

Best practice principles



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Overview

1. In January 2005 the cross-departmental government report *Improving the life chances of disabled people* highlighted the wide range of barriers within society that disabled people face – in terms of attitudes, policies, practices, environmental issues (such as entry points to buildings, parking facilities, transport links and signage) and issues linked to empowerment.
2. The report asserted that these barriers disempower disabled people and exclude them from mainstream society and the economy. The report called for all barriers to be removed, empowering disabled people and providing them with the opportunity to exercise their rights and responsibilities as equal citizens – at home, in the community and in the workplace. It declared that the time had come to end the dependency culture that often results in low self-esteem and low expectations among disabled people, and to move towards a society in which they are valued, empowered and included. The report stated that this can be achieved with investment and support.
3. *Improving the life chances of disabled people* argued that, by 2025, disabled people in Britain should have full opportunities to improve the quality of their life and to be respected and included as equal members of society.



Disability Equality Duty (general and specific duties – overview)

4. The Disability Discrimination Act 1995 (now amended by the Disability Discrimination Act 2005) (the Act) places a duty on all public authorities, including police forces and police authorities, to have 'due regard' for the needs of disabled people when carrying out their functions. This is known as the Disability Equality Duty (the Duty).
5. The term 'due regard' is explained in detail on page 14, but broadly it means that police forces and authorities should give weight to the need to promote disability equality in proportion to its relevance. That is, while disability equality should be considered in all aspects of police work and its service delivery on a day-to-day basis, there may be some instances where the impact of an activity will be lower or have less relevance. Due regard is more than simply giving consideration to disability equality.
6. The Disability Equality Duty is also sometimes referred to as:
 - the duty to promote disability equality;
 - the Duty; or
 - the general duty.
7. The overarching goal of the Duty is to promote equality of opportunity. Eliminating discrimination, combating harassment, promoting positive attitudes and seeking engagement and participation for disabled people in public life all promote equality of opportunity for them.
8. The underpinning principle is that public authorities should take steps to take account of disabilities, even where this involves treating disabled people more favourably. To deliver true equality of opportunity for disabled people requires more than simply treating them in the same way as everyone else.

General duty

9. Within the Disability Equality Duty, the general duty provides a framework for police forces and authorities to carry out their functions more effectively by being aware of the impact each of the policies, procedures and activities it carries out has on the disabled community and striving for betterment in meeting the unique needs of that community and to tackle discrimination and its causes in a proactive way. It stipulates that forces and authorities should respond to its six requirements. Specifically, it requires forces to show due regard for the needs of disabled people when planning new policies and procedures. For example, any new crime reporting procedures should take into account how a disabled person might report a crime, and the factors that could stop or hinder them from doing so.
10. The general duty requires police forces and authorities to adopt a proactive approach, mainstreaming disability equality into all of their decisions and activities. Any breach of the general duty can be the subject of a claim for judicial review of a force's and an authority's action (or inaction).
11. The general duty is set out in section 49A of The Act. It will come into force on 5 December 2006.
12. It requires every public authority to give due regard to the following when carrying out its functions:
 - The need to promote equality of opportunity for disabled people.
 - The importance of eliminating discrimination that is unlawful under the Act.
 - The need to eliminate disability-related harassment.
 - The importance of promoting positive attitudes towards disabled people.
 - The need to encourage participation by disabled people in public life.
 - The importance of taking steps to take account of disabilities, even where this involves treating disabled people more favourably.

13. These obligations apply in relation to people who are disabled according to the definition supplied by the Act. This definition is broad; it covers individuals with a wide variety of disabilities. (See Appendix A, and also Annex C of the monitoring guide. The monitoring guide is a document which was launched recently to provide guidance about what is required for compliance with current equality legislation, as well as best practice standards from a moral perspective.) When considering the impact of potential decisions, police forces and authorities must ensure that the full range of disabled people are taken into account.
14. It will not always be possible for police forces and authorities to adopt the course of action which will best promote disability equality, but they should always provide an assurance that they have given due regard to the issue, as well as to the other issues at stake.
15. As well as thinking about the future, police forces and authorities should consider what action should be taken to tackle consequences of decisions made in the past, as some of these may have failed to give due regard to disability equality. The best approach is to analyse the issues between the desired approach/activity and the current approach/activity and look at how to close the gap(s) in service delivery and employment outcomes. For example, forces may aim for disabled and non-disabled people to express the same level of satisfaction with police response times. To make this happen, forces would need both to analyse the response mechanisms critically to see if they meet the targets laid down and also to establish if, in achieving the same response time, the satisfaction is different, possibly because the differing concepts of time. A disabled person with a learning difficulty who is in distress may find a ten-minute wait far harder to cope with than someone else.
16. The overarching goal of the duty is to promote equality of opportunity. A number of individual elements support this goal but they too require 'due regard' in their own right.

Promoting equality of opportunity

17. The general duty requires police forces and authorities to give due regard to promoting equality of opportunity between disabled people and others. The objective is that disabled people should have full opportunities and choices which improve the quality of their lives. Equality ensures that individuals are respected and included as equal members of society.
18. Exclusion can be experienced by people with a wide variety of impairments: for example, requiring a driving licence will disadvantage people with a wide range of disabilities – all of whom are prohibited from driving because of their impairment. But distinct barriers arise for groups with a particular disability: the barriers to employment experienced by people with Asperger's Syndrome are distinctly different to the barriers experienced by deaf people. Understanding these various different barriers is the key to enabling police forces and authorities to communicate effectively. Seeking the views of disabled people will help forces and authorities to understand how they currently serve them and where improvements are needed.
19. Individuals who meet the Act's definition of a disabled person are protected by law – whether or not they consider themselves to be disabled. The definition includes people whose impairment is not immediately obvious – for example people suffering from mental health impairments, learning disabilities or medical conditions such as cancer or HIV.
20. As well as having different impairments, disabled people will have differing experiences depending on their gender, age, sexuality, religion and ethnicity.
21. Forces need to establish whether disabled people are experiencing specifically disability-related disadvantages, or whether they would be just as likely to be victims of crime if they were either black or gay.
22. To comply with the Duty, forces must take into account the full range of disabled people; they must ensure that their involvement exercises engage with those disabled people who have higher support needs, including a need for advocacy. Similarly, the mechanisms for gathering

information to measure progress on disability equality need to be sensitive to the varying experiences of different groups of disabled people.

23. Having considered the broad range of experiences, a force might decide to prioritise remedial action for a particular group, on the basis that that group has experienced the greatest degree of exclusion or a higher level of hate crime. A force might also decide to focus on that group for operational priority reasons.

Eliminating unlawful discrimination

24. Among other areas, the Act prohibits discrimination against disabled people in:
 - employment and occupation;
 - trade organisations and qualifications bodies;
 - the provision of goods, facilities and services; and
 - the public functions.
25. Police forces and authorities must give due regard to eliminating unlawful disability discrimination in all of these areas.

In 2004, the Police Service reviewed its policy of requiring detailed medical questionnaires to be completed in advance of police officer employment applications being submitted: it was decided to seek medical information from applicants only after success at the earlier stages of the recruitment process. This allowed the Service to identify competent applicants without being influenced by health issues, and also reduced costs. The occupational health reports focused on the ability of competent people to carry out the job regardless of any impairment. These changes have led to the Police Service becoming more diverse and more reflective of the communities it serves.

Eliminating harassment

26. Police forces and authorities must have due regard for the need to eliminate disability-related harassment.
27. Disabled people can be subject to considerable harassment – at school, at work, when receiving services or at home. Harassment is a very broad concept and can take many forms – from direct verbal abuse to comments that make an individual feel uncomfortable, intimidated or degraded. So a harassment policy that does not specifically prohibit harassment on grounds of disability is unlikely to be giving due regard to the need to eliminate harassment. Similarly, a police force or authority that adopts such a policy but fails to implement it effectively is unlikely to be complying with the Duty.
28. Police forces and authorities should consider what steps they need to take in order to comply with the Duty within their sphere of influence. These steps might include:
 - incorporating into the community safety strategy a plan to reduce the harassment of disabled people by working with local authority services, schools and transport operators; or
 - recording incidents of harassment of disabled people, as well as the way in which these incidents are resolved, and then taking positive steps to prevent such harassment recurring.
29. Refer to the monitoring guide (see Appendix D) for details of why these duties are required.

A local mental health charity proposes to establish supported accommodation in the community for mental health service users who are leaving hospital. The local primary care trust works with the charity and the police to ensure that local residents are aware of the nature of the accommodation, the need for it, and the positive benefits to the community that the new residents will bring. The primary care trust and the police are taking proactive steps to prevent any potential harassment of the mental health service users.

Promoting positive attitudes

30. Police forces and authorities must have due regard for the need to promote positive attitudes towards disabled people. This is part of the overall goal of promoting equality of opportunity. While many people have positive attitudes towards disabled people, others can express pity, fear and a lack of respect and/or contempt. Demeaning stereotypes – or the absence of any public representation of disabled people – can have an especially negative impact on attitudes.
31. Negative attitudes are hurtful, can lead to discrimination and can place unnecessary restrictions on disabled people. When exercising their functions, forces and authorities need to consider what can be done to eliminate ignorance and prejudice in the wider community.
32. Police forces should examine their communications strategy to ensure that disabled people are positively portrayed (although promoting positive attitudes is of course not solely limited to communications policies).
33. Images of Disability is a government initiative, led by the Department for Work and Pensions, that aims to improve the representation of disabled people in government advertising. Police forces could use this initiative to incorporate positive images into their publicity campaigns and materials.

