosed.

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 :

POLICY PARAGRAPH NUMBER	RECORDS GENERATED	RETENTION PERIOD	AUTHORITY FOR RETENTION
3.5	Checklist and record of action taken by officers attending alleged trespass on land” form 324 .	As Force policy D32	As Force policy D32
3.9	health/welfare checks	As Force policy D32	As Force policy D32
3.10	operational order (to include risk assessments)	As Force policy D32	As Force policy D32

4.2 Does this policy have any connection with :

- Collection
- Recording
- Evaluation and actioning
- Sharing

NOT PROTECTIVELY MARKED

- 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, links detailed within policy.

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.)

The health & safety implications around this policy are not addressed in specific GRAs. Any GRAs relevant to this policy will be by way of processes and procedures that exist in general terms.

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

There have been no specific consultations however the amendments to the policy should support the officers attending the scene. The amendments provide a level of support in terms of decision making which ensures decisions are considered and safe and therefore less likely to be rash and ill considered resulting in greater risk of danger.

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?

To provide a structured consistent response to unauthorised encampments throughout the Force area ensuring decisions are lawful balanced, appropriate and capable of withstanding scrutiny and challenge.

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')

Yes, potential impacts in the following areas:-

NOT PROTECTIVELY MARKED

Article 5 - right to liberty and security
 Article 8 – Right to Respect – Private / Family Life
 Article 11 - freedom of assembly and association
 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)

Yes. It is considered that any interference with the HRA article rights, as listed above is justifiable, necessary and proportionate.

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

In implementing the processes detailed in this policy, this Force will enhance the public perception of its actions in this area of business.
 It is possible that any level of police action in this highly contentious area of business could be interpreted in a negative way.

6.5 Proceeding to full Equality Impact Assessment?

YES	NO
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6.6 Date of screening decision

7th December 2012

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):

6.9 **Advice taken?**

6.9.1 Has advice been taken from the Equality & Diversity Department?	YES/NO
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6.9.2 Date advice taken and contact name within E&D Department	Sent 6 th December 2012
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6.10 What was the advice provided or reason as to why advice was not sought?
Awaiting response.

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

6.11 What level of risk would the organisation be exposed to by not proceeding with an assessment?
Reason to support decision : The use of powers to deal with unauthorised encampments are emotive and often disputed by the affected communities. The Force policy will affect a protected group directly in a very overt way. It is important therefore that a full EIA assessment is conducted to ensure corporacy, compliance with the law and a proportionate approach.

6.12 Decision whether to proceed with assessment and supporting comments	
Reason to support decision : Proceed to full EIA as above	
Deadline for completing the assessment or deferred proposed	DateTBA

6.13 Decision approval by Departmental Head / Function Owner or appropriate Chief Officer:
Name:P J Kennedy Position held:Departmental Commander Date:15/01/2013

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



Devon & Cornwall Police
Building safer communities together

Equality Impact Assessment

Please complete in conjunction with the guidance notes

This equality impact assessment was completed by			
Name:	Force DCT Lead	Signature:	Force DCT Lead
Position:	Force Diverse Communities` Teams Lead	Date:	10 July 2013
Location:	HQ	Tel:	22823

A copy of this document should be forwarded to: Policy Admin Unit
This document will be retained by Policy Admin Unit for audit / publishing / monitoring purposes.

Equality Impact Assessment (full) – Section G

(same form used by E&D for general EIA)

Please complete in conjunction with the guidance notes

7. Aims, objectives & projected outcomes – set out why the main purpose of this function – identify the outcomes that the function / strategy / project /policy/ working practice/ step by step) is seeking to deliver.

7.1	Name of Function (strategy, project, policy, working practice/ or step by step)
	D286 - Unauthorised Encampments
7.2	Function Owner (chief officer lead)
	Sharon Taylor (ACC Local Policing and Partnerships)
7.3	Date agreed, implemented or changed
	03/12/12
7.4	Brief description of function
	To provide a structured consistent response to unauthorised encampments throughout the Force area ensuring decisions are lawful balanced, appropriate and capable of withstanding scrutiny and challenge.
7.5	Who is intended to benefit and in what way?
	This policy is intended to promote good race relations by providing a proportionate and effective response to unauthorised encampments.
7.6	Which equality groups are likely to be affected by this function?
	Race Age Disability
7.7	Who is responsible for implementing this function?
	Local Policing and Partnerships Department.

