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Professional development review and Assessment and Recognition of Competence Equality impact assessment August 2016

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Equality impact assessment for professional development review and Assessment and Recognition of Competence

A summary of the key findings of this equality impact assessment (EIA) can be accessed **here**. In introducing the professional development review (PDR) and Assessment and Recognition of Competence (ARC), forces must give due regard to the requirements of the Equality Act 2010. The summary may assist but does not replace the requirement on forces to show that they have undertaken this.

Assumption

In respect of PDR, the issues outlined below are relevant for all staff, from constable to chief superintendent or equivalent.

In respect of ARC, the issues are relevant to constables at **pay point three** in their career. While recognising that some officers may have moved to specialised roles at this point in their career, most officers will be assigned to frontline, operational response roles.

Research

Baseline statistics – 31 March 2015 and 31 March 2013

The following data charts set out the baseline information from which it may be determined whether any identified impact has a disproportionate effect. It has not been possible at this stage to record data for part-time police officers as this is not recorded separately.

From work conducted on both the PDR ARC projects and flexible working project (2014), however, it is recognised that female officers (and police staff which are shown below) disproportionately undertake caring responsibilities. They are therefore more likely to be affected by any service-wide policy change in how competence is assessed. This is discussed further under gender below.

Gender

Table 1 shows gender representation and distribution across police officer ranks – 31 March 2015

Rank	CON	SGT	INSP	C/INSP	SUPT	C/SUPT	ACPO	TOTAL
Female - Volume	29915	4024	1152	374	157	72	43	35738
Male - Volume	69039	15123	4550	1283	663	265	158	91081
Female - % Representation	30.2%	21.0%	20.2%	22.6%	19.2%	21.3%	21.4%	28.2%
Male - % Representation	69.8%	79.0%	79.8%	77.4%	80.8%	78.7%	78.6%	71.8%
Female - % Distributed in Rank	83.7%	11.3%	3.2%	1.0%	0.4%	0.2%	0.1%	
Male - % Distributed in Rank	75.8%	16.6%	5.0%	1.4%	0.7%	0.3%	0.2%	
Total Officers - Volume	98954	19148	5701	1657	820	337	201	126818

Table 2 shows the levels representation by gender within ranks and the distribution of each gender group across the ranks.

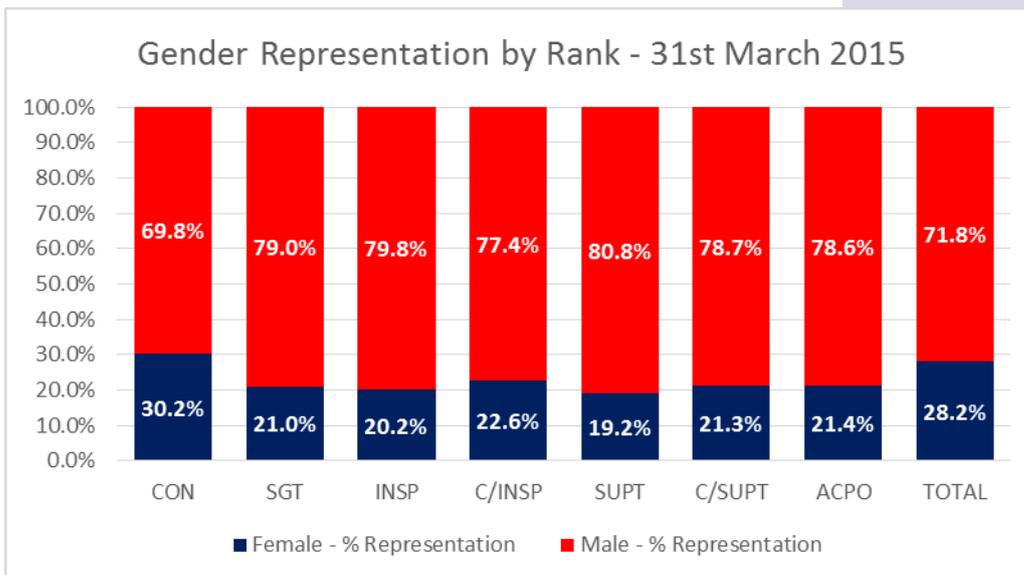


Table 2

Table 3 shows that 83.7% of all female officers are distributed in the rank of constable compared to 75.8% of male officers.

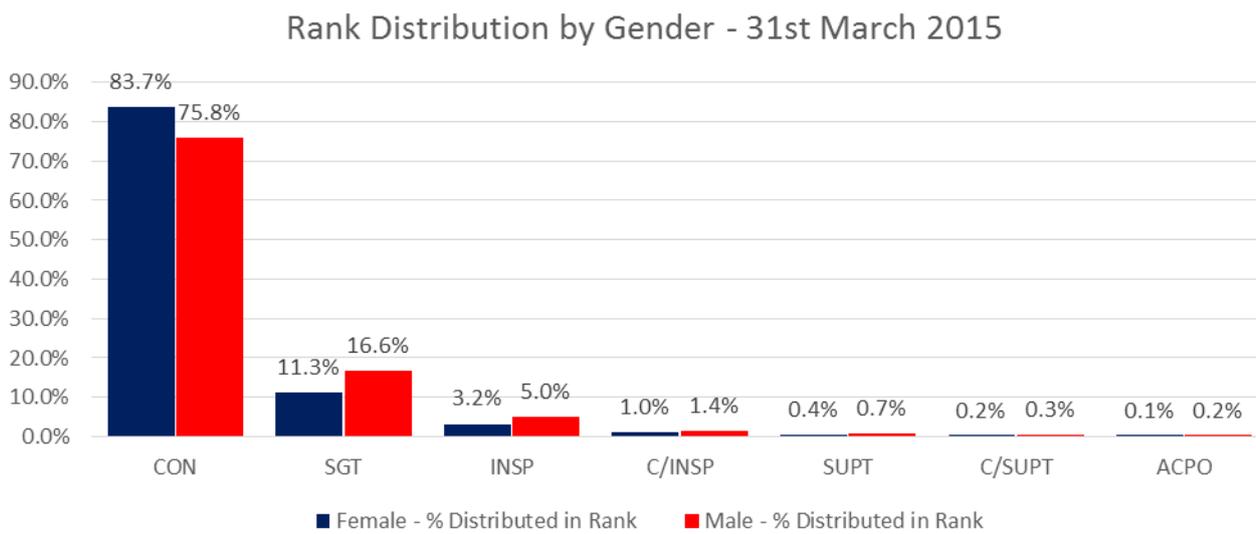


Table 3

March 2009 Matrix Evidence plc – a rapid evidence assessment of external systems and academic literature around PDRs found little supporting academic evidence that PDRs improve performance if linked to pay and promotion, but were more effective as a continual improvement/development tool. The review showed that employees tend to have a more positive view of PDR systems to the

extent that they are designed to explicitly support professional development, rather than to inform decisions about pay and promotion.

