

Single Equality Scheme 2009-12



AVON & SOMERSET

NOMS National Offender
Management Service

Working together to reduce re-offending

Title: Single Equality Scheme

Synopsis: To provide Avon & Somerset Probation Boards primary source document to our Diversity approach, activities and our action plans with an intention of continuing to make Avon & Somerset Probation Area an inclusive place to work

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Originator: Dean Hambleton-Ayling

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Race Relations (Amendment) Act
Religion and Belief Regulations
Sexual Orientation Regulations
Age Discrimination Regulations
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Foreword

This is our first Single Equality Scheme. It brings together the existing equality duties – race, gender, Trans individuals and disability – and also incorporates the other statutory strands of religion and belief, sexual orientation and age. We welcome this harmonisation of our approach to equality and human rights.

Avon & Somerset Probation geographically covers a spread of both urban and rural communities. This richness and diverse communities can be both an opportunity and a challenge to providers of public services. As a law enforcement agency, we must be robust. As an agency that works to rehabilitate offenders back into the community, we have to challenge offending behaviour and provide sustainable ways of encouraging offenders to become full and contributing members of our society. This is no small task. The service itself is in a continual state of change, responding to new legislation and a range of criminal justice initiatives, the most recent one being the creation of the new Ministry of Justice.

In Avon & Somerset Probation we are proud of having a good record in developing and implementing best practice in equality and diversity, but we recognise that we must continue to innovate and improve and create an organisational culture that fully embraces diversity and individual needs in all we do. Ensuring that equality is embedded into all our work is central to our values as an organisation, and we recognise that we need to evidence this value. To deliver an ever higher quality service, we must ensure that we are able to assess and meet the needs of all our users and stakeholders.

This Single Equality Scheme is action oriented and is designed to help the Board and the senior management team to focus on outcomes that will benefit Avon & Somerset.

Joe Kuipers
Board Chair
Avon & Somerset Probation Board

Sally Lewis
Chief Officer
Avon & Somerset Probation Board

Chapter 1 – Introduction

1.1 Background to the Single Equality Scheme

- 1.1.1 The Avon & Somerset Probation Board is committed to building a workforce that is valued because it is inclusive and the diversity of its workforce reflects the community it serves - thereby enabling it to deliver the best possible Probation Service.
- 1.1.2 Since 2002, Avon & Somerset Probation, like most major public bodies, has had a statutory duty under the Race Relations Act 1976 and other supporting legislation to publish a Race Equality Scheme setting out how we intend to fulfil our duty to promote race equality. We produced our first scheme to cover 2002-2005 and a second scheme after that. Following changes to the equality laws, additional obligations have extended our duties to include publishing a Disability Equality Scheme and a Gender Equality Scheme. Avon & Somerset Probation published its first Disability Equality Scheme in June 2005. More detail on the legal context of this Scheme can be found in Appendix B.

This Single Equalities Scheme therefore covers:

- Race
- Disability
- Gender
- Sexuality
- Religion and Belief
- Age
- Transgender

- 1.1.3 We have taken the decision to publish a Single Equality Scheme because we believe it will avoid unnecessary overlap between separate schemes, increase our focus on achieving positive outcomes, and also make what we are doing to tackle issues of equality more accessible to the public. We see other advantages too and believe that having a Single Equality Scheme is the right thing to do and not just a statutory obligation. Publishing a Single Equality Scheme allows us to encompass other areas of equality and diversity where there are laws forbidding discrimination in certain activities such as employment, but where there is as yet no positive obligation on public bodies to promote equality. This is the case with discrimination on grounds of religion and belief, sexual orientation, age and gender reassignment/gender recognition. Avon & Somerset Probation is committed to ensuring that in all its functions it avoids discrimination on these grounds. We also accept that we should treat these areas in the same way as we do race, gender and disability and proactively seek to promote equality and diversity. We have therefore given these areas both explicit recognition and treatment on a par with the statutory duties in this single Equality Scheme. We have chosen to follow this approach not because there is a statutory duty to do so but because we believe it is the right thing to do. We are proud of the degree with which our organisation is inclusive. Meeting the minimum statutory duties is not consistent with this degree of inclusion. With that noted, we do recognise, however, that some areas of work may need to be prioritised over others.

1.1.4 In relation to these specific diversity strands the Board is committed to:

- Eliminate unlawful discrimination
- Eliminate unlawful harassment
- Promote equality of opportunity
- Have regard of individuals' specific disability requirements

1.1.5 We will achieve equal opportunities by ensuring that we give consideration to people's needs and develop flexible and responsive services and employment opportunities to address those needs.

1.1.6 Considerable achievement in employment has already been made and we are continuing to work towards making sure that the employment opportunities and services we deliver are of the highest possible quality. Equality, equity and consistency underpin our working practices. Our efforts have been externally recognised:

- Through the achievement of the only Probation Area to secure a position in the Stonewall Top 100 Employers for 4 successive years;
- We have been assessed and meet the criteria for the "two ticks" diversity symbol;
- We are a signatory to the Mindful Employer charter (that also requires assessment)
- We are a founder organisation of the "Wales and West LGBT - making a difference" group

1.1.7 Promoting equality and diversity is core to all our activities. We will take positive measures to create an environment where direct and indirect discrimination is eliminated. This is underpinned by a Positive Action Strategy (refer to Appendix C). We will formulate, implement and audit action plans to improve services and challenge unacceptable practices where they occur.

1.1.8 Unlawful discrimination is unjustifiable and appropriate action is always taken if this occurs. The Board has a long standing record of tackling unacceptable behaviour and appropriate action is **always** taken where a case is proved.

1.1.9 The Board acknowledges that achieving a diverse workforce that truly represents the community it serves, and the service users of the Probation Area, will involve continuing to shift the culture of our organisation. We believe that this cultural change will be achieved by embracing the principles outlined within this strategy and through closer partnerships with community groups. Our representation within management, of minority groups as a proportion of the whole organisation, has been lower than we would want as a Board. We recognise this and have developed specific actions within the Positive Action Strategy and action plans to address this within the organisation.

1.1.10 This document will be made available to all staff and members of the public via the Avon & Somerset Probation Area website (www.avonandsomersetprobation.org.uk). All staff can also access the scheme through the Avon & Somerset Probation Area intranet site.