8. Consider existing evidence :

8.1	Use existing data to identify the current and potential impact of this function (strategy, project, policy or working practice) for different equality groups.
	There isn't any existing data. The minor amendments to the policy proscribe decision makers to be of a managerial level precisely to increase the likelihood of a better decision but also to ensure that the relevant paperwork is filled out so we collect data to inform future decision making.
8.2	Given the purpose and intended outcomes of this function/policy use this section to discuss in full the risks of any adverse/positive impacts on equality issues. Describe what these impacts might be and which groups might be affected. (Refer to guidance notes paragraphs 6.7 and 8.2)

NOT PROTECTIVELY MARKED

There are no foreseeable adverse impacts from this change. The amendments support frontline staff in ensuring they get management support in their decision making. There is a possibility that the wider non protected communities may see this as preferential treatment for a protected community however this perception already exists and in mandating management level decision making we are mitigating this by ensuring our decisions are proportionate and lawful.

8.3 In what ways have you already built-in steps to enhance a positive impact on equality groups in the way you carry out / deliver this function/policy? For example increasing representation, eliminating discrimination, progressing equality of opportunity, tackling harassment, promoting positive images and fostering community cohesion.

The policy is reviewed at least on an annual basis, and in addition, as and when required. This is done in consultation with partnership agencies, both internally and externally, in response to any concerns raised. Indeed the changes on this occasion happened as a result of such positive working relationships.

9. Consultation and Involvement - set out how you have involved and consulted with equality groups in the organisation and in the community with regard to the development, delivery and review of this function.

9.1 How have you consulted, engaged and involved **internal** stakeholders in considering the impact of this function on other functions and services.

Internal stakeholders were included in the internal consultation process, and their recommendations were considered when amending the policy. The conversations came about as a result of a complaint against police and the amendments were agreed as a lawful and proportionate way forward.

9.2 How have equality groups been consulted and which equality groups (either/both internally/externally) have engaged in the consultation process?

DCC Gypsy and traveller liaison officer has been consulted in person as have Force internal subject experts.

9.3 How will you feed back the results of this involvement and consultation to participants?

The results of consultations are fed back via the publication of the policy on the Force internet site. DCC Gypsy and traveller liaison officer has also been updated personally.

10. Assessment & Analysis – use the evidence from the data analysis and consultation to assess whether the delivery of this function has an adverse/positive impact on any equality groups.

10.1 What potential for positive impact for equality was identified through the consultation?

DCC Gypsy and traveller liaison officer has fed back positively and been able to feed back to travellers.

NOT PROTECTIVELY MARKED

10.2	Did the consultation identify any concerns about barriers to access or adverse impact for any particular communities or equality groups? What were these and who is likely to be affected?
	No
10.3	How will you mitigate any adverse impacts? (identify any resource implications)
	N/A
10.4	If changes are required to be made - what are they? If no change is to be made, what is the justification for this.
	Policy D286 amended as a result of consultation.

11. Monitoring and Review

11.1	How will you monitor this function to ensure that the equality commitments are delivered?
	DCT staff monitor traveller logs as business as usual and they have been briefed on the amendments as have control room staff. Any specific issues will be raised immediately. Annual review will pick up trends.
11.2	How will you ensure that stakeholders and equality groups continue to be involved in shaping the development and delivery of this function?
	DCTs have an ongoing relationship with equality groups and stakeholders. This issue will be re-raised if there are problems.
11.3	Describe how and when the senior leadership will be involved in overseeing and reviewing monitoring outcomes.
	Policy amendments authorisation are done by senior leadership within the department / Force
11.4	Describe how, and where the results of this equality impact assessment and the outcomes of the monitoring will be published
	<ul style="list-style-type: none">•
	Agreed and authorised policies are published on the Force internet site.

12. Quality Assurance (by E & D department)

This equality impact assessment was reviewed by			
Name:	Force DCT Lead	Signature:	Force DCT Lead
Position:	Force DCT Lead	Date:	10 July 2013
Location:	HQ	Tel:	22823