May/June 2009 ACPO and Heads of Human Resources Survey – PDR should involve meaningful participation, allow for flexibility, be reduced in ICF complexity, include training and provide a toolbox of options for line managers in need of support. That the PDR system should not be complex and not an administrative burden, bureaucratic or unwieldy.

An 'extended' survey of force managers with HR/PDR responsibilities seeking views as to the benefits, problems and possible solutions within the current PDR system.

Further research

Research evidence shows that women in the perimenopausal or post-menopause stage may suffer significant but temporary reduction in cognitive abilities. See this article on perimenopause and cognition.

Ethnicity

Research by Greater Manchester Police, reflected by similar findings with HM Prison Service and National Health Service, shows that staff from a black or minority ethnic background are more likely to be the subject of formal misconduct. While not directly related to an annual appraisal, this attitude by line managers may be reflected in a determination on performance.

GMP – Diversity in Recruitment Report 2013, William Richard Harding MBA (No hyperlink available, contact GMP Equality unit).

Unconscious bias

There is a body of academic literature supporting the premise of unconscious bias. In nearly all cases, bias is present irrespective of the gender of the decision maker.

Unconscious bias – research

Organisational culture	
Ziegert and Hanges (2005)	Explores the importance of an 'equality-friendly' organisational culture and how implicit biases can manifest in decisions and actions where the culture is racially biased.

Implicit bias in shortlisting CVs	
Wood et al (2009)	Commissioned by the Department for Work and Pensions, the research found that applicants with typically white British names are more likely to be shortlisted for jobs than those with names associated with minority ethnic backgrounds.
Steinpreis et al (1999)	Found that both male and female academic psychologists were more likely to want to employ a male early career researcher than an equally qualified female early career researcher. This evened out in later career decisions once an academic had more experience on their CV.
Moss-Racusin et al (2012)	Staff in a science faculty rated male applicants for a laboratory manager role as more competent than equally qualified female candidates. They also chose a higher starting salary for male candidates.
Carlsson and Rooth (2007)	Demonstrated the reduced likelihood of being shortlisted for jobs in Sweden with a middle eastern name as opposed to a Swedish name.
Carlsson and Rooth (2008)	Demonstrated the added discrimination of having foreign qualifications as well as a foreign name in shortlisting decisions.
Rooth (2010)	Explored whether the discrimination identified in Carlsson and Rooth (2007, 2008) was implicit or explicit, and found a correlation between implicit racial bias and shortlisting decisions.
Agerström et al (2007)	Found that both a group of students and a group of employers demonstrated implicit preferences for native Swedish men over Arab-Muslim men and looked at the impact of that on hiring preferences.
Implicit bias in body language	
McConnell and Leibold (2001)	Explored differences in the way research participants behaved and responded to a white vs. black researcher and how this correlated to their implicit and explicit bias scores. Also included is the debate around the reliability of the study by Blanton et al (2009). Psychologists on both sides of the debate found that participants behaved differently to the two different researchers.

Shelton et al (2005)	Explored how friendly research participants found each other during a conversation on a set topic. They found black participants were more likely to view their white partner favourably where their partner showed higher levels of racial bias through an IAT.
Richeson and Shelton (2005)	Explored whether black and white research participants were able to identify differences in the body language of white people when they interacted with people from different ethnic groups. They found that black participants were more able to identify biased body language in specific contexts. They hypothesised that this might be because their own personal experiences of discrimination made them more aware of the differences.
Implicit bias in medicine	
Green et al (2007)	Explored the implicit bias in doctors and found they were more likely to prescribe effective drugs to white rather than black patients.
Implicit bias in social policy	
Pérez (2010)	Found that implicit attitudes significantly influence individual preferences for social policy, in this case illegal and legal immigration policy.
Discounting commonly held stereotypes	
Dasgupta and Greenwald (2001)	Explored the impact of positive exemplars of black people and negative exemplars of white people on individuals' level of implicit bias. Pro-white bias was significantly reduced.
Plant et al (2009)	Explored the positive impact President Obama has had in reducing people's implicit racial bias.
Dasgupta and Asgari (2004)	Found that female participants' gender biases were significantly affected when they were exposed to women in non-stereotypical contexts.

Olson and Fazio (2006)	Participants watched a random sequence of images without knowing the purpose of the study. Throughout, images representing black people with good and white people with bad characteristics were interspersed and reduced their implicit bias.
Ramasubramanian (2007)	Found that receiving training to view the media critically and receiving counter-stereotypical news articles reduced participants' bias towards an African-American news story.
Park et al (2007)	Found that participants exposed to literature highlighting the positives of Arab-Muslim culture reduced their implicit bias against Arab Americans.
Crisp and Nicel (2004)	Participants responded with the word 'yes' whenever they saw counter-stereotypical stimuli of an out-group member in an attempt to reduce bias.
Kawakami et al (2005)	Participants matched female faces with non-stereotypic words, and their gender bias reduced as a consequence.
Gawronski et al (2008)	Participants pressed 'yes' every time they saw a face and word combination that was counter-stereotypic, and 'no' every time they saw a stereotypic combination. They found the 'no' condition actually increased bias.
Impact of context on implicit bias	
Stewart et al (2010)	Participants trained to use situational rather than dispositional explanations for stereotypical behaviour showed reduced levels of negative stereotyping and automatic bias.
Barden et al (2004)	Explored the impact of social role and context on implicit bias, for example, different reactions to a black face in a ghetto background than a black face outside a church.
Zogmaister et al (2008)	Considered how priming interviewers with 'loyalty' sentences may increase implicit bias in interviews, whereas priming with 'equality' sentences may decrease bias.