1.2 How We Developed The Single Equalities Scheme

- 1.2.1 Like other public authorities in England, Scotland and Wales, we have specific legal duties to tackle discrimination and promote equality on the grounds of disability, gender and race. We have to consider these in everything we do. These responsibilities are referred to as the three general duties to promote equality. The race equality duty arose as a result of the Macpherson inquiry into the murder of Stephen Lawrence and the resulting acceptance of the potential for institutional discrimination by public sector organisations.
- 1.2.2 The gender and disability equality duties were introduced later. Creating and publishing an equality scheme is one of several specific duties we must comply with to show how we will meet our legal requirements under the general equality duties.
- 1.2.3 We have decided to develop a Single Equality Scheme as we wanted to extend our coverage to include other areas of discrimination that we now have responsibility for tackling (age, religion or belief and sexual orientation). These areas of our work are not covered by the existing duties to promote equality but we believe we should aim to apply the same high standards to everything that we do. We hope this will prepare us for a likely Single Equality Bill in the near future and reflects a NOMS expectation that Probation Areas will produce Single Equality Schemes by April 2009.
- 1.2.4 Below we have listed the general requirements of each equality duty. We have given each a number so that we can show in our action plan which actions relate to which requirements.
- 1.2.5 We have to pay due regard to the following requirements of the race equality duty:
1. Eliminate unlawful discrimination in relation to race
 2. Promote equality of opportunity in relation to race
 3. Promote good relations between people of different racial groups
- 1.2.6 We have to pay due regard to the following requirements of the disability equality duty:
4. Eliminate unlawful discrimination in relation to disability
 5. Eliminate harassment of disabled people that is related to their disabilities
 6. Promote equality of opportunity between disabled people and others
 7. Take steps to take account of disabled people's disabilities, even where that involves treating them more favourably than others
 8. Promote positive attitudes towards disabled people
 9. Encourage participation by disabled people in public life

1.2.7 We have to pay due regard to the following requirements of the gender equality duty:

10. Eliminate unlawful sex discrimination
11. Eliminate sexual harassment
12. Promote equality of opportunity between men and women

1.2.8 The requirements to eliminate unlawful sex discrimination and harassment also include discrimination and harassment on the basis of gender reassignment.

1.3 What we did

1.3.1 To develop our Single Equality Scheme, we first looked at the priorities developed in our three previous separate equality schemes and the lessons we had learnt from the individual equalities schemes. We also looked at legislation covering the new areas of our scheme.

1.3.2 We looked at the scheme prepared by London Probation and guidance issued by the Equality and Human Rights Commission. We also took advice from the Race and Equalities Action Group of NOMS, Lesbians and Gays in Probation (LAGIP) and the National Staff Disability Network (NSDN).

1.3.3 We wanted to make sure that we incorporated the views of as many staff as possible as their views are important to us. Not just in helping to decide what actions we should be taking, but also in shaping the longer-term outcomes that Avon and Somerset Probation should be aiming for. To enable that involvement we have used various opportunities to ask for input to the scheme and we are publishing this draft for consultation prior to final acceptance by the Board.

1.3.4 We have used our data collection systems extensively to understand our organisation. Avon and Somerset Probation Area collects a significant amount of data which is relevant to our equality duties

We have captured monitoring information on employees and applicants covering: race, gender, disability, age, religion and belief and sexual orientation routinely since 2005. This information is used to analyse:

- Training applied for and accessed
- Employment Relations cases (Disciplinary and Grievance, Bullying and Harassment and Employment Tribunals)
- Workforce Demography (used to inform the Positive Action Strategy)
- Individuals leaving the organisation

Information is routinely captured on Offender demographics covering Race, Gender and Age.

1.4 Involving People

- 1.4.1 We have asked our employee groups for their input into the design and conclusion of our scheme – this included the Employee Disability Forum, the Spectrum Network (the Lesbian and Gay employee group), and the Black and Asian Workers Group. We have also involved the Trades Unions – NAPO and UNISON in the development of this document. Our Strategic Diversity and Equality Group and the Diversity in Practice group have been included. Our Senior Managers, who have leadership roles in relation to specific strands of diversity, have each been asked to contribute.
- 1.4.2 The Avon and Somerset Local Criminal Justice Board (LCJB) have appointed a Diversity Panel and we have also asked them to look at our draft scheme as members of the public with an interest in our services.
- 1.4.3 We have also used information available from offender feedback to the service locally and also more widely published offender feedback on involvement with the Criminal Justice System.
- 1.4.4 The Disability Equality Duty requires us to do more than consult stakeholders and staff. It gives us a duty to involve disabled people in an ongoing and meaningful way. We have begun to fulfil this duty by involving our disabled staff employee group from the inception of this document. We do not, however, feel that we have involvement of disabled service users at this point and this is addressed as an action point in our plan.
- 1.4.5 The whole area of involving of people in the ongoing development, delivery and review of this scheme is a priority development area for us and is reflected in the planning section of this scheme. One possible outcome is the development of a community engagement strategy.

1.5 The Avon & Somerset Probation Board and how is it changing?

- 1.5.1 Avon & Somerset Probation has experienced considerable change since we produced and began implementation of our first Race Equality Scheme in 2002. This Single Equality Scheme is being written against a background of this considerable and continued change, and it is important the reader is familiar with the context in which we are working in order to better understand the challenges and opportunities for promoting equality throughout the organisation and our services.
- 1.5.2 Avon & Somerset Probation is part of the criminal justice service. It works with the police, prisons and other partners to protect the public, reduce re-offending and rehabilitate offenders. Our statutory duties are as follows:

- Protection of the public
- Reduction of re-offending
- Proper punishment of offenders
- Ensure offenders' awareness of the effects of their crime on victims and the public
- Rehabilitation of offenders.

Avon & Somerset Probation staff work with offenders from first court appearance to completion of sentence. They prepare reports for the Courts that describe the circumstances of the offence, assess the risk posed by the offender and propose appropriate sentences for consideration. Avon & Somerset Probation staff manage community sentences which may include a variety of requirements such as community payback (formerly known as unpaid work), prohibited activities and programmes designed to tackle the root causes of offending such as drug abuse, unacceptable attitudes and poor thinking skills. Our staff work with prisons to plan suitable activities in custody and on release as well as supervising offenders subject to licence conditions upon their release. As part of offender management, they work with offenders who have experienced racism and discrimination which has influenced their delinquency and with offenders whose prejudice informs their offending. Finally, staff also work with victims of serious crime, keeping them informed about the progress of the sentence and conditions of release.

Avon & Somerset Probation, along with the other 41 Probation Areas and Trusts in England and Wales, is now part of the National Offender Management Service (NOMS). NOMS brings together the prison and probation services in a process which is far from complete and which will provide a new and challenging environment. This emphasises end-to-end offender management and requires a closer working relationship to be forged between all the correctional services, offender, victims and communities.

Probation Boards are embarking upon a journey between December 2008 and April 2010 to transform from Probation Boards to Probation Trusts. These changes signal a longer term set of planned changes that are expected to have a wholesale impact on the Probation environment.

These changes carry with them definite challenges to ensure that we sustain and develop our ability to deliver on our equality and diversity aims and objectives.