Encouraging participation in public life

34. Forces should give due regard to the need to encourage participation by disabled people in public life.
35. 'Public life' is a very broad term, incorporating neighbourhood forums, citizens' panels, advisory groups, focus groups, local strategic partnerships, etc.
36. Disabled people can bring valuable experience to policing; with their participation, positive public attitudes can be built, leading to a reduction in harassment and increasing the integration of disabled people into the community and into neighbourhood associations. Forces that succeed in promoting the participation of disabled people in

organisations such as advisory bodies are viewed as ‘disability aware’ by disabled people, which should begin to increase the cycle of participation and engagement between the force and people from the local disabled community, as required by the Duty.

North Worcester Basic Command Unit uses the local media to encourage participation in its steering group by disabled community members.

37. Forces and authorities need to give due regard to encouraging participation in policing from disabled people, for example by getting them involved in police selection procedures.

Taking account of disabilities

38. Police forces and authorities are required to give due regard to the need to take steps to take account of disabilities, even where this involves treating disabled people more favourably. Equality of opportunity cannot be achieved simply by treating disabled and non-disabled people in the same way.
39. Unlike other anti-discrimination laws, it is important to note that the Act does not prohibit or restrict positive discrimination in favour of disabled people in any way. This is because only disabled people are protected against discrimination under the Act – not those who are not disabled.
40. Delivering true equality of opportunity can sometimes require additional services to be offered as alternatives alongside a ‘mainstream’ approach. Even where the mainstream service is fully accessible, disabled people might value a separate space in which to engage in activities. Where a separate service specifically aimed at disabled people is provided alongside a mainstream service, it should be provided as a choice – not as an enforced, segregated option provided purely because disabled people are unable to access the mainstream service.

Specific duties

41. Police forces and authorities are subject to specific duties as well as to the general duty.
42. The specific duties came into force on 5 December 2005, requiring police forces and authorities to prepare and publish a Disability Equality Scheme by 4 December 2006.
43. The specific duties provide a framework to assist police forces and authorities in meeting the general duty and in reporting on activities. They stipulate that public authorities must:
 - produce and publish a Disability Equality Scheme, which should demonstrate how the organisation intends to fulfil both the general duty and the specific duties;
 - involve disabled people in the development of this scheme;
 - ensure that the scheme includes a statement detailing:
 - the involvement of disabled people in its development;
 - the methods for impact assessment;
 - the steps it has taken to fulfil the requirements of the general duty;
 - the need for an ‘action plan’;
 - the arrangements for gathering information in relation to employment and, where appropriate, the delivery methods for the functions;
 - the arrangements for putting the information gathered to use (for example, the effectiveness of the action plan could be reviewed, in order to inform the preparation of subsequent schemes);
 - carry out the projects contained in the action plan (unless it is unreasonable or impracticable to do so) within three years of the scheme being published;
 - put into effect the arrangements for gathering and making use of relevant information; and

- publish a report summarising the steps taken to achieve the proposals contained in the action plan and the results of any information-gathering exercises, along with details of how the information has been used.

Annual reporting

44. Police forces and authorities must publish a report every year that details:
 - the steps they have taken to fulfil the Duty (in other words, their action plan), including what they have done to eliminate discrimination, promote equality of opportunity and meet their action targets;
 - the results of the information-gathering exercises carried out, including what evidence was obtained and what that evidence indicates;
 - what they have done with the information gathered, including what actions will be taken as a result; and
 - most importantly, the outcomes – in other words, the difference that has been made.
45. Publishing this report demonstrates a force or authority's commitment to making progress on equality for disabled people, and will allow employees and the community to assess how successful the force or authority has been.
46. A force or authority can use another annual publication – such as its annual report – as a vehicle for this progress report. This will provide transparency without additional unnecessary bureaucracy.
47. Forces and authorities will need to consider how the progress report is made available to the whole community. This is likely to involve producing it in accessible formats such as large print and/or audiotape.

Due regard

48. The Duty expects police forces and authorities to adopt a proactive approach to disability equality, incorporating it into all decisions and activities. It requires organisations to give 'due regard' to the six parts of the general duty. This 'due regard' consists of two linked elements: **proportionality and relevance**.
49. Forces and authorities should give weight to promoting disability equality in **proportion** to its **relevance** to functions and decisions. It is recognised that disability equality will be more relevant to some functions than to others, and that it will not be obviously relevant to some at all, but will still require consideration.
50. The rule of proportionality requires that the greatest consideration is given to disability equality for the functions and/or policies that affect disabled people most. Any changes to a function and/or policy that lead to a significant benefit for disabled people will carry added weight and will be recognised as such by disabled people.

Promoting disability equality

51. Forces need to give due regard to promoting disability equality by making sure they consider alternative approaches and adopt suitable courses of action – especially when confronted by competing priorities – to avoid any negative impact on disabled people.
52. The general duty requires police forces and authorities to give 'due regard to disability equality' when making decisions that affect the future and when considering the consequences of decisions already made. Remedial action and adaptation is necessary to address any policy, function or operation that fails to give due regard to disability equality; these should be prioritised according to their relevance to, and impact on, disabled people.
53. Forces and authorities will not be able to fully review all policies and operations, act to correct all adverse impacts and close any gaps in service and employment outcomes, in a single cycle of improvement. It will be a continuous process, requiring the ongoing involvement of disabled people.

54. Forces will need to carry out an impact assessment to establish the impact of a policy, procedure or activity on a disabled person. The technique for conducting impact assessments is discussed in detail later on in the document. The technique for conducting impact assessments is discussed in detail on page 34.
55. Police forces and authorities should consider whether additional, targeted services are required in order to deliver equal outcomes for disabled and non-disabled people. Any service delivered specifically to disabled people should be designed to maximise the opportunity for them to have real choice.
56. Police forces and authorities can make an enormous contribution to removing the barriers (both environmental and attitudinal) to equal opportunities for disabled people, by:
 - addressing the way in which functions are carried out;
 - improving the service provided to disabled people, for example the way in which vulnerable members of the community are protected, and the procedures for detecting and investigating crime;
 - employing disabled people; and
 - exerting a positive influence on the community by increasing information that aims to change perceptions and attitudes. An example might be for forces to run a campaign in conjunction with local authorities against unauthorised parking in marked disabled bays. To be effective the process needs to explain why the bays are marked, the difficulties that inconsiderate parking causes and the negative effect this has on disabled people. There needs to be an introduction, clarity about the issue and subsequently the introduction of penalties for parking in marked bays.

A disabled employee working for a police force or authority might require a dedicated car parking space, because public transport is not accessible to them. A non-disabled employee might also want a parking space, but will not suffer the same degree of disadvantage if one is not provided: the disabled employee could be prevented from engaging in mainstream work activities altogether if a space is not allocated, whereas the non-disabled employee would merely be inconvenienced. This example demonstrates why more favourable treatment is sometimes necessary: a force will have a duty to provide a parking space as a 'reasonable adjustment'.

57. This reinforces the fact that equality of opportunity cannot be achieved simply by treating disabled and non-disabled people in the same way.

Leadership

58. Effective change starts at the top: strong, clear and consistent leadership is the key to achieving change in the public sector.
59. Senior management and governing bodies need to take ownership of the Duty.
60. Senior managers can keep the issue visible by requesting regular reports on the progress of implementation and by challenging and questioning any shortfalls. This type of behaviour will reinforce the importance of the Duty, and staff will be encouraged to 'do the right thing' by messages from the top. Identifying objectives for disability equality, setting appropriate targets, running award schemes and introducing other incentives can all demonstrate the importance that a police force or authority attaches to the Duty.
61. Senior management will be responsible for ensuring that the necessary resources and expertise are made available within the organisation.

Expertise

62. Compliance with the general duty requires police forces and authorities to access expertise; it might be necessary to employ specialists or to identify existing staff members who have the relevant skills or knowledge.
63. The National Audit Office's 2004 report *Delivering Public Services to a Diverse Society* recommended that 'In deciding whether or not a standalone unit to oversee diversity is required, government bodies need to consider the existing depth and breadth of their experiences with, and need for, serving diverse customers. A strategy that removes such units is only appropriate for organisations that already exhibit a strong culture and proven history of addressing diversity in all areas of their business.' (See www.nao.org.uk/pn/04-05/040519.htm.)

Training

64. For the Duty to be effective in promoting disability equality, police forces and authorities need to consider what staff (at every level) need to know about it, and then provide the appropriate training. All staff will require basic training in what the duties are and why they are necessary. They will also need to be:
 - equipped with the necessary skills to implement the duties; and
 - aware of how to carry out their jobs with due regard for disability equality.
65. The Police Race and Diversity Learning and Development Programme (PRDLDP) is a major new programme aimed at improving police performance in race and diversity through learning and development. To access the PRDLDP guidance handbook, visit:
www.police.homeoffice.gov.uk/documents/prpldp-guidance-handbook
66. The National Centre for Applied Learning Technologies website is at:
www.ncalt.com. (See the guidance on learning and development.)