Changing out-group evaluation and categorisation	
Hall et al (2009)	Aimed to highlight the similarities people had with their out-groups, rather than their differences.
Lebrecht et al (2009)	Encouraged participants to first and foremost see people as people, rather than to put people into categories.
Aberson (2004)	Participants who reported having close friends within the target under-represented group exhibited less implicit bias towards that group.
Shook and Fazio (2008)	Using college students sharing dormitory rooms, researchers found that interracial room sharing led to improvements in automatically activated racial attitudes compared with same-race room sharing.
Turner and Crisp (2010)	Imagined contact, whereby participants imagined having a positive encounter with an out-group member, reduced their implicit bias towards that group.
Motivation to control bias	
Allen et al (2010)	Explored whether reductions in implicit bias were caused by positive context or by the individuals' inhibition of their biases.
Devine et al (2002)	Primed participants with varying levels of motivation to control their bias.
Legault et al (2011)	Found a reduction in participants' explicit bias where they were primed with a brochure designed to facilitate their internal motivation to control prejudice.
Richeson (2004) and Correll et al (2008)	Aimed to look at the difference in impact of colour-blind vs. multicultural approaches. The findings varied.
Stewart and Payne (2008)	Participants were primed with either 'safe', 'accurate' or 'fast'. Their responses were then measured when shown images of black and white faces with guns. Those primed with 'think safe' showed a reduction in racial bias.
Mendoza et al (2010)	This study found that where individuals primed themselves with 'if I see a person, then I will ignore their race' they found a reduction in their bias.

Vorauer (2012)	Participants who took a race IAT and then immediately interacted with someone from a minority ethnic group were perceived as more unfriendly than those who had not.
Morris and Ashburn-Nardo (2009) and Henry-Darwish and Sanford (2012)	Found that taking an IAT in a supportive setting with feedback had a positive effect.
Castillo and Brossart (2007)	Taking a multicultural counselling course had a positive impact on implicit attitudes compared with taking a regular introductory counselling course. The positive contact with minority ethnic trainers may have had an impact, however.
Rudman et al (2001)	Students enrolling on a bias and conflict seminar found they had reduced anti-black bias, but the results may be affected by contact with black lecturers and students.
Carnes and Devine (2012) and Devine et al (2012)	Used bias-reduction training programmes in a university setting.

The College of Policing conducted a series of workshops and commissioned research on bias within a policing context. This work has not as yet been published but an executive summary is available [here](#) and also on the College website.

See also an [article](#) on gender bias in science faculties from the Proceedings of the National Academy of Sciences of the USA and the Equality Challenge Unit’s report on unconscious bias and higher education.

Gender

Table 4 shows the workforce (excluding police staff) by gender

	Police Staff (Excluding PCSOs)	PCSOs	Specials
Female - Volume	40408	5537	4982
Male - Volume	27566	6793	11349
Female - % Representation	59.4%	44.9%	30.5%
Male - % Representation	40.6%	55.1%	69.5%

Table 4

Ethnicity

Table 5 shows representation and distribution across police officer ranks by aggregated ethnic group as of 31 March 2015.

Rank	CON	SGT	INSP	C/INSP	SUPT	C/SUPT	ACPO	TOTAL
Minority Ethnic - Volume	5939	726	210	55	32	15	2	6979
White - Volume	91350	18114	5416.96	1588	776.63	318	185	117750
Not Stated - Volume	1664	307	75	14	11	4	14	2089
Minority Ethnic - % Representati	6.0%	3.8%	3.7%	3.3%	3.9%	4.4%	1.0%	5.5%
White - % Representation	92.3%	94.6%	95.0%	95.8%	94.8%	94.4%	92.1%	92.8%
Minority Ethnic - % Distributed in	85.1%	10.4%	3.0%	0.8%	0.5%	0.2%	0.0%	
White - % Distributed in Rank	77.6%	15.4%	4.6%	1.3%	0.7%	0.3%	0.2%	
Total Officers - Volume	98954	19148	5701	1657	820	337	201	126818

Table 5

Table 6 shows minority ethnic representation and distribution across the ranks.

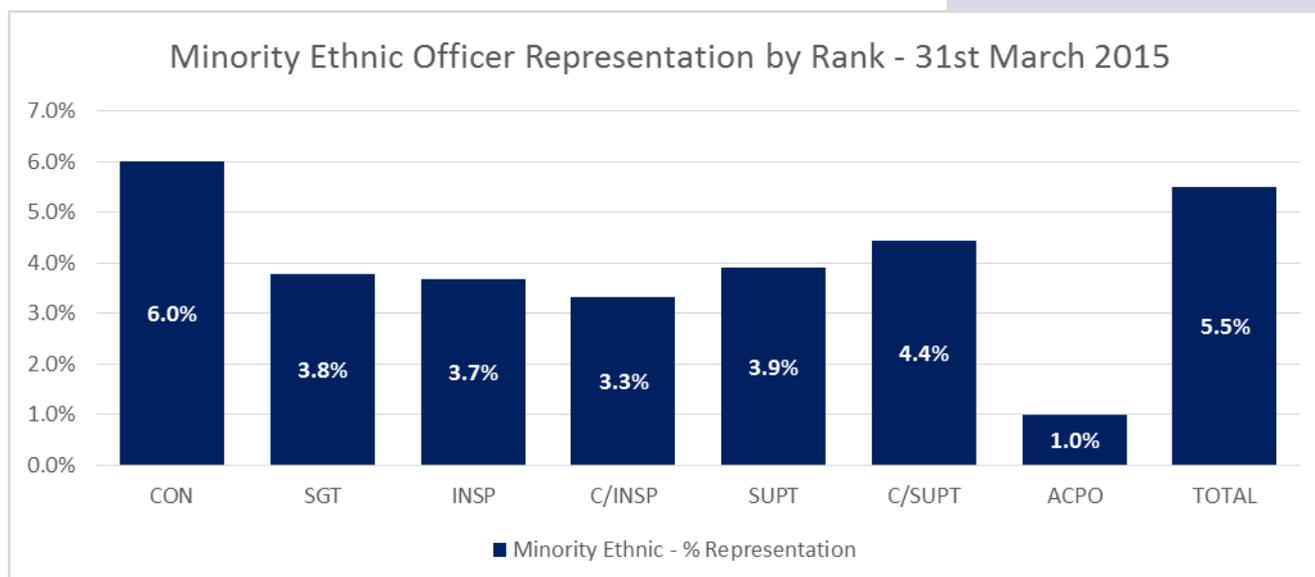


Table 6

Table 7 shows the distribution across the ranks by ethnicity as a proportional percentage