1.6 Our Vision, Aims and Objectives for Diversity and Equality

1.6.1 Our overall diversity vision is to:

- (a) Continue to be a leader in the criminal justice service as an agency that has the promotion of equality and diversity at its heart, leading by example and through partnership with a wide range of stakeholders;
- (b) Train and develop staff in the promotion of equality through a positive learning culture that values different experiences and skills and addresses individual and group needs;

1.6.2 Our overall strategic aims and objectives to promote equality are:

Aims

We will meet our social and legal responsibilities and in so doing we will:

- (i) Create a culture of change within Avon & Somerset Probation Area where diversity and equality are at the core of the organisation.
- (ii) Encourage positive steps to overcome disadvantage and discrimination across all of the legislated diversity strands.
- (iii) Ensure that the workforce properly represents the diversity of the community it serves in all areas and levels.
- (iv) Ensure the service we provide does not discriminate against an individual's specific diversity needs.
- (v) Demonstrate that discrimination does not occur in our service provision or employment.
- (vi) Develop consultation structures that reflect the views of a diverse community and to support individuals who undertake this work within community groups.
- (vii) Engage with local communities and stakeholders to ensure that we respond positively to and shape local priorities and needs
- (viii) Influence partner agencies through contracts awarded, partnership initiation agreements and good practice in service

1.6.3 Objectives

We will:

- (a) Maintain a Board level monitoring mechanism to ensure that Avon & Somerset Probation achieves its aims and or diversity vision through the implementation of the Single Equality Scheme.
- (b) Comply with our equality duties;
- (c) Work towards mainstreaming equality within all our functions both as an employer and in services offered to offenders, victims and partners;
- (d) Train, support and develop our workforce in equality and diversity and specifically in relation to the requirements of the equality duties;
- (e) Contract in partnership only with bodies that have the commitment and the capability to implement principles of equality and diversity

1.7 Leadership

1.7.1 We recognise that in order to embed equality into everything that we do, there has to be robust leadership and support at the top of the organisation.

1.7.2 Avon & Somerset Probation is governed by its Board. It monitors Equality and Diversity progress on an annual basis. The lead in equality and diversity is the Chief Officer. Additionally there will be regular feedback to Senior Managers, Middle Managers and to all staff through the Strategic Equalities and Diversity Group (SDG), which is chaired by the Assistant Chief Officer - HR and the Diversity in Practice Group (sub-group of SDG), which is chaired by a Senior Manager. Each operational and support area of work will have a dedicated member on the Diversity in Practice Group. The purpose is that equality is 'seeded' throughout the organisation. This last is a new initiative and will be reviewed to see how effective it is in mainstreaming equality and diversity issues throughout the organisation.

1.8 Our commitment to recognised Diversity Organisations

1.8.1 We work closely with the following Diversity Organisations to affirm our commitment to equality and diversity and to help our knowledge of the growing expectations upon us and the points of best practice in relation to the respective diversity strands:

- Age Positive;
- Mindful Employer;
- Positive About Disabled People
- Stonewall
- Gender Advisory Bureau
- Race Equality and Human Rights Service (Bristol and South Gloucestershire)
- Somerset Race Equality Council

1.8.2 To promote our work with these diversity organisations and to promote our commitment to diversity, where appropriate, we will include the organisations symbols on our letter heads and websites.

Chapter 2

2.1 Our Structure and Services

2.1.1 About us

The Avon & Somerset Probation Area covers the region from Yeovil to Bristol. It combines urban areas with extensive rural areas throughout the Somerset area. Work within our Area offers a full and diverse range of opportunities and employees have the chance to work in both urban and rural areas, although they are usually based in or near a city or local town.

2.1.2 Functions

Avon & Somerset Probation Area is divided into 3 broad areas:

- Offender Management
- Interventions
- Corporate Services

2.1.3 Offender Management

The Offender Management function is responsible for the direct interaction with the Courts and managing the orders made by the courts. In so doing, the function delivers the following services:

2.1.4 Probation's role in the courts

Every criminal court across Avon & Somerset has its own team of Probation staff, who provide a range of services both for the offenders and for the magistrates or judges who sentence them. These services include:

- preparing reports for the court
- interviewing offenders
- advising magistrates and judges
- arranging bail placements
- ensure that sentenced offenders know what is expected of them

2.1.5 Assessing Risks

The Probation Service assess what risk each offender may pose to an individual, or to society in general. This is done with a tool called 'OASys' – the Offender Assessment System. The OASys assessment is reviewed at set intervals to check how much progress the offender has made and to re-assess any continued risk.

2.1.6 The Community Order

When deciding on a sentence, courts have a basic choice between a prison sentence, a fine, or the Community Order. Magistrates and judges can tailor-make this order into a different sentence for each offender, based on the offences, by choosing from a range of 12 different requirements, providing innovative ways to punish offenders, restrict liberty, reduce re-offending and ensure that community sentences are not a soft option.

2.1.7 Supervision of Offenders

Dependent upon the risk posed by the offender, the Offender Management function will meet with offenders at specified intervals (determined by the National Standards within which the Probation Service operates) to ensure that the offender is complying with the Court order to assess the individual's level of risk as the order progresses and to help them change the way they behave.

2.1.8 High Risk Offenders

When potentially dangerous offenders return to the community, either after release from prison, or on a Community Order, a Multi Agency Public Protection Panel (MAPPP) meets to assess and manage the risks they pose. MAPPPs involve close partnership work between Probation, the police, prisons, social services, the health authority, accommodation

providers, and any other appropriate agencies. This partnership approach allows us to focus on the details of each case and share information so that we can make a coordinated and effective response to combat the risks that dangerous offenders pose. The concerns of the victims, where known, are always considered.

2.1.9 Interventions

Alongside the management of Offenders, the Avon & Somerset Probation Board delivers a number of interventions that the court requires offenders to complete as part of their sentence.

2.1.10 Programmes

Accredited Programmes are nationally approved courses designed to tackle the root causes of offending. They are included as conditions of a sentence, meaning they have to be completed or the offender will be taken back to court to receive a more serious sentence. They measure an offender's motivation and progress, and help decide what further work is needed to aid rehabilitation. There are a variety of programmes, reflecting the fact that different crimes have different causes.

2.1.11 Unpaid Work Requirement

An Unpaid Work Requirement is one of the 12 requirements that can be included in a Community Order. It involves offenders doing compulsory work, now called 'Community Payback', for the benefit of the community. All offenders on Community Payback are screened to assess the risk they may pose to the public, and are closely supervised at all times. They will have to perform between 40 and 300 hours of unpaid work. The requirement is a punishment but it also provides a good opportunity to teach offenders problem solving, interpersonal and employment-related skills.

2.1.12 Approved Premises

There are four Approved Premises in Avon and Somerset area. One of these is run by a voluntary managed committee. They provide accommodation for those who are on bail, subject to a Community Order, or to a licence on release from prison.

Hostels offer a high level of supervision in order to protect the public from those who pose the most serious risk of harm. Hostel rules are strictly enforced and there is close liaison between the Police, supervising Probation staff, Courts, Prisons, Social Services and other partner agencies.