Effectiveness

67. It is important that police forces and authorities use the Duty to measure outcomes by highlighting if changes made are successful or not, and if not, why, and what else is needed to make it work. Otherwise it could be difficult to confirm that due regard has been given to it.
68. It will be essential to consider carefully how effective the prescribed action(s) might be in achieving outcomes, especially given that the easiest option may not necessarily result in the most effective outcome.

Resources

69. Initiatives to improve service delivery for disabled users will not necessarily require increased resources. With careful planning and focused targets, the desired objectives can be met by adjusting the existing resources. Resources can include people, money and objects, and may not necessarily need to be increased to meet a goal, but perhaps if they are used in a different way the goal can be more easily met. Of course, even the best planned initiative can be under-resourced, so it is worth remembering that there are likely to be occasions where additional resources are required rather than simply varied. An abundance of resources does not guarantee that an initiative will be successful, but insufficient resources will almost certainly lead to failure.
70. It is essential that forces plan adequately for the 'whole-life' costs of the project, including maintenance, ongoing evaluation and improvements. This is necessary even if the resources are provided for incrementally. Adequate planning for a desired outcome will help ensure that the correct level of resources are considered and allocated. This will avoid the need to cut corners towards the end of the project, as the whole-life costs focus on the entire project, not just the immediate and mid-term costs.

Partnerships

71. Forces that work in partnership are likely to provide better service delivery to the community, because the unique experiences and needs of each of the partners are probably more widely understood. Police forces involved in partnerships must give due regard to all aspects of the Duty.
72. While community safety partnerships are not bound collectively by the Duty, individual partners still have to comply with the general duty and, where applicable, with the specific duties for each aspect of their work.

The Police Service and the Ambulance Service are working together to develop a new process by which an ambulance will be used instead of a police vehicle to transport the person and a police officer to a place of safety.

Guidance notes on these new local protocols are developed and distributed to partners. This highlights partnership and consistency, and is an example of enhanced, cross-cutting service delivery by the police and partner agencies, under the guidance of the local development centre for mental health.

A city-based community safety partnership brings together a number of organisations to improve safety and security for the city's residents. The partnership includes a number of authorities that are subject to both the general duty and specific duties: the local council, the police force and the board of the local NHS trust.

The main aims of the partnership include:

- being accountable to residents and stakeholders;
- reducing crime and the fear of crime;
- tackling racist violence; and
- tackling violence against marginalised groups.

The partnership authorities must collectively comply with the Duty by ensuring that its principles are built into all plans and activities.

In order to be successful, the partnership will need to involve local disabled people and disability organisations in its decisions. For example, the partnership might commission a report on the experiences of disabled people in the city, and that report might indicate that harassment of disabled people is a considerable concern and should be a high priority.

The organisations within a partnership should agree on what their main objectives are. These might include:

- tackling the harassment of disabled people;
- sharing information on harassment;
- supporting the victims of disability-related crime; or
- applying for funding for the establishment of a centre that would enable agencies to share information confidentially.

Procurement

- 73.** Police forces and authorities enter into large numbers of contracts with private and voluntary sector organisations for goods, works, services and staff. Sometimes the nature of contracted-out functions will mean that the contractors are themselves carrying out the public authority function. In such instances, the police force or authority will be responsible for complying with the Duty in relation to the procurement process for that contractor, and in relation to the monitoring of the contract. The contractor will in turn be bound by the general duty in relation to carrying out the function.
- 74.** In many situations, however, contractors will not be performing a public function, but will merely be providing services on behalf of the force or authority. In these situations, the obligation to comply with the Duty in relation to the function remains with the police force or authority that has contracted out the function. That force or authority will need to build relevant disability considerations into the procurement process in order to ensure that it is complying with the Duty.

75. Police forces and authorities can consider doing the following in order to ensure that they meet the obligations of the Duty:
- revising any standard terms and conditions for contracting out services to include information about the Act;
 - ensuring that relevant government guidance on social or equality issues in procurement is considered;
 - including a requirement in every contract document that the contractor must comply with the anti-discrimination provisions of the Act;
 - where relevant, specifying what evidence the contractor might need to gather in order to demonstrate their compliance with the general duty or the specific duties;
 - when contracting out services, ensuring that disability equality is appropriately reflected, and given due weight, in specification, selection, the award criteria and the contract conditions – and ensuring consistency with EC and UK procurement rules;
 - ensuring that contractors understand and comply with the disability equality requirements of their contract;
 - monitoring the contractor's performance on disability equality (where relevant to the contract); or
 - providing training for staff involved in procurement work, in order to ensure full awareness and understanding of the provisions contained in the Act and of the relevance of the Duty to the specific area of work in question.



A force's head of information is overseeing the redesign of the force's website, which is being contracted out to a web designer. The head of information ensures that the tender documents include reference to the Duty, and in particular to the need to ensure that the website is fully accessible to disabled people. The standard terms of contract are revised to reflect the fact that any updating and/or maintenance work on the website must ensure that the site remains accessible to disabled people, in order for the force to comply with the Duty.

Enforcement widescale

76. If a police force or authority does not comply with the general duty, its actions – or failure to act – can be challenged in the High Court. Such a claim for judicial review can be made by an individual, by a group of people with an interest in the matter, or by the DRC.
77. If a police force or authority does not comply with the specific duties, enforcement action can be pursued by the DRC under Section 49E of the Act.
78. Section 49E empowers the DRC to serve a compliance notice on any public authority. The notice states that the authority must meet its duties and that within 28 days it must advise the DRC of what it has done, or is doing, to comply. The DRC can request written confirmation that the Duty has been met, and can stipulate how quickly that confirmation should be provided. (The time allowed is usually no longer than three months from the day the notice is served.)
79. The DRC cannot ask for more information than a public authority would have to provide during High Court proceedings; information subject to legal privilege would not be provided.
80. If a police force or authority that has been served with a notice fails to provide the DRC with the information required, or if the DRC has reasonable cause to believe that the force or authority does not intend to supply the information, the DRC can apply to a county court (in England and Wales) for an order that will compel the force or authority

to comply. If three months have passed since a compliance notice has been served and the DRC considers that the force or authority has still not met one or more of the specific duties referred to in the notice, the DRC can apply to the county court for an order requiring the force or authority to comply.

81. The county court might grant the order on the terms that the DRC applied for it on, or on more limited terms. Failure to abide by a court order is considered 'contempt of court', and additional action and penalties may result.

Audit and inspection

82. Police authorities and Her Majesty's Inspectorate of Constabularies (HMIC) are bound by the Duty.
83. HMIC must ensure that the Duty is built into its inspection regimes. An inspection should judge how well individual police forces meet the Duty and, where appropriate, inspections should evaluate any proposed action on the part of the police force to:
 - review its inspection and auditing methods, in order to comply with the Duty;
 - advise other public bodies on how to develop effective Disability Equality Schemes and monitoring arrangements;
 - identify and disseminate best practice in respect of the Duty; and
 - improve research surveys and data collection in order to provide useful data for other public bodies to consider when analysing their compliance with the duty.

The DRC Code of Practice

84. The DRC has produced a Code of Practice (COP) which gives practical guidance to public authorities on how to meet the general duty to promote disability equality and the specific duties imposed by way of regulations. The aims of the COP are to help:
 - public authorities to promote equality of opportunity and eliminate disability discrimination; and

- disabled people to understand the duties imposed on public authorities and the role that they can play to assist them make improvements to policies, practices and service delivery.
- 85.** The COP applies to England and Wales and took effect from 5 December 2005. A similar but separate code applies in Scotland.
- 86.** The COP is 'statutory'. This means that it has been approved by Parliament and is admissible as evidence in legal proceedings under the Act. Courts and employment tribunals must take into account any part of the COP that appears to them to be relevant to any question arising in those proceedings.
- 87.** If police forces and authorities follow the guidance in the Code, it may help to avoid an adverse decision by a court or tribunal in such proceedings.



Why disability equality?

88. Disability equality is important for forces because it makes good business sense in employment, service provision and the buying of goods and services.
89. Disability equality will help to build better public services offered by the police forces – services that are able to respond to the individual needs of all of society and that contribute to effective, efficient policing.
90. When forces comply with the Duty, there will be the following benefits:
 - The effectiveness and efficiency of police forces and authorities will be improved: the resources invested will benefit all of those who need them. Making services accessible to disabled people can offer benefits to the general population as well: improving information and access for disabled people generally benefits all service users; for example, installing moving floors and lifts in mainline stations will help disabled people with mobility difficulties navigate around the station and avoid the need to climb flights of stairs. This has an added bonus, as it has an immediate benefit for others without a disability, including people with children in prams and travellers with heavy suitcases. Likewise, improved audio and visual signage on buses to assist deaf and visually impaired people also helps other commuters. The DRC has made its website more accessible to people with a visual impairment, reducing the time it takes for them to navigate around the site. In doing so it has made navigation easier and less time consuming for people without an impairment.
 - Forces will have the opportunity to make a real, positive change to the lives of disabled people.
 - There will be an increase in public confidence among the one in four people in the UK who has a disability.
 - Police forces and authorities will have the opportunity to demonstrate their commitment to improving outcomes for disabled people will be in a better position to meet the requirements of audit and inspection bodies.

91. Police forces and authorities will also:

- benefit from better-targeted policies, leading to more focused service delivery;
- benefit from improvements in the public perception of the police service;
- increase satisfaction and confidence among disabled people in the delivery of services;
- be able to fill the gaps in their services;
- increase involvement from and participation by members of the public;
- be able to provide better targeted information; and
- be able to provide better access to the public.