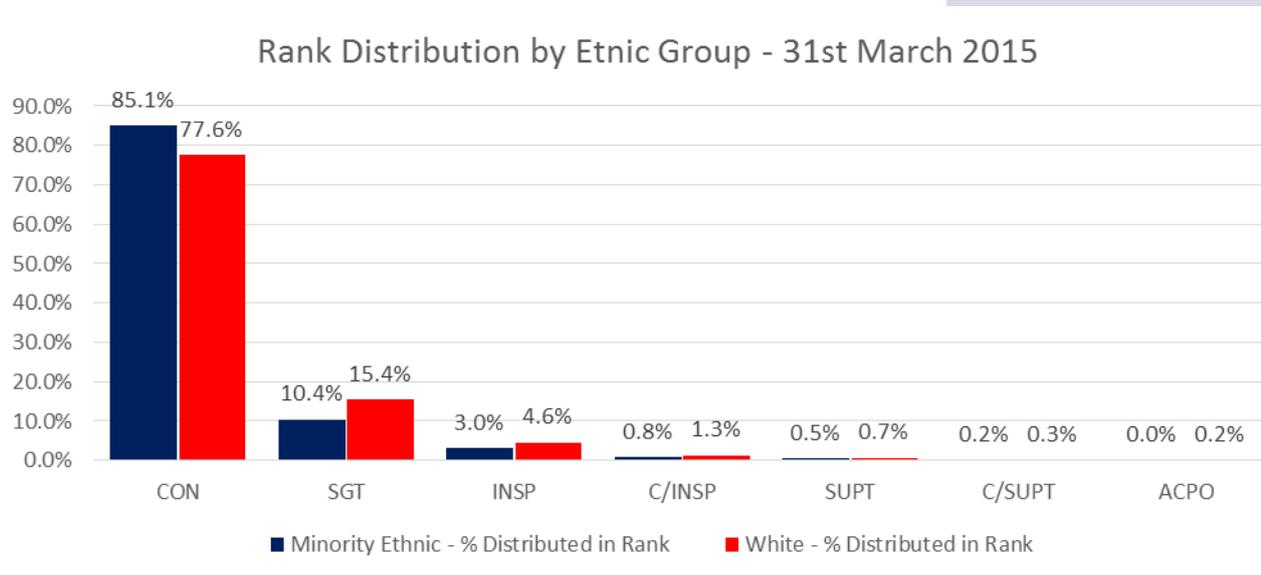


Table 7

Impact

While higher levels of minority ethnic officers are distributed in constable ranks, the disparity is less notable than that seen with gender. It’s unlikely that changes made within specific ranks will have a disproportionate effect on any ethnic groups.

Disaggregating ethnic groups **may** highlight some areas of disproportionality. The low volumes at this level, however, make it impossible to identify any negative impact.

Table 8 shows the ethnic make-up for other workforce groups.

	Police Staff (Excluding PCSOs)	PCSOs	Specials
Minority Ethnic - Volume	4805	1126	1796
Total - Volume	67973	12331	16101
Minority Ethnic - % Representati	6.6%	8.4%	10.0%

Table 8

Disability

The table and chart below shows the proportion of officers, staff and PCSOs declaring a disability as of 31 March 2013.

	Police Officers	Police Staff (Excluding PCSOs)	PCSOs
Disabled - Volume	2216	2303	246
Disabled - % Representation	1.7%	3.3%	1.7%

Table 9

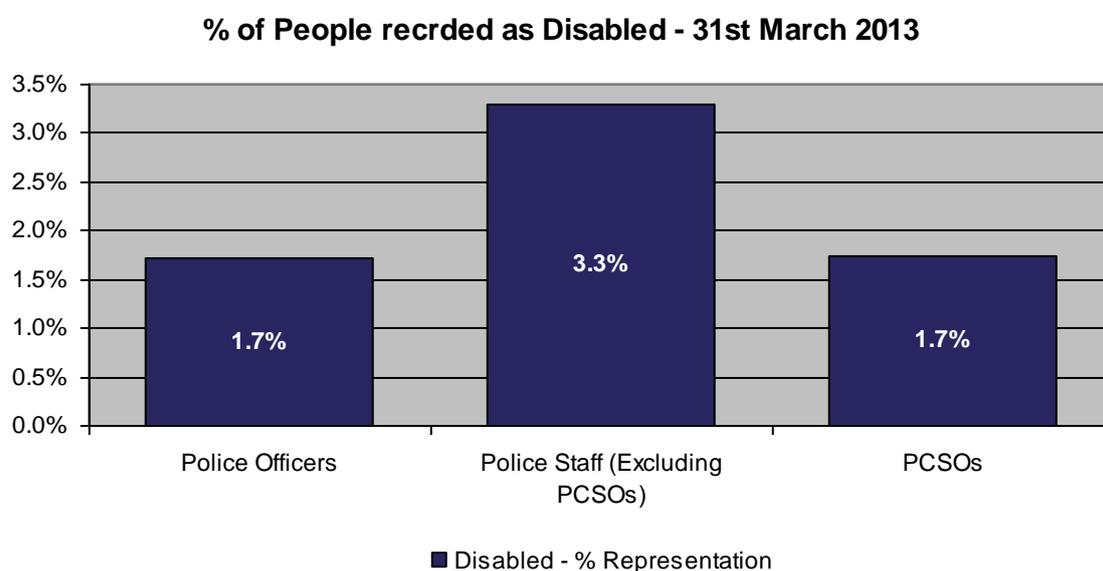


Table 10

Age

Table 11 and chart below shows officers, staff, PCSOs and specials by age group as of 31 March 2013. The chart further aggregates the age groups into those aged 40 or under and 41 or over. It's important to note that age data uses headcount figures as opposed to full-time equivalent figures which are used in previous tables.