2.1.13 Employment, Training and Education

Probation staff within Employment, Training and Education offer a range of skills-based courses, in conjunction with the Learning Skills Council and other service providers to ensure that offenders have sufficient literacy, numeracy and life skills to secure employment. The function also provides assistance to offenders in securing employment.

2.1.14 Probation work inside the prisons

Probation staff who are located in prisons work with Prison Service staff to plan a structured sentence for the offender while they are in custody. They

also liaise with probation staff in the offender's home community to help the offender settle as effectively as possible back into the community. Work with offenders in prison includes:

- running Accredited Programmes
- assessing the risks posed by offenders
- contributing to sentence-planning
- one-to-one work with prisoners
- assessments for the Parole Board
- contacting victims
- providing links to outside agencies
- giving practical help in finding work and accommodation

2.1.15 Work with Victims of Crime

Our specialist Victim Services Units work with the victims of those offenders who are sentenced to 12 months or more in prison for a sexual or violent offence. We encourage victims to have a say in what licence conditions or supervision requirements that the offender should be subject to on release from prison. We also tell the victim about whether the prisoner will be subject to conditions or requirements in the event of release. We inform the victim of any conditions which relate to contact with them or their family.

2.1.16 Corporate Services

Located within our Headquarters, the Offender Management and Interventions teams are supported by Human Resources, Finance, Information and Information Technology, and Business Development Functions. These functions are designed to facilitate the management of the organisation in meeting its legal, national and performance requirements.

2.2 Key Issues for Equalities within Service Delivery

2.2.1 Offender Management, Criminal Justice Act 2003 and our services

The development of offender management is an absolute priority for NOMS and is essential to the implementation of the Criminal Justice Act 2003 (CJA). The Act will provide offender managers with the opportunity to develop new delivery arrangements involving new partners, especially in the area of unpaid work. Offender Managers will be required to show that high quality reports to courts are provided, that parole reports are prepared on time, and that new Community Orders are supervised in accordance with the new National Standards.

Avon & Somerset Probation has implemented the requirements of the CJA. Avon & Somerset Probation has assessed its own implementation of the various requirements of this Act so as to play its part in assuring equality and diversity is read into all parts of its implementation. At all times we will keep in mind the requirements of the general duties. Accurate monitoring data will be kept and used to inform this evaluation process.

Avon & Somerset Probation will ensure that eliminating discrimination and promoting equality will be an integral part of all training, particularly in regard to training our officers to produce court reports, assessments and supervision plans that address the needs of offenders and clearly take

account of victims' issues. We are keen to ensure that our proposals for community orders on offenders from relevant diversity groups are appropriate.

Monitoring for equality in all assessments (court reports, proposals, sentences), caseloads (community orders, suspended sentence orders), requirements and proposals for community orders on low risk/low seriousness cases is included in the CJA Implementation Plan. Avon & Somerset Probation recognises the need to assess the impact different requirements will have on relevant diversity groups and evaluate concordance of the new community sentences. We will use this evaluation and monitoring information to determine what action will be necessary to address any imbalance and evidence equality in our approaches. The diversity in practice group will collate and share best practice across the Area.

2.2.2 Women Offending Reduction Programme (2005) and the Corston Report

The Government published its Women Offending Reduction Programme (WORP) in March 2005. Its purpose is to reduce offending by women and the number of women in custody by providing a more tailored and appropriate response to the particular factors that impact on why women offend. The plan's priorities include an initial focus on greater diversion of women at the pre-court and pre-sentence stage by encouraging greater use of resources and services provided by community based organisations and delivering programmes more appropriate and accessible for women.

Avon & Somerset Probation continues to implement the Programme through:

- The provision of childcare for offenders
- Identification of individual needs within the Pre Sentence Reports, provided to the courts
- Diversity information captured and monitored for offenders within the Offender Management and Accredited Programmes function
- Ensuring individual needs are provided for (where possible) during Accredited Programmes including the time of the programme
- The provision of transport for offenders undertaking Accredited Programmes and Unpaid work

ASPA will host a pilot project that responds to the recommendations in the Corston Report based in Bristol; Eden House. This project will be operational from July 09 and will explore the options available to sentencers and on release from custody to ensure that reducing reoffending outcomes can be delivered in a supportive and holistic environment that caters for the specific requirements of women offenders and their children.

ASPA are committed to implementing recommendations in the Cortson Report by improving services for women offenders. This will involve greater awareness of the needs of women offenders in all that we do including commissioning of services.

2.2.3 Case Management System(s)

The Are has its own bespoke case management system (IIMS) and a new national case management system is planned for roll out by 2011. As with any case management system, IIMS ensures that the categories and methods for monitoring equalities, including as recommended by the CRE the '16 + 1' categories for BME monitoring. Apart from age, gender, ethnicity and religion/belief there are proposals in this Scheme and action plan for recording disability, sexual orientation and trans-identity for all offenders. We also record age, gender and ethnicity of victims. However it will need to be noted that these systems rely on self classification and that while we will do our utmost to ensure full returns, there may be reluctance on the part of some individuals, especially victims, to note their classification. Because of the sensitivity of the issues involved, it will never be appropriate to resort to caseworker classification of victims if self classification is refused.

Offender Feedback is a business "Priority Development Indicator" (PDI) for the performance framework in 2009/10. This is being piloted and if successful will be rolled out around England and Wales. Similarly, we will also be measured quarterly and annually

We are introducing a diversity guidance manual for all staff, but for operational staff in particular, to help identify and address offenders' needs. Any identified needs will be incorporated as part of the sentence plan and will enable issues to be addressed from the start.

ASPA will also introduce a diversity questionnaire/interview for offenders, which will be incorporated as part of the sentence plan and will enable issues to be addressed from the start. ASPA will then be able to extract data on all 7 diversity strands (age, race, sexual orientation, gender, transgender, disability, religion/belief).

2.2.4 Tackling hate crime, working with racially motivated offenders

Hate crime has emerged as a major challenge to the criminal justice system. The report 'I'm not a racist but...' published as part of the 'effective supervision' programme in April 2005 by Her Majesty's Inspectorate of Probation outlined a number of recommendations for local probation boards as follows:

- all relevant staff have appropriate levels of racially motivated offending related knowledge, understanding and skills;
- protocols with courts, regarding report preparation, including racially motivated offenders (RMOs) and sentencers are aware of the interventions available for these offenders;
- protocols are established with relevant community safety partners to ensure that staff make use of all sources of information and advice when assessing and planning interventions for RMOs;
- supervision plans on RMOs contain SMART objectives;
- victim issues are given greater prominence in RMO work;

- outcome measures for RMO work are clear;
- the importance of Macpherson definition of a racist incident is reaffirmed;
- all RMOs are subject to an individual risk assessment before referral to a programme, Enhanced Community Punishment project or any other resource.