92. When police forces and authorities comply with the Duty, it can bring them considerable advantages in terms of:

- their ability to attract and retain able staff;
- their potential to achieve a more representative workforce;
- their ability to improve staff management and morale; and
- their ability to avoid claims of unlawful discrimination.



Disability Equality Scheme

- 93.** The DDA requires all public authorities (such as the Police Service) to prepare a Disability Equality Scheme (DES) and action plan as a template from which forces can list the contributions and monitor the actions and outcomes. The key criterion is that forces cannot do this alone, but must engage with and involve disabled people in each of the stages.
- 94.** It is important to recognise that the duties specified by the Act and the DES are significantly different to those specified by the Race Relations (Amendment) Act 2000 and the Race Equality Scheme (RES).
- 95.** The Duty requires public authorities to:
- promote positive attitudes towards disabled people and encourage participation by disabled people in public life; and
 - take account of disabilities, even if this involves treating disabled people more favourably.
- 96.** The Duty also requires the active involvement (rather than just the consultation) of disabled people in the development of a DES, and states that the focus should be on achieving outcomes. Thus when forces combine schemes, it is important that the specific requirements of the duties involved are clearly distinguishable.
- 97.** The following should be included in a DES:
- a general introduction;
 - strategies for the engagement and involvement of disabled people in the work of the force or authority;
 - the criteria used for each impact assessment;
 - an action plan;
 - techniques for gathering information about local disability issues and needs;
 - ideas for how to make use of any information gathered;

- a strategy for implementation;
- procedures for annual reporting;
- instructions for creating the next version;
- instructions for who should be responsible for preparing it; and
- instructions for who should be responsible for publishing it.

98. A standard DES template has been developed by force practitioners (see Appendix B). Use of the template will enable benchmarking and will guarantee consistency between forces.

The introduction

99. Each DES or single equality scheme will benefit from an introduction containing information about the police force or authority producing the scheme. This introduction should also set out the force or authority's broad values and objectives, and should include a statement of the current position on disability equality.

Involving disabled people

100. Police forces and authorities must involve disabled people in the development of a DES, and include a statement on the nature of this involvement. An ideal candidate would be an individual who had some interest in the way the force carries out its functions and in the issues that affect people in the community. Without the input of disabled people, forces and authorities are unlikely to be able to identify and prioritise equality initiatives effectively.

101. Disabled people need to be involved in the following key aspects of the development of a DES:

- identifying the barriers faced by disabled people and any potential discriminatory issues and unsatisfactory outcomes which may increase exclusion of disabled people in society;
- setting priorities for action plans; and
- assisting with planning.

102. The involvement of disabled people in the implementation of the various aspects of a DES (such as conducting impact assessments and gathering evidence) will also be critical for compliance with the Duty. Involving disabled people in monitoring the success of initiatives will assist with evaluation, and feedback from the people most affected will be critical when it comes to reviewing and revising a DES.
103. 'Involving' disabled people means more than simply consulting them: it requires their active engagement as stakeholders. Budgets should take realistic account of the costs of engaging with disabled people, as well as the often significant costs associated with ongoing communication and collaboration.

A police force agrees to work with local disabled people to set up a DIAG. The group is not intended to replace engagement with local representative groups of disabled people, but rather to provide a pool of expertise on issues relating to disability and policing. The goal is to recruit a group of disabled people who have diverse impairments, who reflect a broad cross-section of community experience and who have a track record in working on police and community safety issues. Job descriptions and person specifications are drawn up reflecting these requirements, in consultation with disabled people. Application packs are provided in alternative formats, including easy read. The application forms request that applicants disclose their gender, age, religion, sexuality and race, as well as indicate the nature of their impairment.

The vacancies are widely advertised, taking into account the best routes for attracting the attention of disabled people. Over 100 applications are received and members are selected against agreed criteria, which include the need to reflect a broad range of diversity experience. Group members are paid an attendance fee, as well as expenses, for attending the meetings.

104. Successfully involving disabled people is vital to complying with the Duty. Disability organisations that can help with this process can be found at Appendix C and the DRC may issue other relevant guidance in due course.

Case study: Setting up the Metropolitan Police Service Disability Independent Advisory Group (DIAG)

Compliance with the Duty to involve disabled people is essential.

The following case study should provide readers with a useful demonstration of the processes needed to organise a Disability Independent Advisory Group (DIAG) and provides an example of the potential positive benefits for disabled people, as well as improvements in service outcome.

Background

The Disability Focus Team, (previously known as Metropolitan Police Service Strategic Disability Team) was established to consider disability issues that affect its own staff, and the service delivery provided by the Metropolitan Police Service (MPS) to the people of London.

MPS decided to review policies etc by encapsulating the individual views held by disabled people following full consultation with them.

A conference was considered to be one way for MPS to engage with disabled people at the earliest opportunity. By stimulating interest in key local matters, at the conference, it was envisaged that it would lead to greater consultation, participation and involvement by disabled people. Another MPS option for engagement was to set up a formal Disability Independent Advisory Group (DIAG).

Setting up the conference

Using the Greater London Action on Disability directory, ten boroughs were contacted to provide details of local disability organisations, who were subsequently invited to join in the conference.

Because of limited experience by MPS in the full range of accessibility needs, attendance at the conference by disabled people was less than originally expected. With hindsight greater awareness of specific access needs such as distance to the venue, vicinity of public transport, adequate parking and a later starting time might have increased participation on the day. However, the idea of setting up a DIAG was discussed with those in attendance and a working party was formed to develop the concept of a DIAG further.

Working party

The working party mutually agreed that it would not assume the role of a DIAG, but would handle the initial planning roles aiming to get a formal DIAG set up and running.

Most of the planning and preparation work was done with minimal involvement from MPS staff; independent working was considered a more appropriate way to enhance and advance the initial discussion and action about the proposed DIAG. The working group took proactive decisions that ensured the agreed closing date of launch would be met. One of those decisions was that materials were prepared in a 'range of formats' ready for dispatch on request.

In brief the roles and responsibilities of the working group drew on individual expertise.

The co-chair and a facilitator of the MPS Lesbian, Gay, Bisexual and Transgender Advisory Group attended the first two meetings of the working group and provided advice and guidance on the:

- principles of an IAG;
- role of an IAG member;
- preparation of a job description and application form; and
- level of detail for the application pack, covering conflict of interest, pecuniary interest and the definition of advice.

Local disabled people acted as the first point of contact, offering advice and information to people interested in taking up roles within the new DIAG, and provided advice and guidance on the various formats that literature could be presented in e.g. Braille, easy read, large print and audio.

Advertising for DIAG members

The working party collectively prepared an advertising poster and disabled people recommended where best to display it, e.g. libraries, community centres and through their own organisations. Simultaneously, Borough Commanders were asked to nominate someone to handle the local distribution of materials. Both options had the advantage of raising disability issues and triggering further ideas for greater consultation.

To be effective, the working party recognised that the advertising campaign needed to run for at least six weeks, thus aiming to reach the widest possible audience. Adverts with telephone, fax, textphone numbers and an e-mail address were placed in:

- the commercial press;
- free community newspapers;
- *Disability Now* (a major monthly disability publication);
- talking newspapers;
- People First network;
- Carlton TV; and
- a link was put on the MPS website.

The selection process

The working party decided to use a simple 'paper sift' using applicants' profiles aiming to match potential members with the agreed shape of the new DIAG. The selection process would therefore be open, transparent and independent. All personal details (name, address and contact details) were removed, leaving the selection process of about 20 people based on impairments, ethnicity, gender, sexual orientation, faith and age.

The final selection process revealed that young people were under-represented due to limited applications received. Any future campaign will aim to get this group actively involved.

First meeting of the new DIAG

The first meeting of the DIAG took place in December 2004. That meeting and two subsequent meetings highlighted the uniqueness of the needs of individual group members. It also highlighted how easily inaccessibility and restricted participation could be caused simply by the room layout, mobility, hearing needs and the location of signers.

Although members of MPS were enthusiastic about the formation of the DIAG, the time to allow the group to gel and function as a group was underestimated. This overlooked component was critical and needed to be functioning before the group could begin to engage in the role.

Election of officials

Informal discussions on the best way to elect a chair(s) were conducted with the help of an independent disability consultant.

The group devised a ballot paper which provided members with the option of voting for two chairs and two vice chairs by a postal vote with a six-week deadline date.

Integration of the DIAG and ongoing work

The full DIAG meets six times a year. Working groups are formed to take forward specific areas of work. A group was convened on a temporary basis to establish the protocols for the DIAG.

Four DIAG working groups are in operation:

- Training (officer safety training, e-learning on disability);
- Police dealing with deaf and disabled people (third party reporting);
- Hate Crime (third party reporting); and
- Access (access, alternative formats).

The DIAG:

- reports on their respective areas;
- responds to requests from MPS lead groups; and

- attends working groups, consultation events and seminars (including the Custody group, Hate Crime group and safer neighbourhoods).

The DIAG provided valuable contributions following 7/7 to assist MPS with:

- family assistance;
- communication with disabled communities; and
- community reassurance.

Between 2004 and 2006, the DIAG has interacted with MPS on a number of levels which have brought about a greater understanding of the issues faced by disabled people.

MPS consider that its collaboration with the DIAG has increased awareness and will continue to influence future learning points.