	Police Officers	Police Staff (Excluding PCSOs)	PCSOs	Specials
25 and under	3424	3711	2430	8571
26 to 40	66653	25683	6896	7063
41 to 55	60747	33445	4389	2943
55 and over	1299	12833	873	434
Aged 40 or Under - % Representation	53.0%	38.8%	63.9%	82.2%
Aged 41 or Over - % Representation	47.0%	61.2%	36.1%	17.8%

Table 11

Age Representation by Employee Type - 31st March 2013

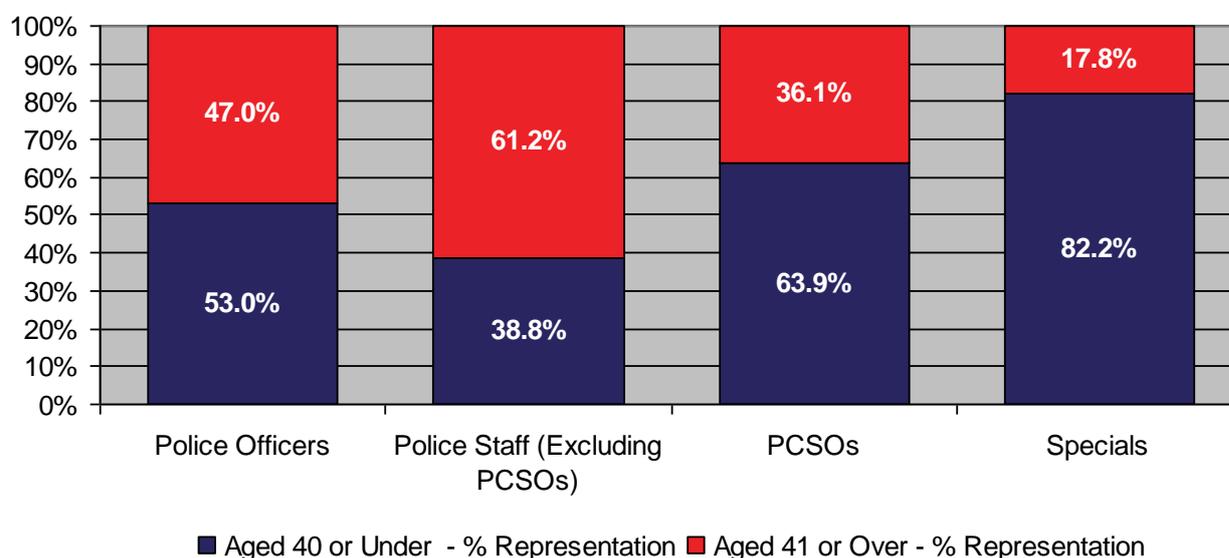


Table 12

Both PCSOs and specials have notably higher levels of workforce aged 40 or under. Changes made within these groups will have a disproportionate impact on younger people. In contrast, almost two thirds of police staff are aged 41 or over.

Part-time working

As stated above data is not collated centrally for police officers. Table 13 shows the proportion female and male staff and PCSOs who work part-time as of 31 March 2013.

	Police Staff (Excluding PCSOs)	PCSOs
Full Time Females	32544	5506
Full Time Males	26823	7728
Part Time Females	14111	1172
Part Time Males	2491	182
% Females Part Time	30.2%	17.6%
% Males Part Time	8.5%	2.3%

Table 13

Impact

Nearly a third of all female police staff are recorded as part-time, compared to just 8.5% of male staff. Females will therefore be notably disadvantaged if any changes do not make provisions for part-time working. While less so, the same trend is apparent for PCSOs.

Legislative or regulatory change

Disability

The Police Regulations 2003 were amended on 1 April 2015 and Regulation 22(1)(h) now provides that:

22.— Duty

(1) The Secretary of State shall determine—

(h) the circumstances in which a member of a police force may be placed on limited duties.

In this regulation, 'limited duties' means:

- recuperative duties
- adjusted duties
- management restricted duties.

See also the Home Office circular covering these changes.

Identified issues within policy

Gender

Issue – Pay differential increase between men and women

Impact

At foundation threshold (pay point three), both men and women officers are predominantly uniform first response. Some women officers may be part-time due to a caring role outside of the work place and have limited opportunity to gain evidence.

At advanced levels, women are more likely to be part-time with caring responsibilities. The impact is likely to be greater both in terms of wanting to secure evidence to move from pay point six to seven and/or reconfirmation evidence to stay at pay point seven.

Women officers returning from maternity leave require a satisfactory PDR grade to access ARC. Dependent on their return date, officers may be significantly delayed in accessing ARC if required to wait until their next PDR assessment.

Consultation

Focus group and BAWP (British Association of Women in Policing).

Legal advice from HM Treasury.

Evidence/data

Home Office data indicate that the part-time working group has a greater than average level of female representation (see table 4 above).

Recommended actions

Evidence of occupational competence at foundation level is attainable by both part-time and full-time officers. Only officers (at pay point three) who have already moved to a specialist role are likely to have difficulty. The model allows for line managers to assess knowledge and understanding via professional discussion.

The Programme Board has suspended the introduction of advanced and reconfirmation elements of the model.

The Programme Board has agreed that women officers (and, where relevant, male officers) returning to work can be reassessed against evidence gained over the previous 24 months.

Issue – Potential for conscious or unconscious bias.

Impact/issue

Women predominantly make up part-time workers (see table 13). Issues include line managers not regarding these workers as effective workers. The requirement to engage in CPD and to evidence occupational competence will be limited.

Consultation

Stakeholder engagement with BAWP and focus groups on flexible working and PDR repeatedly highlighted a conscious or unconscious decision to not fully recognise the effectiveness of part-time workers. This was anecdotal evidence but was an issue raised across all these groups.

Evidence/data

Home Office data indicate that the part-time working group has a greater than average level of female representation (see table 13) The lack of biographic information collected throughout the pilot makes it impossible to discern that females were less likely to meet the standards set out.

Recommended actions

This issue is to be highlighted in an annex to College guidance. Forces will be expected to pay due regard and make reasonable adjustments where appropriate to ensure that they reduce or eliminate adverse impact.

Specialist posts

Impact/issue

The evidence and consultation suggest that those in some specialist posts are less able to meet the standards set out than colleagues outside specialist posts. These posts are more likely to be staffed by white, male officers.

Consultation

DAC evaluation report, focus groups.

Evidence/data

The pilot report has highlighted that officers in specialist posts were less likely to meet the set standards when compared to other officers.

Recommended actions

The issue is to be highlighted in an annex to College guidance. Line managers will be expected to make reasonable adjustments to allow for evidence to be gathered, eg, simulated scenario assessment, professional discussions.

Menopause

Impact/issue

There is some evidence to show that women may, as a result of the symptoms of menopause, be adversely affected in terms of performance. In some cases the symptoms are such that it might be regarded as a temporary disability. The subject areas is, however, sensitive and women are likely to be reluctant to raise it with their line manager, particularly where the line manager is male. The possible outcome may lead to a grading below actual performance or even under performance.