The Avon & Somerset Probation Board recognises the significance of this work and details of the action we propose are in the Action Plan attached to this scheme. Probation Service managers are fully engaged in local and area strategies to tackle this type of crime. This is also reflected within the Boards hate Crime Policy

2.2.5 Working with victims

Avon & Somerset Probation's work with victims and their families continues to be an important part of our core business. Avon & Somerset Probation will continue to provide appropriate support to diversity group victims and their families by:

- asking them about their views and experiences and ensuring that these contribute towards influencing our strategies and policies and through our equality and diversity training programmes;
- implementing an effective monitoring system which will inform Avon & Somerset Probation about the service it provides to all victims, and where necessary, improvements are made in the services we provide;
- providing translations where possible to ensure that the information we provide is fully understood by the victim and their families;
- offering details of other agencies who may be able to help, such as Victim Support, Black or Asian Women's groups, disabled people's groups, etc.; and list these through the Avon & Somerset Probation Website.
- Providing equality and diversity training to all Victim Unit staff, which is tailored to meeting their needs when working with victims from any of the diversity groups. This will ensure that they provide a relevant and non-discriminatory service to all our victims and their families, which acknowledges the fact that race, sexual orientation or disability may be significant in their victimisation. This will take place through the wide induction policy incorporating Equality and Diversity Training.

2.2.6 Interventions

The Criminal Justice Act 2003 developed the concept of interventions, which are a range of sentence requirements which aim to meet the needs of the court for punishment (e.g. unpaid work) and the range of needs displayed by offenders which evidence suggests are linked to offending. The latter fall into two broad groups: needs associated with the environment and those related to aspects of offenders' behaviour.

Community payback/Unpaid Work allows communities to have some involvement in the projects undertaken as unpaid work. By developing

good contacts, we can help secure projects within ethnic and other minority communities, thereby strengthening confidence in Avon and Somerset Probation and contributing to community cohesion.

There are implications for equality and diversity in aspects of the arrangements for interventions. Examples include:

- Approved premises are provided for bailees, probationers and post-custody licensees where they are considered to be at a high risk of causing serious harm to the public. There is evidence that some women are intimidated by a mixed living environment but the supply of women-only premises is limited. One of the Approved Premises within ASPA, has a self contained unit for Female Offenders with four bed capacity.
- In terms of disability, the supply of fully accessible approved premises is also limited; although each approved premises has capacity to support individuals with physical disability.
- In accredited programmes gender equality may be an issue because of the relatively small numbers of women offenders. Their dispersion can make it difficult to arrange women-only programmes and may be reinforced by other factors such as lack of child care to prevent women attending programme sessions.
- Course content can also be a problem if, despite efforts, there are still some unjustifiable Eurocentric elements. Language can itself be an obstacle to accessing programmes.
- Unpaid work is a requirement that can be used to make up a community order which may consist of one or more requirements, depending on the seriousness of the offending. It is important that the arrangements for unpaid work which can offer the opportunity to gain work experience are responsive to the needs of and do not unfairly impact upon, for example, women, disabled people or black and minority ethnic (BME) people.
- Community Payback needs to develop links with different communities, where language barriers could be overcome to provide effective punishment and rehabilitation, within individual communities.
- The expansion of Individual Placements seeks to maximise the potential for individuals in rural locations. This will not only maximise efficiency but importantly allow the reparation to be serviced within a local and rural setting, demonstrating positive engagement with local communities.
- Barriers around literacy, numeracy, and employment skills are a focus for Education, Training and Employment team, who work closely with Community Payback to provide individuals with tailored opportunities to meet their needs.
- Equality is a key issue for ETE. Many of ASPA ETE services are sourced using external funds and come with strict equalities monitoring and criteria. ASPA hold the externally accredited matrix standard that requires all services to be accessible, aware of potential discrimination and prepared to challenge this where it is encountered. ASPA ETE team regularly seek funding to ensure that offenders are able to access specialist services such as ESOL. ETE officers challenge learning providers or employers where

discrimination is reported by the offender or apparent in discussion. ETE staff are also briefed in issues related to learning difficulties and strive to ensure that information, advice and guidance services and referrals to community provision takes full account of this need.

- ETE Services have funds available to enable individual offender needs to be addressed. This can include specialist small classes to address specific need. These funds can also be used to overcome specific barrier that individuals may face that would otherwise prevent their access to learning or work.

2.2.7 Translation Services

Language translation Services have been on offer to work with offenders across all aspects of our work, through a locally delivered provision. A tender to provide a telephone based service is currently being undertaken with a view to off more flexible and cost-effective translation to deliver more effectively support with offenders. This new service is expected to be in place at the start of the 2009/10 financial year. In addition to this language service, locally delivered sign language support is also available to assist our work with offenders.

2.2.8 Community Engagement

Community involvement and ownership in our work is essential, not only for managing offenders in the community, but also in their rehabilitation. As we have shown in Community Payback/Unpaid Work, close working with our diverse communities is actively beneficial to everyone, offenders and the public.

Our work with community groups is integrated within aspects of our service: for example we are a leading member of a Community Liaison Group in relation to issues involving our Approved Premises. We work with private landlords in the provision of supported accommodation for offenders. We also work with Bath Churches Housing Association for the provision of supported accommodation for prolific and other priority offenders.

We recognise the value in working with community organisations both as advisors to our work and as providers of specific services.

We have been a founding organisation of the Wales and West LGBT "Making a Difference" group: a group of public sector, private, third sector organisations, community groups and staff associations with the specific purpose of enhancing the experiences of employees and service users across organisations and our geographic area.

Developing a more comprehensive Community Engagement Strategy, building upon our current achievements will be a core aspect of our development work in our journey to become a Probation trust in 2010.

Chapter 3

3.1 What we know about our organisation and our services

- 3.1.1 Information on employees' ethnicity, gender, age, disability, sexual orientation and religion are routinely collected. Information on offenders' ethnicity, gender and age are collected generally but not yet on sexual orientation or religion. Information fields exist on the case management system, OASys and the monitoring of national standards that reflects an individual's needs in relation to any disability needs. Where the information is collected there is usually routine, monthly or quarterly, computation of the basic data such as the caseload. If an issue is identified from other evidence as problematic, closer analysis of the data can be and has been undertaken on an ad hoc basis. Finally, specific research projects can be undertaken to look at particular issues in greater depth.
- 3.1.2 Avon & Somerset Probation's intention is to increase the level of routine monitoring of equality issues and there are proposals in this Single Equality Scheme and action plan, including introducing a diversity questionnaire for service users.

