

Devon & Cornwall Police Policy Impact Assessment



Devon & Cornwall Police

Assessment Date: 30/05/17	
Policy Title and Number	D290 Anti-Social Behaviour Escalation Policy
Policy Version Date	22/06/17
Associated Working Practices	TP05
Name of Business Area and Lead	Prevention
Name and contact details of person carrying out PIA	Operational Policy Officer
PIA Publication Date	22/06/17
This PIA was last reviewed on:	N/A

Freedom of Information and Data Protection

Has the policy been FOI marked and exemptions identified?	Yes
Have the associated working practices been FOI marked and exemptions identified?	Yes
Does the policy refer to personal information?	No
Do the associated working practices refer to personal information?	No
Are time periods for retention or the process for removal and disposal defined in the document?	No
If no what legislation governs the retention and disposal of the personal information?	<ul style="list-style-type: none">• Criminal Procedures and Investigations Act 1996• Police Act 1996 (MoPI)• Limitations Act 1980• Policy D032

Health and Safety

Do the policy or working practices have any health and safety implications for the public or staff?	No
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If yes, are these covered by any of the <u>Generic Risk Assessments</u> ? List GRA reference numbers where applicable	N/a
Has advice been sought from Health and Safety or Occupational Health?	No
Name, date and comments received:	

Equality Impact Initial Screening

<p>1. Significance & Impact: The relevance for equality depends on the nature and extent of the impact not just the numbers of people affected.</p>	
Do the proposals affect service users, employees or the wider community?	Yes
Do the proposals significantly affect service delivery, business processes or policy?	No
Does it involve a significant commitment of resources?	No
Do the proposals relate to an area where there are known inequalities? (e.g. hate crime, domestic abuse, accessibility, recruitment & progression)	Yes
<p>2. What is the purpose of the policy/working practice?</p> <p>This policy sets out the partnership working ASB escalation process and how Devon and Cornwall Police work in partnership with our partner agencies, to ensure that Anti-Social Behaviour is tackled with the appropriate balance between support for those who are willing to accept it and swift, effective enforcement for those who are not.</p> <p>The policy recognises the differing needs of our diverse communities.</p>	
<p>3. Relevance: How does the aim and purpose of the policy/working practice relate to each of the aims of the public sector equality duty?</p> <p>This section must be fully completed for each PIA.</p>	
<p>a) To eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Equality Act 2010</p>	<p>By ensuring that the correct framework is followed in order that everyone is treated equally and given the same opportunities to help themselves.</p> <p>The policy is designed to ensure that any behaviour that could potentially discriminate against protected groups is dealt with at an early stage so should have a positive benefit for those groups</p>

b) To advance equality of opportunity between people from different groups	There is, within the basic framework of minimum standards, a flexible and adaptable response at the local level (Community Safety Partnerships). This is in recognition of the differing needs of our diverse communities.
c) To foster good relations between people from different groups.	This process ensures that communities are supported in mitigating ASB by a number of different local partners. This partnership working fosters good relations between agencies and also positive interactions with communities and the police

4. Is it likely that the proposals could affect particular protected groups differently?

Age	Yes / No	Disability	Yes / No	Sexual Orientation	Yes / No
Race	Yes / No	Sex	Yes / No	Religion or Belief	Yes / No
Gender reassignment	Yes / No	Pregnancy and Maternity	Yes / No	Marriage or Civil Partnership Status	Yes / No

Please provide details for each protected group where you have indicated 'Yes'.

ASB can affect particular protected groups. The victim care policy PIA considers the impact on victims. This policy does not deal directly with ASB but simply the partnership process, which has no discernible impact on different groups.

The ASB Escalation process is managed and delivered at the local level by police officers, police staff and local authority professionals such as housing officers, environmental health officers, community safety managers, ASB managers/co-ordinators/case workers etc. It ensures that verbal warnings and written warnings are given (and recorded) prior to a Case Conference taking place. At the Case Conference the individual's circumstances are taken into consideration. Options to resolve the anti-social behaviour are discussed based on the individual's circumstances, these can include help and support to address the behaviour or enforcement action. The systematic nature of the ASB Escalation process and it's delivery by police and local authority professionals (all of whom are subject to the legislation, rules, regulations, values and standards that cover their work in their respective organisations), ensures that there are checks and balances in place to address these issues.

5. Have you identified any potential interference or issues in relation to Human Rights?

Article 2: Right to Life	Yes / No	Article 3: Prohibition of torture	Yes / No	Article 4: Prohibition of slavery and forced labour	Yes / No
Article 5: Right to Liberty and Security	Yes / No	Article 6: Right to a fair trial	Yes / No	Article 7: No punishment without law	Yes / No

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Article 8: Right to respect for private and family life	Yes / No	Article 9: Freedom of thought, conscience and religion	Yes / No	Article 10: Freedom of expression	Yes / No
Article 11: Freedom of assembly and association	Yes / No	Article 12: Right to marry	Yes / No	Article 14: Prohibition of discrimination	Yes / No
Article 1 or protocol 1: Protection of property	Yes / No	Article 2 of protocol 1: Right to education	Yes / No	Article 3 of protocol 1: Right to free elections	Yes / No

6. Where any potential interference has been identified at section 5 please answer sections a-d below:

Please note Articles 3,4,7, the first part of 9 as well as protocol 13 are absolute rights and cannot be justified. These must be mitigated within policy. The other Articles are qualified rights and must be justified within policy where mitigation is not possible.

a) What is the potential for interference with an individual's rights?	
b) What is the legal basis?	
c) Are the interferences necessary? What are the legitimate aims?	
d) Are the interferences proportionate?	

7. Proceed to full Equality Impact Assessment?	No
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8. Seen by Equality and Diversity Unit	Name: Diversity Officer Date: 27/04/17 Comments: Various observations considered and incorporated into PIA where appropriate
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9. Approved by Business Lead	Name: Supt Matt Lawler Signature: Date: 05/06/17
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If progressing to full Equality Impact Assessment use the [Equality and Diversity EIA template](#) and start at step 2 (box 8). Both PIA and EIA together constitute a full EIA document.