Consultation

National women's group consultation highlighted this as a potential issue.

Dr Marilyn Glenville Bed (hons), MA, Phd (Cantab).

Evidence/data

Research evidence shows that women in the perimenopausal or post menopause stage may, in some cases, suffer significant but temporary reduction in cognitive abilities. <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3185244/>

Recommended actions

The issue will be discussed in an annex to College guidance as an issue for forces to be aware of. Forces will be expected to pay due regard and make reasonable adjustments where appropriate to ensure that they reduce or eliminate adverse impact. Forces should be conscious that women may be unlikely to raise this issue with their line manager. Advice can be sought from various support groups, including BAWP.

Ethnicity

Underperformance due to first language

Impact

The quality of reading, writing and spoken English, where it is not the first language, may lead to underperforming PDR grades. For police officers, the risk is mitigated by participation in the SEARCH assessment process, which tests skills. This is likely to be more of an issue for police staff.

Consultation

Focus groups with Muslim Police Association.

Evidence/data

Anecdotal evidence supplied by focus groups.

Recommended actions

The issue will be discussed in an annex to College guidance as an issue for forces to be aware of. Forces will be expected to pay due regard and make reasonable adjustments where appropriate to ensure that they reduce or eliminate adverse impact.

Potential impact of line manager bias

Impact

Conscious bias by line manager in requiring BME officers and staff to perform to a higher standard than the peer group. This may arise from actual prejudice against the officer or a belief that to be seen to positively manage and support BME staff, they need to ensure that every aspect of delivery is covered in great detail. This requirement is not being made of others in the peer group.

Consultation

Focus groups with Muslim Police Association and Black Police Association.

Evidence/data

Anecdotal based on focus groups.

Recommended actions

The issue will be discussed in an annex to College guidance as an issue for forces to be aware of. Forces will be expected to pay due regard and make reasonable adjustments where appropriate to ensure that they reduce or eliminate adverse impact.

Traditionally lower assessment success rates in minority ethnic groups

Impact

There is no direct evidence to show that officers and staff would be disadvantaged in an assessment process although a number of indicators show that some disparity may exist.

Consultation

N/A

Evidence/data

Burgess, S. and Greaves, E. (2013) Test Scores, Subjective Assessment, and Stereotyping of Ethnic Minorities. Journal of Labor Economics, University of Chicago Press, vol. 31(3), pp 535 - 576. Chicago: University of Chicago Press.

Data from the HPDS, Police Promotion and Search processes shows a variance in comparative pass rates, but the trend is that BME officers are proportionally selected at a slightly lower rate (approximately 10%) than white officers. It must be stressed that this data reflects differing assessment styles, from multiple choice questions through to observed assessment. As such, the assumption can only be indicative.

This also reflects wider research, however, where similar disparity between ethnic groups is noted. Research also indicates that a number of factors external to an assessment process may influence performance and it is not possible to isolate a single cause.

Traditionally, OSPRE and NPPF examinations results have shown disparity between pass rates for white and minority ethnic officers.

Recommended actions

This will be discussed in national guidance as an issue for forces to be aware of. In line with their duties under the Public Sector Equality Duty, forces should regularly monitor the success rates of candidates by ethnic group to ensure that there is no adverse impact. Where forces identify impact, they should explore the reasons for disparity and are expected to make reasonable adjustments where appropriate to ensure that they reduce or eliminate adverse impact.

Ethnic disparity in subjects of unsatisfactory performance and misconduct proceedings.

Impact

There is a potential that BME officers are more likely than white officers to be referred to formal misconduct proceedings. This potentially has an impact on assessment criteria in that being subject to misconduct, even though it may not have been adjudicated on, may influence a grading competence.

Consultation

HM Prison Service.

Chelsea and Westminster NHS Trust.

Greater Manchester Police.

Evidence/data

HM Prison Service S/PDR review 2010.

Disproportionality in Police Professional Standards – Graham Smith, Harry Hagger Johnson and Chris Roberts, 23 July 2012.

Recommended actions

This will be discussed in national guidance as an issue for forces to be aware of. In line with their duties under the Public Sector Equality Duty, forces should regularly monitor the success rates of candidates by ethnic group to ensure that there is no adverse impact. Where forces identify impact, they should explore the reasons for disparity and will be expected to make reasonable adjustments where appropriate to ensure that they reduce or eliminate adverse impact.

Maternity/paternity/adoption

Impact of maternity

Impact

People on maternity leave are less likely to have time to complete the evidence required to meet ARC or PDR standards.

Pregnant women tend to be removed from public-facing, operational work as part of a risk assessment. This may then lead to line manager bias and/or inappropriate grading.

Consultation

Project-based focus groups (PDR, ARC, flexible working) highlighted this as a potential issue.

Home Office data suggests that this would have a disproportionate impact on female officers and staff.

Evidence/data

The pilot evaluation report (3.4.7) highlighted that respondents felt there was not enough time either during work or during personal time to devote to ARC.

Evidence from focus groups was that women returning from maternity leave may, due to the date of return, have little time to gain a satisfactory grade in their PDR. As a consequence, they would be prevented from taking an ARC assessment at foundation level.

Evidence was that the number of women officers in year three going into year four who would also then go on maternity leave was likely to be very low. Research with MPS, however, showed that there were some officers who would fall within this group. At least one officer had joined a number of years previously but, due to pregnancy/maternity, time off following pregnancy, followed by another pregnancy, was still at pay point two. There were others in a similar position, so the issue would impact officers

Recommended actions

This issue will be discussed in annex to College guidance as an issue for forces to be aware of. Forces will be expected to pay due regard and make reasonable adjustments where appropriate to ensure that they reduce or eliminate adverse impact.

The general policy is that evidence is gathered from the previous 12 months, however, in cases of maternity leave, evidence may be gathered from the previous 24 months.

Impact of paternity/adoption/carers leave

Impact

People on paternity/adoption/ carers leave are less likely to have time to complete the evidence required to meet ARC or PDR standards.

Consultation

Project-based focus groups (PDR, ARC, flexible working) highlighted this as a potential issue.

Home Office data suggests that this would have a disproportionate impact on female officers and staff who are more likely, but not exclusively, to take leave to care for adoptive children, add paternity leave to maternity leave or be the main carer.

Evidence/data

The pilot evaluation report (3.4.7) highlighted that respondents felt there was not enough time either during work or during personal time to devote to ARC.