3.2 Disability equality and inequality – the evidence base

3.2.1 Employment

Historically, we have monitored staff and captured data on disability through recruitment and an annual data cleansing exercise of information held within Human Resources. However, in April 2008 we introduced a self-service HR system called 'MyHR' where staff have access to their own personal data and can update certain information themselves, including diversity information. The current data we hold about disabled staff particularly in relation to reasonable adjustments is quite restricted to inform future progress. However, we have implemented a 'Supporting Disability Handbook' which was created in conjunction with our local Employee Disability Forum and can be used to capture/record/review and encourage discussion between a disabled employee and their line manager. This handbook can also be used where there is a change of line manager, to ensure all information is passed across and again encourages discussion.

Examples of the Reasonable Adjustments we make include:

- Provision of Assistive Technology
- Adjustments to meeting hidden disabilities (such as Dyslexia/ Dyspraxia)
- Accessible systems
- Disability adjustment leave

We have implemented an Access to Work procedure within the organisation to ensure that staff are able to gain external support for any adjustments that may be required for physical or mental impairments that may be within or outside of the scope of a reasonable adjustment for the purposes of the DDA.

New computer programmes are routinely tested for compliance with certain types of Assistive Technology, for example voice activated software, and results available for inspection from the Information Technology department.

Recruitment into and within the organisation is undertaken using an on-line facility that supports applicants through extensive accessibility functionality. It also reinforces the commitment the organisation has given to the use of the Disability Symbol (Two Ticks) and automatically selects any disabled applicants for interview provided they evidence meeting the essential criteria.

Disability data is collected from applicants for employment and taken into account in the selection process. This data is also used to analyse trends, for example; if disabled employees are underrepresented in certain jobs then we would use our positive action scheme (Appendix C) to address this imbalance.

At March 2008 7.1% of Avon and Somerset Probation staff declared themselves as disabled and 11% of managers declared themselves disabled, which is a higher proportion than in the organisation as a whole.

3.2.2 Services

As mentioned above, ASPA does have plans to introduce the diversity questionnaire which will link to the current case management system and ASPA can then monitor disability at a local level.

3.3 Racial equality and inequality – the evidence base

3.3.1 Employment

In terms of employment, Avon and Somerset Probation collects information on race and ethnicity using the 16+1 criteria required by Government. This information is routinely captured, monitored and managed directly by staff through the self service facility (MyHR) and the online recruitment system (www.Jobsinprobation.com).

At March 2008, Avon and Somerset Probation employed 573 people, of whom 6.5% were from an BME background. The 2001 census indicates that 7.9% of the UK's population are from BME backgrounds. Data from the 2001 census indicates that across the Avon and Somerset area approximately 2.5% of the population come from an BME background, although taking the Bristol area alone 8.2% of the population come from a BME background.

In terms of grade/seniority, there were fewer BME employees in the more senior grade groups making up 2.5% of the Middle Manager group.

Further analysis of the composition of the BME employees shows that the representation of black groups is higher than those of Asian background.

In terms of grievances and disciplinary action and complaints in the Employment Tribunal is reported monthly and captures information across all 7 strands of diversity.

3.3.2 Services

Avon & Somerset Probation collects information on the ethnicity of those offenders with whom it deals and holds the data in case management (IIMS), offender risk assessment (OASys) and programme completion (IAPS) databases.

In the past, in common with other Probation Areas the level of recording of ethnicity has been inadequate and, as a result the National Probation Service imposed a performance target for all services that they achieve 95% coverage of recorded data. This level was quickly achieved in ASPA and at present (as at September 2008) ASPA is a green star area for their diversity monitoring both in terms of employee and offender information, often recording 100% coverage.

Offenders Ethnicity (on Caseload at 31/01/09)	Numbers	Supervision Tier				% of Caseload	% of ASPA Population*
		1	2	3	4		
White	4,771	85.7%	85.8%	87.9%	81.1%	85.7%	96.6%
Black	383	7.0%	6.7%	5.8%	9.3%	6.9%	0.8%
Mixed	195	2.1%	3.2%	3.2%	5.8%	3.5%	1.0%
Asian	94	2.4%	2.0%	1.3%	1.5%	1.7%	1.1%
Chinese & Other	51	1.6%	0.9%	0.7%	0.7%	0.9%	0.6%
Refusal	62	0.8%	1.4%	0.9%	1.5%	1.1%	
Missing	8	0.5%	0.0%	0.1%	0.1%	0.1%	
Total	5,564	100%	100%	100%	100%	100%	100%

- Analysis of ASPA's caseload as at the end of March 2008 showed that Black and mixed race offenders are relatively over-represented and White offenders are under-represented in comparison with Avon and Somerset's population.
- In terms of classification of offenders into tiers under the national Offender Management Model, Asian offenders are most likely to be in tiers 1 or 2 ('punishment' or 'help'), white and mixed race offenders in tier 3 ('personal change'). Asian offenders are also least likely to be in tier 4 ('control'). Tier 1 may be seen as comprising offenders assessed as presenting the least risk to the public while Tier 4 comprises those assessed as presenting the highest risk.
- In terms of pre-sentence reports and sentencing, where sentencing follows the pre-sentence report proposals made by Probation Officers, research for Local Criminal Justice Board Race Minimum Dataset project showed (Apr-Dec 07) that 22% of all Custody proposals in PSRs were for BME offenders.
- ETE review the outcome data of offenders to ensure that all aspects of our community are achieving equally. While small numbers can make some findings indicative only action is taken if particular groups do not appear to be achieving. The diversity in practice sub group will, in the future review the results and share the learning through presentations and workshops at team meetings.

3.3 Gender and gender identity equality and inequality – the evidence base

3.3.1 Employment

Of the 573 employees of Avon and Somerset Probation at March 2008 385 (67%) were women.

In terms of grade/seniority, women were less well represented (50%) in the assistant chief officer grade than in the whole workforce, about the same (65%) in the probation officer grade and over represented in the probation service officer (84.5%) and administrative grades (88.5%).

In terms of recruitment, Avon and Somerset Probation collects monitors and manages information on gender by staff through the self service facility (MyHR) and the online recruitment system (www.Jobsinprobation.com).

Avon and Somerset Probation holds information on pay and gender. In terms of equal pay, we have implemented a national job evaluation scheme. So far, results from validating and evaluating the scheme at national level show that there is no bias in terms of gender or race. Further work is planned nationally during 2009/10 to undertake a pay review of the pay structures in relation to gender.

3.3.2 Services

Avon & Somerset Probation maintains information on the gender of offenders and there are regular reports on numbers of men and women on the organisation's caseload.

Offenders Gender <i>(on Caseload at 31/01/09)</i>	Numbers	Supervision Tier				% of Caseload	% of ASPA Population
		1	2	3	4		
Male	5,028	87.6%	82.6%	92.0%	97.7%	90.4%	48.8%
Female	536	12.4%	17.4%	8.0%	2.3%	9.6%	51.2%
Total	5,564	100%	100%	100%	100%	100%	100%

Women offenders made up 9.6 percent of the total number of cases that were being supervised by Avon and Somerset Probation staff in 2008-9.