Impact assessments

- 105.** A police force or authority must include in a DES a statement of the preferred method for assessing the impact of new policies and practices, together with the likely impact of the proposals raised by the DIAG and included in the DES and action plan which affect disabled people.
- 106.** 'Policies and practices' incorporates all of the current and proposed activities that are carried out by the force or authority.
- 107.** An impact assessment is designed to:
 - gauge whether a decision and/or activity disadvantages disabled people;
 - identify where improvements to policies and practices could be introduced; and
 - highlight how those improvements could be introduced.
- 108.** Where this process identifies a negative impact or missed opportunity, the force or authority should give due regard to the need to modify the policy or practice.
- 109.** Forces and authorities need to think carefully about:

- what to assess;
- how to carry out the impact assessment; and
- what to do with the information obtained.

110. Police forces and authorities are already experienced in conducting impact assessments for race equality, and are now encouraged to use an impact assessment to look at all possible equality impacts of a given policy or practice at once. However, the impact assessments need to remain focused on all of the various different issues arising from different aspects of equality.

In brief, the difference between accessible and inaccessible is:

Accessible = anything (building, reading matter, transport etc) that will be able to be used by almost everyone in society.

Inaccessible = anything (building, reading matter, transport etc) that places a limit on who can use it.

Although the colours and artwork chosen for a particular publication may not appear to have any impact on equality issues, they will nevertheless be of special importance to people with visual impairments.

Forces should ensure that their websites are accessible to people with disabilities. (The DRC estimates that it takes a non-disabled person half the time to use an accessible website as it takes them to use an inaccessible one – so the benefits are for everyone, not just for disabled people.)

- 111.** No particular method of impact assessment is stipulated. It should depend on the nature of the policy or practice and the degree of relevance to disabled people.
- 112.** Where the relevance of a function is high, the police force or authority must take particular care to demonstrate that it has given due regard to

the general duty in exercising that function. A full impact assessment would help.

- 113.** Where the relevance to disabled people of a particular function is clearly low, forces and authorities should consider devising a system for identifying and recording the reasons for the decision not to conduct a full impact assessment. And thought should still be given to any small improvements that would not require a full impact assessment.

Ensuring that a hearing-loop system is available in at least one conference room at a force's headquarters means that deaf people can more easily be included.

- 114.** In considering whether to conduct a full impact assessment, police forces and authorities will need to develop criteria to determine whether:
- the policy is a major one in terms of scale or significance for activities; or
 - although relatively minor, the policy is likely to have a major impact on disabled people.
- 115.** It is not the number of disabled people affected that matters as much as the degree of impact. A policy which has an extremely negative impact on a small number of disabled people will be of greater significance than one which has only a minor impact on a large number of disabled people.
- 116.** If a policy or practice fits into either of the two categories, the police force or authority should conduct a full impact assessment. In general, this is likely to involve:
- consideration of the available data and research;
 - an assessment of the effect that the policy or practice will have on disabled people;
 - consideration of any measures that could mitigate the adverse impact, as well as alternative policies that might better promote equality of opportunity for disabled people;

- a decision (the expected outcome or to do/not do something and the reasons why);
 - publication of any results; and
 - making arrangements for monitoring any future adverse impact.
- 117.** The involvement of disabled people will help a force or authority to draw up the criteria for deciding whether or not to conduct a full impact assessment. This involvement will also help the force or authority when actually conducting the assessment.
- 118.** Impact assessments will allow forces and authorities to come up with arrangements that ensure the full and fair participation of disabled people from the start. The assessments will avoid the need for expensive remedial work when experience proves that untested new initiatives have adverse consequences for disabled people.
- 119.** Given that there will be a significant 'back catalogue' of existing policies and practices in need of assessment, forces and authorities should set out a timetable for tackling their principal activities over the period covered by the DES. With the help of disabled people, these assessments will need to be prioritised and be published in the DES.
- 120.** Once an impact assessment has been carried out, forces and authorities will need to consider changes to reflect the findings. Actions to be taken forward in the action plan might also arise.
- 121.** Police forces and authorities will need to review the effectiveness of their impact assessment process when revising their DES (every three years). It will be particularly important to capture any improvements made as the result of an impact assessment. Publishing this information (perhaps in an annual report) will build community confidence in the robustness of a force or authority's approach to disability equality.

The action plan

- 122.** A DES must include a statement of the steps that a police force or authority proposes to take to ensure compliance with the general duty within the period of time covered by the scheme. These steps are

referred to as an 'action plan'. The action plan sets out the key actions that a force or authority will take in order to promote disability equality. They must demonstrate enough regard for disability equality for the force to comply with the general duty. Appropriate weight must be given to the different elements of the general duty.

Where relevant, police forces and authorities should consider whether their advertising and marketing functions could do more to promote positive attitudes towards disabled people, and then set out steps relating to this in their action plan. In particular, websites must be accessible.

123. Proposed actions should take full account of the needs of potential future disabled employees and service users, as well as those of existing disabled employees and service users.
124. An effective DES action plan will reflect:
- the priorities of disabled people;
 - the strategic priorities of the police force or authority, including any business milestones and major projects to be implemented over the timescale of the DES;
 - evidence of where problems and priorities lie;
 - the specific outcomes that the force or authority wishes to achieve in order to promote disability equality within a realistic timetable;
 - measurable indicators of progress towards those outcomes; and
 - lines of accountability.

A police force or authority that is planning to procure a new IT system should ensure that its action plan includes its work to ensure that the new system is suitable for use by disabled employees. The action plan should also indicate how the force or authority will develop the specification so that the new system delivers the right products for disabled customers.

125. Some of the actions in a plan will be linked to other areas of the DES. These might include undertaking qualitative research to look in depth at the problems faced by existing disabled service users (or potential or discouraged disabled service users), or conducting retrospective impact assessments on priority policies or practices.
126. The action plan is also likely to include specific measures to strengthen the capacity of the organisation to work towards disability equality. These might include training for staff in the disability equality dimension of their work, the development of more targeted human resources policies, and the development and implementation of effective harassment policies.

The first action plan

127. The first action plan prepared by a police force or authority will be different from any subsequent plans. The first plan is likely to be unique and the subsequent ones (in later years) will be based on the experiences drawn from the first one. The first step in drawing up the initial plan is for the force or authority to assess whether or not it possesses sufficient information on which to base it.
128. Most police forces and authorities will already have some information about disability issues from earlier training sessions and notices. An important element of an initial action plan might be to come up with new mechanisms for gathering evidence of performance on disability equality. However, forces and authorities should not wait for this evidence to be available before making plans to improve their performance.
129. Even where a force or authority has not collected any evidence of its performance on disability equality, it should be able to identify the key actions for an initial action plan. When deciding on these key actions, the force or authority should:
 - ensure that disabled people are involved in the process;
 - consider the existing research in relation to other forces and authorities; and
 - commission qualitative research specifically to inform the process.

- 130.** Police forces and authorities may need to include in their first action plan steps to adapt existing measures, or the adoption of new measures, in order to enable progress against the general duty to be measured.

Gathering information

- 131.** A DES must include a statement of the force or authority's arrangements for gathering information on the effect of its policies and practices on disabled people.
- 132.** Police forces and authorities must use the DES to set out their arrangements for:
- gathering information on the effect of their policies and practices on the recruitment, development and retention of disabled employees; and
 - gathering information on the extent to which their services and functions take account of the needs of disabled people.
- 133.** Information gathering is not an end in itself, but rather the information obtained must be analysed and used as the basis for drawing up disability action plans and reviewing the effectiveness of any action taken.
- 134.** The information gathered constitutes the evidence of a force or authority's progress in relation to disability equality. The DES is required to include a statement of the force or authority's arrangements for making use of the information gathered, and in particular its arrangements for regularly reviewing the effectiveness of the action plan and for preparing subsequent schemes and additional action plans to enhance disability equality.
- 135.** The evidence gathered should show police forces and authorities whether their action plans, activities and functions are delivering greater equality for disabled people, and whether the priorities underlying the action plans are the right ones.

How to gather information

- 136.** Information gathering is intrinsic to performance improvement, and forces and authorities will already be monitoring many of their key activities. Some of the information already gathered will relate to the experiences of disabled people: for example, some police forces already collect information on disability hate crime.
- 137.** In addition to these quantitative measures for gathering information, forces and authorities can use more qualitative measures such as:
- conducting staff surveys;
 - conducting customer surveys;
 - soliciting feedback from staff network groups;
 - analysing complaints; or
 - carrying out research.
- 138.** Sometimes qualitative information gathering can be more effective in providing a 'snapshot' of how a force or authority is operating, and how its functions are affecting disabled people.
- 139.** Police forces and authorities should establish measures to identify the range of barriers faced by disabled people (such as inaccessible buildings), as well as measures to highlight successful outcomes (such as more disabled people using and expressing satisfaction with a service). The former is an analytical tool for monitoring the barriers to disability equality, while the latter identifies progress on the issue. Both will often be necessary.
- 140.** Disabled people with different impairments can encounter fundamentally different barriers, and can have very different experiences according to their particular disability. It will often be necessary, therefore, to monitor outcomes according to impairment type.
- 141.** Whether or not it is appropriate to do this will depend on whether or not a force or authority is ready and able to make use of the information. Collecting excessive statistical evidence that is not put to use is inappropriate: the collection of sensitive personal information can only

be justified under the Data Protection Act 1998 if it is going to be used for specified purposes.