Recommended actions

This issue will be discussed in an annex to College guidance as an issue for forces to be aware of. Forces will be expected to pay due regard and make reasonable adjustments where appropriate to ensure that they reduce or eliminate adverse impact.

The general policy is that evidence is gathered from the previous 12 months, however, in cases of adoption, paternity or carers leave, evidence may be gathered from the previous 24 months.

Religion and belief

Potential lack of experiential development due to religion or belief.

Impact

The legislation doesn't give a list of religious and belief groups that are covered under the Act. However, religion includes not having any religion. So, an individual can be discriminated against if they have no religious belief. A religion must have a clear structure and belief system. 'Belief' means any religious or philosophical belief, or a lack of such belief. To fall under the Act, a belief must usually satisfy a number of criteria, including that it's an important aspect of the way in which a person behaves in conducting their life.

Examples from case law in this area confirm that the following religions or beliefs have been covered under the discrimination provisions: Muslim, Christian, Hindu, Jewish, Sikh, Buddhist, Pagan, Humanist and Atheist beliefs.

Individuals must therefore not be discriminated against and/or treated less favourably on the grounds of their religion or belief.

Consultation

Consultation with religious police associations highlighted this as a potential issue where managers may be reluctant to post officers to situations on the grounds of their religion or belief.

Evidence/data

Anecdotal evidence based on consultation with focus group.

Recommended actions

This will be discussed in an annex to College guidance as an issue for forces to be aware of. Forces are to consider information and advice to managers to ensure equitable deployment decisions. This is equally applicable to groups with other religions or beliefs.

Isolation of individuals based on religion or belief

Impact

Some officers may, for religious or beliefs reasons, feel unable to engage in group activity where team bonding takes place, eg, after work, social engagements on licensed premises. This could lead to a (real or perceived) acceptance by an individual that they are not part of the team and consequently affect performance, The impact for the officer is isolation, lack of team support and lowering of performance as morale falls.

Consultation

Consultation with religious police associations highlighted this as a potential issue.

Evidence/data

Anecdotal evidence based on consultation.

Case law on social functions being accepted as part of the workplace – see the [statutory code of practice on employment from the Equality and Human Rights Commission](#).

Recommended actions

Line managers must consider the suitability of venues and types of activities for all of the team and ensure that they are inclusive.

Age

Potential barrier for knowledge transfer based on age

Impact

Research has shown that the youngest nurses participated least in CPD practices that enhanced transfer of tacit knowledge. In addition, they reported more experiences of injustice in terms of CPD than their older colleagues.

Consultation

N/A

Evidence/data

External research – Author(s): Johanna Lammintakanen, Tuula Kivinen. Source: [Journal of Workplace Learning Volume 24, Issue 1](#).

Recommended actions

Forces will need to consider how to balance the needs of officers and staff of different ages to enable effective participation. Managers may need also to consider direct workplace learning opportunities for staff to secure the appropriate level of development. While not advocating a tutor or mentor for every officer or staff member, pairing younger and older workers may provide opportunities to learn from each other within CPD.

Developmental bias within the PDR

Impact

Officers and staff approaching the end of their career are by definition, older than their peers. Such officers may not be put forward for training, developmental opportunities or experiential learning on a presumption that it may not be wanted, is not relevant or cost/time ratio is not seen as good value. This lack of development may be shown as lack of performance within a PDR.

Consultation

Staff focus groups highlighted this as a potential issue.

Evidence/data

Anecdotal evidence based on focus groups.

Recommended actions

CPD to be made mandatory for all officers and staff.

This will be discussed in national guidance as an issue for forces to be aware of. Forces will be expected to pay due regard and make reasonable adjustments where appropriate to ensure that they reduce or eliminate adverse impact.

Disability

Potential inability to participate in CPD

Impact

Disabled staff may suffer adverse impact if they are unable to effectively participate in CPD.

Consultation

Consultation with the Disabled Police Association highlighted this as a potential issue.

Evidence/data

Winsor recommendations 79 (b), (c) and (d):

- 79(b) Staff members who are disabled may not be able to participate in a continuous development programme if that programme is inflexible and does not take into account the individual.
- 79(c) Attendance management policy in some forces is based on the Bradford model. Use of the model (or similar model) may lead to

discrimination as staff with a disability are more likely to require medical assessment and treatment than non-disabled staff. This may be reflected in performance grading.

- 79(d) Mandating successful completion of fitness testing within the ARC or PDR would be discriminatory unless the policy is flexible in recognising that some officers are physically unable (temporarily or permanently) to undertake the test.

Recommended actions

This issue will be discussed in national guidance as an issue for forces to be aware of. Forces will be expected to pay due regard and make reasonable adjustments where appropriate to ensure that they reduce or eliminate adverse impact.

CPD should reflect what an individual can do in terms of development and contribution to the service.

Limited duties and disability-related absence

Impact

Staff on limited duties or on leave due to a disability are less likely to be able to meet the full range of assessment criteria or the required level of competence.

Consultation

Consultation with the Disabled Police Association highlighted this as a potential issue.

Evidence/data

Anecdotal evidence based on consultation.

Recommended actions

This issue will be discussed in national guidance as an issue for forces to be aware of. Forces will be expected to pay due regard and make reasonable adjustments where appropriate to ensure that they reduce or eliminate adverse impact.

Where their role permits and subject to a risk assessment, officers should meet the standards required of them. Line managers may hold a professional discussion to assess knowledge in areas that cannot be covered in the workplace.

Where officers and staff are required to undertake learning as part of their CPD, additional consideration needs to be given to different learning styles.

Information technology should meet the needs of the individual and/or additional time should be given as part of a reasonable adjustment.

Sexual orientation

Potential negative bias

Impact

It is possible that a negative bias against someone of a particular sexual orientation could lead to the lowering of performance grades. A line manager with strong or fundamental views of their own culture, religion or belief may adversely affect a subordinate who has a diametrically opposed view.

Consultation

Focus groups.

Evidence/data

Anecdotal evidence based on focus groups.

Recommended actions

It may not be possible to accurately monitor impact against this protected characteristic due to sexual orientation data being traditionally under-reported. It will be discussed in national guidance, however, as an issue for forces to be aware of. Forces will be expected to pay due regard and monitor impact where able.