Gender data are not used to produce standard reports on, for example, the quality and content of pre sentence reports, on sentencing, or on access to and outcomes from attendance on accredited programmes. However, it is possible for the data to be used to produce ad hoc reports on these and other functions including to provide data for impact assessments.

We are currently developing a strategy for addressing female needs; linking the work of the Woman's Safety workers, within the Area, the Corston Project, the brigstock project (addressing domestic abuse issues) and victims teams.

Also relevant to the situation of women offenders and potential if not actual sources of disadvantage are the facts that:

- women offenders are more likely to have been primary carers before entering custody;
- half the female offender caseload have been the victim of domestic abuse; and
- because the numbers of female offenders are much fewer than men, programmes – including women-only programmes - may be more difficult to access
- There may be, for example, a perception that women offenders are disadvantaged by the requirements for unpaid work.

3.4 Sexual orientation and equality and inequality – the evidence base

3.4.1 Employment

Avon & Somerset Probation currently holds information about employees' sexual orientation and we can report that 43% of respondents in relation to sexual orientation prefer persons of the opposite sex, 1.5% prefer persons of the same and opposite sex, 1.6% prefer persons of the same sex and 54% would rather not answer the question.

In terms of recruitment, Avon & Somerset Probation collects information on sexual orientation through the application form, and routinely managed by staff through the self service facility (MyHR) and the online recruitment system (www.Jobsinprobation.com).

3.4.2 Services

Avon & Somerset Probation's current practice is not to ask victims to disclose their sexual orientation.

Senior Managers in ASPA work very closely with our partners in the Criminal Justice System, with the Chief Officer attending the full Criminal Justice Board and Diversity sub-group, with other senior managers attending the Victims & Witnesses and Hate Crime sub-groups. These groups are responsible for producing strategies and actions to help prevent such crime, encourage its reporting and help the victim; increasing the confidence of victims.

3.5 Age equality and inequality – the evidence base

3.5.1 Employment

Avon & Somerset Probation maintains records of the age of employees and we produce regular breakdowns of employee staff by age group using these records, but the results are not made public. However, we intend to make age one of the equality variables against which we regularly monitor our employment function, investigate any areas of under-representation and publish the results.

In terms of recruitment, Avon and Somerset Probation collects information on the age of applicants for employment.

3.5.2 Services

Avon & Somerset Probation deals only with offenders aged 18 and over (and some 17 year olds by negotiation with local youth offending services). We collect information on the age of offenders.

Offenders Age (on Caseload at 31/01/09)	Numbers	Supervision Tier				% of Caseload
		1	2	3	4	
under 18	47	2.0%	0.4%	0.6%	0.9%	0.8%
18-29	2,797	57.2%	51.7%	49.2%	44.5%	50.3%
30-39	1,469	21.4%	26.6%	27.3%	29.0%	26.4%
40-49	897	14.7%	14.6%	17.3%	16.3%	16.1%
50 and over	354	4.7%	6.7%	5.6%	9.3%	6.4%
Total	5,564	100%	100%	100%	100%	100%

3.6 Religion or belief

3.6.1 Employment

Avon & Somerset Probation does keep information on the faith or belief of employees or applicants for employment. We recognise that faith or belief may give rise to unfairness or discrimination in the recruitment and selection process and therefore this information remains confidential and is collected on a separate form and is not provided to the recruiting managers.

In terms of recruitment, Avon & Somerset Probation collects information on Religion or Belief through the application form, and routinely managed by staff through the self service facility (MyHR) and the online recruitment system (www.Jobsinprobation.com).

3.6.2 Services

Avon & Somerset Probation monitors the faith of an offender at pre-sentence report stage. This information allows offender managers to ensure that offenders' practical, spiritual and moral needs are considered (if required and within reason) while undertaking their community order. While monitored, the information is not in an accessible or reportable format (something the introduction of the new monitoring form will address). As such, it is not used currently to produce statistical reports.

We recognise that members from faith communities may be victims of crimes because of their faith and this may include religiously aggravated incidents.

3.7 Transgender and Trans-identity – the evidence base

3.7.1 Employment and Services

The Avon & Somerset Probation Board is a corporate sponsor of the Gender Advisory Bureau and offers staff specialist training in Transgender awareness and consultancy support for themselves or family members undergoing a gender reassignment.

Work has been undertaken in conjunction with the Gender Advisory Bureau to identify champions on each site who have been specifically

trained in Transgender and gender re-assignment issues (to be able to 'sign post' colleagues and offenders to appropriate support).

Corporately we are not routinely capturing information about an individual's trans identify either in employment or offender services and this will be incorporated into the Single Equality Scheme Action plan.

Chapter 4

4.1 Assessment and consultation

- 4.1.1 Involving staff from the minority groups and consulting with them is core to our business model. We have established a Strategic Diversity and Equality Group (which has a greater proportion of staff representatives than managers) to develop recommendations on the strategic direction our diversity journey should take and those activities that will support the direction. These recommendations are then considered by the Chief Officers Group.
- 4.1.2 Recommendations agreed by the Chief Officers Group are then developed by the Diversity in Practice Group before implementation within the organisation.
- 4.1.3 The development of key policies is a core activity undertaken on behalf of the Board. Many of these have a direct impact on staff, offenders, members of the public and other stakeholders. Some policies are developed quickly as a reaction to a national directive (e.g. paedophiles register) while others form part of more formalised and long-term projects. The arrangements for assessing and consulting on new policies take a pragmatic approach to the range of imperatives faced.
- 4.1.4 All new policies are diversity impact assessed and assessed as to whether they have an adverse or positive effect on members of all 7 protected diversity groups.
- 4.1.5 Consultation is undertaken with staff, management, Trade Unions, Black and Minority Ethnic staff, Lesbian, Gay, Bisexual Transgender staff, Disabled Staff, key stakeholders and other interested parties. The consultation process is governed by the following guiding principles:
- consultation should begin as early as possible in the process of policy review or formulation
 - consideration will be given to which method of consultation is most appropriate in the circumstances
 - the accessibility of the language and format of information must be considered to ensure there are no barriers to the consultation process
 - adequate time should be allowed for groups to consult amongst themselves as part of a process of forming a view with a period of at least one month (shorter under special circumstances involving high levels of risk) for consultation exercises.
 - appropriate measures should be taken to ensure full participation in any meetings which are held

- information should be made available to ensure meaningful consultation
 - consultation exercises should be meaningful, representative, effective and proportionate
 - consultation should engage effectively with those from diversity groups both at a community and professional level
- 4.1.6 In order to assess the effectiveness of the policies and practices across the organisation, the Chief Officers Group and the Board have committed to undertaking a Diversity and Equality Survey on a biannual basis to specifically assess the impact these practices are having on the organisation, its culture and its practices. This survey is conducted in alternate years to the existing Staff Survey. The Diversity and Equality Survey is planned to be rolled out in early 2009/10.
- 4.1.7 As part of our commitment to involving staff in our journey to a fully inclusive organisation, we hold an annual empowerment conference; designed to ensure staff from various diversity strands are fully aware of the activities we are engaged in, to help empower them to take the steps within their career to achieve their career aspirations. The conference is also designed to encourage individual and collective engagement in the consultation and involvement practices.