142. In addition to analysing data obtained from their own sources, police forces and authorities can obtain useful information by comparing similar datasets.

If a police force or authority conducts an exercise to estimate the number of its staff who are disabled, it should also compare that estimate with the number of disabled people in the local area, in order to have a better understanding of and some context for its performance. If the proportion of disabled staff is much smaller than the proportion of disabled people in the local labour market, the force or authority should investigate why, and consider ways to improve the situation. These could be fed into subsequent Disability Equality Schemes and business planning.

Estimates of the numbers of people in the area with particular impairments can be obtained from local disability organisations, health trusts and education authorities. Some information can also be extracted from the census.

143. In order to gather information effectively, staff will need to be made aware of the reasons for the collection, and of the use to which the information will be put. If the task is simply viewed as a bureaucratic exercise, it will be unlikely to generate information of sufficient quality to inform decision making.
144. Specific information-gathering measures must be included in a DES.
145. The effect of a police force or authority's policies on and practices for the recruitment, development and retention of disabled employees are other considerations in the aim to achieve true disability equality.
146. Police forces and authorities must have information-gathering systems established in relation to the recruitment, development and retention of their disabled employees, so that they are able to judge the effect of their functions and policies on this area.

147. This will generally involve collecting and analysing statistical data about the experiences of disabled applicants and employees. Guidance is set out at Appendix D.

The extent to which services and functions take account of the needs of disabled people

148. In addition to gathering information in relation to the recruitment, development and retention of staff, police forces and authorities must collect evidence on the extent to which the services they provide and the functions they perform take account of the needs of disabled people.
149. Forces and authorities that take account of the needs of disabled persons will be narrowing any gaps in outcomes between disabled people and non-disabled people.
150. Police forces and authorities will need to consider the full range of services that they provide and functions that they perform. They will also need to think about whether due regard is being given to disability equality in their budgets.

A force initiative that seeks to remove rough sleepers from the city's streets should incorporate a system which provides greater help for people with mental health problems. Training to understand the specific needs would need to be factored into any policy.

151. Many forces and authorities employ a variety of mechanisms – both qualitative and quantitative – for assessing the appropriateness of their services and the effectiveness of their functions. But they need to ensure that these mechanisms can also provide information about the extent to which disabled people's needs are taken into account. In particular, forces and authorities may need to:
- ensure that disabled people are properly represented in customer surveys and local focus groups; and

- ensure that the results of these are then analysed to identify areas where there is a gap between the satisfaction of disabled people and non-disabled people, so that suitable policies can be put in place.

152. A breakdown of the range of different impairment types will often be useful when building disability considerations into mainstream service assessments, it will sometimes be appropriate to devise disability-specific monitoring mechanisms. In some instances it may be useful to track the processes for improving the quality of service to disabled people. This will show what steps are being taken to build more equal outcomes. It might be useful to measure the proportion of officers and staff who have received disability equality training, the proportion of accessible buildings and the prevalence of adjustments – such as loop systems and alternatives to e-mail and telephone – to ways of contacting the police.

153. Additional qualitative research into the barriers faced by disabled people may need to be specifically commissioned. This may include, for example, mystery shopping.

Case study: The People in Partnership pack

In 1996 disabled people (with learning difficulties) from Hertfordshire spoke about the verbal abuse, bullying and harassment they experienced on a daily basis. Some individuals were afraid to leave their homes, while others suffered physical assault. The overriding needs of the people affected were to feel safe, be safe and understand what to do if threatened.

A conference was organised by East Herts People First, to discuss the level of abuse and bullying with other local service providers, including the police. People with learning difficulties took part in the conference and provided key information on the scale and level of the problems encountered.

Service providers used those suggestions to implement new ideas and prioritise changes to procedures and practices, aiming to accommodate the needs and expectations of people with learning difficulties. Following the conference 'People in Partnership' (PIP) was formed.

In 1997 workshops were held with key stakeholders, who collectively developed a resource pack in easy read format with pictures, available on CD. The pack contains:

- personal safety information;
- tools for crime reporting;
- details of community services who provide additional support;
- an emergency 'keep safe' card; and
- a bullying and harassment reporting form.

Training is provided to call centre staff to ensure that operators recognise that the caller is using the 'keep safe' card and can offer an appropriate level of service to people with learning difficulties.

The bullying and harassment reporting form is available from police stations enquiry offices, day and residential centres and the Hertfordshire adult care service community teams. It is published in 'easy read' format and used to report hate crimes to the police. It is also recognised by the Crown Prosecution Service and can be used in court as an aide memoire.

Hertfordshire Constabulary invested £30,000 to make the pack available to every adult with a learning disability. The pack is embedded in the practices of Hertfordshire Constabulary, adult care services and community organisations, and disabled people are confident to use it. Moreover, ACPO recognised it as good practice.

Future development proposals include:

- opportunities for individuals with learning difficulties to work with the police (special constables);
- consultation and advice (independent advisory groups);
- citizenship (neighbourhood watch);
- information leaflets (blue light on disability);
- awareness of domestic violence; and
- the PIP pack to be made available to young people with learning difficulties.

People with learning difficulties in Hertfordshire are moving towards citizenship and are increasingly confident by working in partnership with others to say 'no!' to hate crime.

Using the information

- 154.** Police forces and authorities must include details in their Disability Equality Schemes of how they plan to make use of any information obtained. In particular, they should detail their arrangements for:
- regularly reviewing the effectiveness of the progress against the steps set out in the action plan; and
 - preparing subsequent Disability Equality Schemes.
- 155.** Additional investigation may be required in order for forces and authorities to understand the data. For example, when a force gathers evidence of the number of incidents of hate crime against disabled people, reports might initially be low, rising over the years that follow. This might be the result of an increase in the prevalence of such crimes, but it could also be the result of a greater awareness of – and confidence in – reporting procedures on the part of victims.
- 156.** Police forces and authorities will need to review their action plans on a regular basis – at least every three years (this is the period within which a revised Disability Equality Scheme must be drawn up). It might sometimes be appropriate to review particular steps at frequent intervals; the force or authority can analyse the information collected to determine whether the action plan is in fact delivering greater equality.

Preparation of the Disability Equality Scheme

- 157.** It is important to ensure that the DES demonstrates a force or authority's commitment at the very highest level: the introduction should be signed by the Chief Constable or equivalent.
- 158.** The ACPO diversity champion within the force or authority should take overall responsibility for the implementation of the Duty and the DES.

- 159.** Police forces and authorities are likely to find it easier to meet their duties under the Act if they engage people with disability expertise or expertise in producing race equality schemes to co-ordinate the drawing up, monitoring and reviewing of the DES.

Implementation of the Disability Equality Scheme

- 160.** Within the period covered by a Disability Equality Scheme, the police force or authority must:
- take the steps set out in the action plan; and
 - put into effect arrangements for gathering information, analysing it and interpreting it, and then use that data to further develop the scheme.
- 161.** If a police force or authority refuses to comply with any part of the Duty, including the requirement to implement a Disability Equality Scheme, the DRC can issue a compliance notice. This is the case unless it would be unreasonable or impracticable for the force or authority to put in place all elements of the DES.
- 162.** ‘Unreasonable’ and ‘impracticable’ here are intended to relate to particular and unforeseen circumstances. For example:
- Where a force or authority experiences particular difficulties with implementing certain steps of the DES, but these problems could not have been foreseen, it is likely to be unreasonable for the force or authority to have to implement them.
 - Where costs associated with an action unexpectedly escalate and are out of proportion to the requirement, it is unlikely to be practicable to carry out the action.
- 163.** This provision is not intended to allow forces and authorities to change the contents of the DES at will, as these will have been created in such a way as to comply with the Duty.

A police force's action plan stipulates that it should alter an IT system to improve the evidence-gathering process. IT staff have confirmed that this should be possible, and that it should involve only minor changes and relatively minimal costs. On starting the work, however, it becomes apparent that the system will not be able to be altered without it having to be entirely re-engineered. Under these circumstances, it would not be reasonable to require the force to make the alteration to the system immediately. Rather, the action plan should be adjusted to reflect the fact that the whole system will be replaced in due course.

In the meantime, a suitable way of recording the information should be considered and actioned.

- 164.** Once barriers to equality have been identified, some may not be reasonable or practicable for a force or authority to comply with. These should be recorded and a justification provided on the DES/action plan. However, when others things change, an alternative solution to eliminate the barrier, (albeit in a different way that originally intended) may be found.

Publication of the Disability Equality Scheme

- 165.** The regulations specify that all schemes (new and revised) must be published and publicly available. Police forces and authorities should ensure that the DES is accessible to the whole community, publishing it in audio and large print format and also in other languages where necessary.
- 166.** The regulations allow for a DES to be set out within another published document or a number of other published documents, for example a single equality scheme or an annual business plan.
- 167.** It might sometimes be appropriate to publish details of one particular element of a DES within another document. But regardless of how the DES is published, it must be clearly identifiable and presented in such a way as to enable all interested stakeholders to access it readily.

Revision of the Disability Equality Scheme

- 168.** Police forces and authorities must revise their DES every three years. The revision should take into account any information gathered, and what that information indicates, as well as what areas need to be focused on in the next three years. In addition to making use of any evidence gathered, any impact assessments carried out and any feedback from disabled people, forces and authorities can draw on the Secretary of State reports (see below) for suggestions of what should be incorporated into the revised scheme.
- 169.** From 2008, the Home Secretary (or another relevant Secretary of State) will be required to publish a report every three years which gives an overview of progress made in the criminal justice system (CJS) in relation to disability. This report will also set out proposals for how the public authorities within the CJS can work together to bring about further progress.