Transgender

Inaccurate perceptions reflected in performance assessment

Impact

While not based in fact, perception remains that officers about to commence or already undergoing gender reassignment will require time off work for medical purposes. This perception leads to the belief that the staff member cannot

function properly and that others in the team will have to pick up the workload. This may be reflected poorly in a performance assessment

Consultation

Consultation with National Trans Police Association and focus groups.

Evidence/data

Anecdotal evidence based on consultation.

Recommended actions

Line managers should be encouraged to take personal responsibility to learn about transgender issues, in order to increase their knowledge and have discussions with individuals where applicable. It will be discussed in national guidance as an issue for forces to be aware of. Forces will be expected to pay due regard and monitor impact where able.

Inappropriate tasking leading to inability to evidence performance

Impact

There may be management bias arising from a lack of confidence by line managers in how to manage a member of staff who is transsexual. This lack of knowledge could lead to managers not tasking appropriately which then affects the ability to meet a wide range of performance.

Consultation

Consultation with National Trans Police Association and focus groups.

Evidence/data

Anecdotal evidence based on consultation.

Recommended actions

Line managers should be encouraged to take personal responsibility to learn about transgender issues, in order to increase their knowledge and have discussions with individuals where applicable. It will be discussed in national guidance as an issue for forces to be aware of. Forces will be expected to pay due regard and monitor impact where able.

Marriage/civil partnership

Potentially greater impact for those who are single, divorced or separated

Impact

Married/partnered staff and or officers will tend to have twin incomes and therefore a greater level of impact may fall on those who are single, divorced or separated.

Consultation

Focus groups.

Evidence/data

Anecdotal evidence based on focus groups' feedback.

Recommended actions

Line managers should be aware of the issue and the potentially increased impact.

Annex A**Requirement for due regard to Public Sector Equality Duty****General equality duty**

Section 149 of the Equality Act 2010 imposes a duty on 'public authorities' and other bodies when exercising public functions to have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Due regard

To 'have due regard' means that, in making decisions and in its other day-to-day activities, a body subject to the duty must consciously consider the need to do the things set out in the general equality duty: eliminate discrimination, advance equality of opportunity and foster good relations.

In *R. (Brown) v. Secretary of State for Work and Pensions* [2008] EWHC 3158, the court considered what a relevant body has to do to fulfil its obligation to have due regard to the aims set out in the general equality duty. The 'Brown principles' set out have been accepted by courts in later cases. Those principles are:

- In order to have due regard, those in a body subject to the duty who have to take decisions that do or might affect people with different protected characteristics must be made aware of their duty to have 'due regard' to the aims of the duty.
- Due regard is fulfilled before and at the time a particular policy that will or might affect people with protected characteristics is under consideration as well as at the time a decision is taken. Due regard involves a conscious approach and state of mind.
- A body subject to the duty cannot satisfy the duty by justifying a decision after it has been taken. Attempts to justify a decision as being consistent with the exercise of the duty when it was not, in fact, considered before the decision are not enough to discharge the duty.
- The duty must be exercised in substance, with rigour and with an open mind in such a way that it influences the final decision. The duty has to be integrated within the discharge of the public functions of the body subject to the duty. It is not a question of 'ticking boxes'. However, the fact that a body subject to the duty has not specifically mentioned s 149 in carrying out the particular function where it is to have 'due regard' is not

determinative of whether the duty has been performed. But it is good practice for the policy or decision maker to make reference to s 149 and any Code or other non-statutory guidance in all cases where s 149 is in play. 'In that way the decision maker is more likely to ensure that the relevant factors are taken into account and the scope for argument as to whether the duty has been performed will be reduced.'

- The duty is a non-delegable one. The duty will always remain the responsibility of the body subject to the duty. In practice another body may actually carry out the practical steps to fulfil a policy stated by a body subject to the duty. In those circumstances the duty to have 'due regard' to the needs identified will only be fulfilled by the body subject to the duty if:
 - it appoints a third party that is capable of fulfilling the 'due regard' duty and is willing to do so
 - the body subject to the duty maintains a proper supervision over the third party to ensure it carries out its 'due regard' duty.
- The duty is a continuing one.
- It is good practice for those exercising public functions to keep an accurate record showing that they had actually considered [the general equality duty] and pondered relevant questions. Proper record keeping encourages transparency and will discipline those carrying out the relevant function to undertake the duty conscientiously. If records are not kept, it may make it more difficult, evidentially, for a public authority to persuade a court that it has fulfilled the duty imposed by s 149. In addition to the Brown principles, courts have also said that:
 - 'The general equality duty is not a duty to achieve a result, namely to eliminate unlawful racial discrimination or to promote equality of opportunity and good relations between persons of different racial groups. It is a duty to **have due regard to the need** to achieve these goals'.
- A body subject to the duty will need to consider whether it has sufficient information to assess the effects of the policy, or the way a function is being carried out, on the aims set out in **the general equality duty**.

Protected characteristic groups

- Age
- Gender reassignment
- Marriage or civil partnership (first principle only)
- Pregnancy/having a child
- Disability
- Race – colour, nationality, ethnic origin or national origin
- Religion or belief (or not)
- Sex

- Sexual orientation.

Annex B

Data research

Home Office – Annual Police Statistics.

College of Policing – OSPRE and NPPF results for sergeant and inspector National Investigators Exam.

College of Policing – SEARCH® police recruitment data.

College of Policing – HPDS candidate data 2008 – 2013.

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HM Prison Service – PDR Review 2013.

Disproportionality in Police Professional Standards – Graham Smith, Harry Hagger Johnson and Chris Roberts 23 July 2012.

Police Federation research by Institute of Employment Studies 2006.

Independent Review of Policing Sir Ronnie Flannagan, QPM Feb 2008.

Leading from the front line - HMIC thematic report July 2008.

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National Police Promotions Framework Trial November 2009 EIA.

ECF review 2009/10 PID document v3 & EIA.

Effects on Performance Perimenopausal and Menopausal women.
www.ncbi.nlm.nih.gov/pmc/articles/PMC3185244/

GMP – Diversity in Recruitment Report 2013, William Richard Harding MBA (No e mail link).

<http://www.pnas.org/content/early/2012/09/14/1211286109>

<http://www.ecu.ac.uk/wp-content/uploads/2014/07/unconscious-bias-and-higher-education.pdf>

http://whatworks.college.police.uk/Research/Documents/Unconscious_bias_REA_exec_sum.pdf

Focus groups

British Association of Women Police

Disabled Police Association

Jewish Police Association

Muslim Police Association

National Transgender Police Association

Police Pagan Association