Appendix A

The definition of disability and who is covered by the legislation (DDA 1995)

1. This appendix is included to aid understanding about who is covered by the Act.

2. When is a person disabled?

Answer: A person has a disability if he or she has a physical or mental impairment, which has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities.

3. What about people who have recovered from a disability?

Answer: People who have had a disability within the definition are protected from discrimination even if they have since recovered.

4. What does 'impairment' cover?

Answer: It covers physical or mental impairments; this includes sensory impairments, such as those affecting sight or hearing.

5. Are all mental impairments covered?

Answer: The term 'mental impairment' is intended to cover a wide range of impairments relating to mental functioning, including what are often known as learning disabilities.

6. What is a 'substantial' adverse effect?

Answer: A substantial adverse effect is something which is more than a minor or trivial effect. The requirement that an effect must be substantial reflects the general understanding of disability as a limitation going beyond the normal differences in ability which might exist among people.

7. What is a 'long-term' effect?

Answer: A long-term effect of an impairment is one:

- which has lasted at least 12 months, or

- where the total period for which it lasts is likely to be at least 12 months, or
- is likely to last for the rest of the life of the person affected.

Effects which are not long-term would therefore include loss of mobility due to a broken limb which is likely to heal within 12 months and the effects of temporary infections, from which a person would be likely to recover within 12 months.

8. What if the effects come and go over a period of time?

Answer: If an impairment has had a substantial adverse effect on normal day-to-day activities but that effect ceases, the substantial effect is treated as continuing if it is likely to recur; that is if it is more probable than not that the effect will recur.

9. What are 'normal day-to-day activities'?

Answer: They are activities which are carried out by most people on a fairly regular and frequent basis. The term is not intended to include activities which are normal only for a particular person or group of people, such as playing a musical instrument, or a sport, to a professional standard or performing a skilled or specialised task at work. However, someone who is affected in such a specialised way but is also affected in normal day-to-day activities would be covered by this part of the definition. The test of whether an impairment affects normal day-to-day activities is whether it affects one of the broad categories of capacity listed in Schedule 1 to the Act. They are:

- mobility
- manual dexterity
- physical co-ordination
- continence
- ability to lift, carry or otherwise move everyday objects
- speech, hearing or eyesight
- memory or ability to concentrate, learn or understand

- little or no perception of the risk of physical danger.

10. What about treatment?

Answer: Someone with an impairment may be receiving medical or other treatment which alleviates or removes the effects (though not the impairment). In such cases, the treatment is ignored and the impairment is taken to have the effect it would have had without such treatment. This does not apply if substantial adverse effects are not likely to recur even if the treatment stops (i.e. the impairment has been cured).

11. Does this include people who wear spectacles?

Answer: No. The sole exception to the rule about ignoring the effects of treatment is the wearing of spectacles or contact lenses. In this case, the effect while the person is wearing spectacles or contact lenses should be considered.

12. Are people who have disfigurements covered?

Answer: People with severe disfigurements are covered by the Act. They do not need to demonstrate that the impairment has a substantial adverse effect on their ability to carry out normal day-to-day activities.

13. Are there any other people who are automatically treated as disabled under the Act?

Answer: Anyone who has HIV infection, cancer or multiple sclerosis is automatically treated as disabled under the Act. In addition, people who are registered as blind or partially sighted, or who are certified as being blind or partially sighted by a consultant ophthalmologist are automatically treated under the Act as being disabled. People who are not registered or certified as blind or partially sighted will be covered by the Act if they can establish that they meet the Act's definition of disability.

14. What about people who know their condition is going to get worse over time?

Answer: Progressive conditions are conditions which are likely to change and develop over time. Where a person has a progressive condition he will be covered by the Act from the moment the condition leads to an impairment which has some effect on the ability to carry out normal day-to-day activities, even though not a substantial effect, if that impairment is likely eventually to have a substantial adverse effect on such ability.

15. Are people with genetic conditions covered?

Answer: If a genetic condition has no effect on the ability to carry out normal day-to-day activities, the person is not covered. Diagnosis does not in itself bring someone within the definition. If the condition is progressive, then the rule about progressive conditions applies.

16. Are any conditions specifically excluded from the coverage of the Act?

Answer: Yes. Certain conditions are to be regarded as not amounting to impairments for the purposes of the Act. These are:

- addiction to or dependency on alcohol, nicotine, or any other substance (other than as a result of the substance being medically prescribed)
- seasonal allergic rhinitis (hay fever), except where it aggravates the effect of another condition
- tendency to set fires
- tendency to steal
- tendency to physical or sexual abuse of other persons
- exhibitionism
- voyeurism.

17. Also, disfigurements which consist of a tattoo (which has not been removed), non-medical body piercing, or something attached through such piercing, are to be treated as not having a substantial adverse effect on the person's ability to carry out normal day-to-day activities.

18. Larger authorities will need to collect more detailed information. In relation to recruitment, information will need to be collected about applicants and successful applicants. Information could include the monitoring of each stage of recruitment to find out what happens to disabled applicants.
19. The core information will need to be collected for 'development'. This includes:
 - who applies for training;
 - who is offered training;
 - the what types of training;
 - promotion (such as success rates of disabled employees).

'Development' can also cover performance reviews, workplace benefits and facilities, as well as treatment generally, including harassment, discrimination, grievances and disciplinary action.
20. In relation to 'retention', information will need to be collected about termination (such as redundancies, resignations, dismissals, end of fixed terms etc).
21. Employers should analyse any differentials in these areas between disabled and non-disabled staff; investigate the reasons for them; and take action to remedy them.
22. Many public authorities will already be familiar with collection of information on such areas as a requirement of the duties under the Race Relations Act 1976. Systems which are already in place for gathering information in relation to race can be adapted to collect information in relation to disability.
23. Some public authorities currently gather information on at least some of their employment processes to track the progress of disabled applicants and employees. Some also request additional information to allow analysis by impairment type.

- 24.** Disclosure of disability is often low. This may be because many people do not identify themselves as disabled and it will be helpful, where gathering information on this basis, to explain what is meant by 'disabled'. In addition, the willingness of employees to disclose information about their disability will be influenced by their degree of trust in the organisation. Many disabled employees and applicants fear that if they reveal a disability this information will be used against them. A guarantee of confidentiality will be essential for successful information gathering, but beyond this organisations have found that information returns increase as general confidence in the organisation as a disability friendly one improves.
- 25.** Another factor which will lead to a significant improvement in staff's willingness to disclose a disability is if they understand why the information is needed and how it will be used to address the different barriers being faced by disabled people. Authorities may need to demonstrate to staff the ways in which this information will actually be used to improve the public authority's employment practices.
- 26.** Authorities should, as a minimum, collect information on the basis of self-reporting against the question, 'Do you consider yourself to be disabled?' In many instances it will be helpful to collect more refined information, broken down by impairment type. However, the collection of information of this level of sensitivity is only appropriate where an organisation makes active use of the results.



A regional development agency undertakes comprehensive monitoring/measurement of performance in relation to the employment of disabled people.

It discovers that visually impaired people are under-represented amongst applicants for posts and employees. To allow this disparity to go unquestioned would be contrary to the authority's duty to promote disability equality. Following consultation with existing staff, trade unions and with groups representing blind and partially sighted people the authority sets itself a realistic but challenging target of doubling the number of visually impaired people applying for posts within the next five years.

The authority proposes to specifically target people with visual impairments by using an advertising strategy utilising radio advertising and other media which the local organisation of blind and partially sighted people has recommended. Regular monitoring and applicant feedback to assess the effectiveness of these plans is also undertaken.

27. In any event, employers will need to record their arrangements for using the information which they have collected.
28. Once a statistical pattern has become apparent (i.e. a trend which shows adverse appraisals for disabled staff) it is essential to investigate the reason for this pattern. It may be linked to a procedure failure, such as failure to provide a reasonable adjustment, which an individual requires to carry out their job. Investigation of the cause should enable action which will result in improved performances by disabled staff.

There is a year on year increase in the numbers of visually impaired applicants but after two years the authority recognises the need to put further measures in place to ensure that it will meet its target.

Further training on disability equality and reasonable adjustments in relation to visual impairment for all staff involved in recruitment is provided. In addition, a reasonable adjustment strategy is drawn up.

29. Collecting information on a statistical basis about disabled staff and applicants measures the outcomes of employment processes. However, it does not explain why these outcomes occur, or what needs to be done to remedy them.
30. Gathering information about barriers to employment is helpful for collecting supplementary statistical information about employees. Asking questions in the staff survey may reveal what impedes the progress of staff (either from a personal perspective or from observation of how others including disabled staff are treated/affected). Thorough questioning in staff surveys usually increases the employers awareness on what is missing and what is needed to ensure individuals perform well and get the most out of employment with the organisation. Surveys can be repeated to indicate whether staff are experiencing a more 'disability friendly' culture.



Appendix B

Disability Equality Scheme template

This template provides a framework to enable forces and authorities to comply with the Duty. However, in its raw form it does not convey the true spirit of the Duty, which is to ask disabled people to identify areas for improvement. There is a danger that a force or authority could end up creating schemes that provide it with evidence of risk assessment and evidence for inspection, but fail to make any concrete improvements.

Section 1

Introduction.

Vision and values.

An introduction by the Chief Constable.*

A statement about how disability fits into current policing initiatives.

A statement from the disability champion.*

An overarching statement of intent.

Information about the Disability Equality Scheme:

- The definition of disability.
- An explanation of the general duty.
- An explanation of the specific duties.
- The definition of the social model.
- A statement of what formats are being used for publishing the scheme, the action plan and the reports – and why.
- A list of who will be involved.* **
- A statement of the force's legal responsibility in respect of both employment and service delivery.

Section 2

Strategic priorities and action plan.

Information about the impact assessment:

- An explanation of what an equality impact assessment is.
- An explanation of why it should take place.
- Details of who will conduct it.* **
- Details of how it will be conducted.
- Details of who will be responsible for producing a comprehensive list of current policies for assessment.*
- Details of who will be responsible for preparing a comprehensive list of current practices for assessment.*
- Details of who will be responsible for preparing a comprehensive list of current procedures for assessment.*
- Information about who will prioritise the findings and plan any actions that arise from the assessment.* **
- An explanation of what the methodology will be for prioritising shortfalls and devising appropriate actions.
- Details of who will prioritise the actions.* **
- A contingency plan – what will happen if the review doesn't bring the desired results.
- An explanation of how progress will be monitored.
- Details of who will be responsible for this.*
- An explanation of what the timeframe for monitoring will be.

Access to buildings

- Details of the access audit carried out on the building.
- An access plan, with actions and a timetable.

Service delivery

- A list of the delivery objectives.
- Details of who will be responsible for aligning these with the needs of disabled people.* **
- Details of who will be responsible for establishing whether or not anything else needs to be done.* **
- Details of who will be responsible for establishing whether or not things need to be done differently.* **
- Details of who will be responsible for preparing a list of delivery objectives.*
- Details of who will ensure that the findings are acted on, monitored and published.*
- Information about how these matters will be conveyed.
- A statement on how to go further than simply meeting the minimum standard.
- Details of who will be involved.* **

Employment

- A statement of the types of reasonable adjustments that have already been made.
- Information about what monitoring data is currently available, and what data has already been published.
- Information about the two-tick symbol.
- Details of the Access to Work scheme.
- Details of management development programmes already in place.
- Details of training provided.
- Information about positive action.
- A statement of the policy on the involvement of disabled people in the workforce.**

Involving disabled people

- A summary of the barriers that disabled people face.
- Ways of engaging disabled people in a meaningful, focused, proportionate, influential and transparent way.
- Information about who to contact in order to do this.
- Details of what needs to be done in order to make meetings and forums accessible.
- A statement of who will take responsibility for this.* **
- A statement of how it will be done.
- An explanation of when disabled people will become involved.
- An explanation of how the budget for these engagement opportunities will be set and agreed.
- Details of who will set the priorities and assist with the planning activity, and how this will happen.
- A plan for how to deal with unsatisfactory outcomes, through reviewing and amending priorities and activities.

Procurement

- An outline of the current situation.
- The proposals for change.
- The procurement parameters.
- Details of who will ensure that the best choices are made.*
- An explanation of how they will do this.
- Details of what needs to be considered.

Communication and marketing

- Details of the communication strategy – the inclusive approach.
- Details of who will be responsible for reviewing communications for accessibility.*
- Information about how this review will be carried out.

- Details of who will be monitoring the effectiveness of the communication strategy.*

Marketing awareness

- Information about how confidence and trust will be built.
- Details of how communities will be engaged.
- Details of who will be responsible for proofing.*
- An explanation of how this will be monitored.

Section 3

Outcomes

- An explanation of how outcomes have been monitored.
- Information about what performance indicators have been used.
- An evaluation and review of the outcomes.
- Details of the reporting procedure.
- Details of where outcomes will be published, how and by whom.* **
- How are we going to implement the scheme?
- What plans will be put in place for building the next version in three years' time?***

Key

* = A named person.

** = A group of people (including disabled people).

Appendix C

Contact points for disability organisations

Asian People's Disability Alliance
Suite 6, 4th floor
Alperton House
Bridgewater Road
Wembley HA0 1EH
Tel 020 8902 2113
E-mail apdmcha@aol.com
Website www.apda.org.uk

Autism London
(Women's Asperger's Group)
1st Floor, 602 Chigwell Road
Woodford Bridge
Essex IG8 8AA
Tel 0845 603 7954
E-mail info@autismlondon.org.uk
Website www.autismlondon.org.uk/services/support-services.htm

Blue Badge Network
198 Wolverhampton Street
Dudley
West Midlands DY1 1DZ
Tel 01384 257001
E-mail headoffice@bluebadgenetwork.org.uk
Website www.bluebadgenetwork.org

British Council of Disabled People
Litchurch Plaza
Litchurch Lane
Derby DE24 8AA
Tel 01332 295551
E-mail general@bcodp.org.uk
Website www.bcodp.org.uk

DIAL UK
St Catherine's, Tickhill Road
Doncaster
South Yorkshire DN4 8QN
Tel 01302 310123
E-mail
informationenquiries@dialuk.org.uk
Website www.dialuk.info

Disabled Asian Women's Network
Over 55s Social Centre
Railway Street
Nelson BB9 5PJ
Tel 01282 698824
Website
www.lancs.ac.uk/fss/projects/edres/cap/intro/partners/dawn

Disabled Living Foundation
380–384 Harrow Road
London W9 2HU
Tel 0845 130 9177
E-mail info@dlf.org.uk
Website www.dlf.org.uk

GEMMA
BM Box 5700
London WC1N 3XX
E-mail gemmagroup@hotmail.com

Leonard Cheshire
30 Millbank
London SW1P 4QD
Tel 020 7802 8200
E-mail info@lc-uk.org
Website www.leonard-cheshire.org

Mencap (England)
123 Golden Lane
London EC1Y 0RT
Tel 020 7454 0454
E-mail information@mencap.org.uk
Website www.mencap.org.uk

Mencap (Northern Ireland)
Segal House
4 Annadale Avenue
Belfast BT7 3JH
Tel 02890 691351
E-mail mencapni@mencap.org.uk
Website www.mencap.org.uk/html/mencapni/welcome_to_mencapni.asp

Mencap (Wales)
31 Lambourne Crescent
Cardiff Business Park, Llanishen
Cardiff CF14 5GF
Tel 02920 747588
E-mail
information.wales@mencap.org.uk
Website www.mencap.org.uk/html/cymru/index.asp

Mind
15–19 Broadway
London E15 4BQ
Tel 0845 766 0163
E-mail contact@mind.org.uk
Website www.mind.org.uk

Mobilise (formerly the Disabled
Driver's Association and the Disabled
Drivers' Motor Club)
Ashwellthorpe
Norwich NR16 1EX
Tel 01508 489449
E-mail hq@dda.org.uk
Website www.justwebs.co.uk/mobilise

Motability
City Gate House
22 Southwark Bridge Road
London SE1 9HB
Tel 0845 456 4566
Website www.motability.co.uk

National League of the Blind and
Disabled
c/o Community
Swinton House
324 Gray's Inn Road
London WC1X 8DD
Tel 020 7239 1200
E-mail nlbd@community-tu.org
Website [www.community-tu.org/
Templates/internal.asp?NodeID=89350](http://www.community-tu.org/Templates/internal.asp?NodeID=89350)

Radar
12 City Forum
250 City Road
London EC1V 8AF
Tel 020 7250 3222
E-mail radar@radar.org.uk
Website www.radar.org.uk

Respond
3rd Floor, 24–32 Stephenson Way
London NW1 2HD
Helpline: 0808 808 0700
E-mail admin@respond.org.uk

Scope
6 Market Road
London N7 9PW
Tel 0808 800 3333
Website www.scope.org.uk

Shaw Trust
Greenways Business Park
Malmesbury Road
Chippenham
Wiltshire SN15 1BN
Tel 01225 716300
E-mail stir@shaw-trust.org.uk
Website www.shaw-trust.org.uk

Spinal Injuries Association
2 Trueman Place
Oldbrook
Milton Keynes MK6 2HH
Tel 0800 980 0501
E-mail sia@spinal.co.uk
Website www.spinal.co.uk

Royal National Institute of the Blind
(RNIB)
105 Judd Street
London WC1H 9NE
Tel 0845 766 9999
E-mail helpline@rnib.org.uk
Website www.rnib.org.uk

Royal National Institute of the Deaf
(RNID)
19–23 Featherstone Street
London EC1Y 8SL
Tel 0808 808 0123
E-mail informationline@rnid.org.uk
Website www.rnid.org.uk

The National Autistic Society
393 City Road
London EC1V 1NG
Tel 020 7833 9666
E-mail nas@nas.org.uk
Website www.nas.org.uk

Trade Union Disability Alliance
BM TUDA
London WC1N 3XX
E-mail mail@tuda.org.uk
Website www.tuda.org.uk

Voice UK
Wyvern House
Railway Terrace
Derby DE1 2RU
Tel 01332 295775
E-mail voice@voiceuk.org.uk
Website www.voiceuk.org.uk

Appendix D

The Employment Monitoring Duty

Equality monitoring

Guidance for the Police Service in England, Wales and Northern Ireland is available on the Home Office website and on the ACPO intranet.