Chapter 5

Identifying and assessing Avon & Somerset Probation functions and policies for relevance to the equality duties

- 5.1 Those functions and policies that we have assessed as relevant to the equality duties are listed in appendix E. This is a 'living' list. It is subject not just to statutory review (every three years) but also to regular internal reviews. There are very few functions that we have assessed as not relevant to the duties. However, a list of all our functions is available and will be regularly updated and reviewed and functions previously not listed as relevant may become listed as relevant in future.
- 5.1.1 The list identifies priorities in respect of the statutory duties (i.e. disability, race and gender) and other diversity strands, which have been assigned on the basis of the potential impact on particular groups and the potential to hinder or promote equality. They have been determined by the Assistant Chief Officer (Human Resources) in collaboration with the Chief Officer Group, each of whom holds a lead in one or more diversity strands and a specialist understanding of the impact of policies and work practices in these lead areas. A draft list of priorities was sent for comment and amendment to staff associations and unions as bodies familiar with both the nature of ASPA policies and functions and the issues for diverse stakeholders making them well placed to assess the relevance to equality, paying attention in particular to all the requirements of the three equality duties

5.2 Monitoring policies for adverse impact on equality

- 5.2.1 The race equality scheme duty requires arrangements for the 'auditing' or checking of the operation of current policies to ensure that there is no negative or adverse impact on the promotion of race equality. The gender equality duty calls for collection of information on the effects of policies and practices on men and women, and gathering evidence is both a specific requirement within a disability equality scheme and an indispensable pre-requisite for complying with other aspects of the disability equality duty.
- 5.2.2 The Board acknowledges its legal duties in relation to Race, Gender and Disability, and how these differ from its duties under the other diversity strands. The Board also recognises that disadvantage, discrimination and harassment can occur across any of the diversity strands. While there is a legal duty to eliminate these within Race Gender and Disability, the board believes it is appropriate to seek such elimination across all statutory diversity strands. By way of an example, the Board has routinely impact assessed its policies and practices to ensure none of the diversity strands are disadvantaged, and has done so since 2004.
- 5.2.3 A robust monitoring system is essential to the effective delivery of sustainable policies and to ensure that these policies do not have an adverse and differential impact on those from protected diversity groups. Monitoring is used for:
- Highlighting inequalities;
 - Investigating underlying causes;
 - Removing unfairness or disadvantage.
- 5.2.4 We have a range of tools available to monitor the effectiveness of this Single Equality Scheme and wider diversity issues. These include:
- a) Feedback through the Strategic Equality and Diversity Group
 - b) Diversity Equality Impact Assessment undertaken and results;
 - c) Monitoring information on staff and service users;
 - d) Information on numbers of staff promoted;
 - e) Information on numbers of applicants at each stage of the recruitment process;
 - f) Information on training applications and training delivered;
 - g) Information of Employee Relations activities (e.g. discipline, grievance, harassment, employment tribunals, sickness absence management).
 - h) Exit interviews;
 - i) Feedback from the Staff Survey and Equality and Diversity Survey;
 - j) Reviews within the Diversity Working Group
 - k) Reviews with Trade Unions
 - l) Discussion forums and links with groups such as the Employee Disability Forum, Black and Asian Workers Group and SPECTRUM (LGBT group).

- 5.2.5 The Board will regularly consider whether its arrangements are suitable and proportionate, and if not take appropriate steps to rectify the situation.
- 5.2.6 If this monitoring identifies that a policy has, or is likely to have, an adverse impact on individuals from a protected diversity group, then the Chief Officers' Group and the Board will consider how best to react to that differential, or potentially differential, impact.
- 5.2.7 The Board will ensure the Assistant Chief Officer with specific responsibility for Information Technology will identify and provide adequate IT support systems for data collection and analysis.
- 5.2.8 When monitoring reports on diversity we routinely provide information in the form of disability, gender, race, sexual orientation, Trans identity, age and religion. Full account will be taken of the Data Protection Act when collecting, storing and analysing information.

Chapter 6

6.1 Publishing results of assessments and monitoring

- 6.1.1 Where possible (subject to non identification of personal information), monitoring information will be accessible to staff and managers through the intranet. In addition information will be provided through the ASPA website (www.avonandsomersetprobation.org.uk).
- 6.1.2 Additional information will be provided through Board Reports, the Annual Report and national Probation/ NOMS publications.
- 6.1.3 The Board further recognises that it has obligations under the Freedom of Information Act 2000. Its systems have been designed to ensure that these obligations work in a complementary manner.

Chapter 7

7.1 Employment equality

7.1.1 External Partners

To assist us in becoming an organisation that is truly inclusive to staff and offenders, we have developed links with a number of external partnerships, who assist and advise on the development of our policies and practices. These partners include: Job Centre Plus (who assess the use of the Diversity Symbol), Mindful employer (who assess our approach in relation to Mental Health, and Stonewall (who assesses our approach to employing and providing services to Lesbian, Gay and Bisexual individuals), Gender Advisory Bureau.

7.2 Staff Training on Equality and Diversity

- 7.2.1 The Avon & Somerset Probation Board is committed to ensuring that all staff and Board Members are trained and are fully aware of all equality issues and how they relate to their respective roles in the organisation. Our aim is to create a learning organisation where the development and or improvement of knowledge, skills and awareness are integrated into day to day management of offenders, practices and behaviours in order to raise standards of performance. We also recognise that training has to be provided specifically in relation to the equality duties.
- 7.2.2 Avon & Somerset Probation have devised a number of mandatory training courses for all staff which include Valuing Individuality, Disability Awareness, Pro-social modelling and Challenging Homophobia. We have also commissioned courses such as Race Equality, Religion and Belief Workshops, Transgender Awareness, Mental Health Awareness, Managing a Diverse Workforce. We also run a conference each year, designed to strengthen and empower employee development and engagement within the organisation.
- 7.2.3 For staff considering their retirement options we have purchased a pre-retirement workbook that will guide individuals through the various options available to them. We also offer pre-retirement courses to help individuals ready themselves for retirement.
- 7.2.4 We have purchased publications from ACAS that have been distributed to managers and staff across various locations which have included ACAS handbooks such as Age and the Workplace, Religion and Belief and the Workplace, Stress and Sexual Orientation and the Workplace. Booklets, magazines and briefings from the Employer's Disability Forum, Stonewall and Fyne Time are used enhance organisational and management knowledge on disability, sexuality and hate crime issues.
- 7.2.5 The Board has also commissioned the development of two internal booklets (Supporting Disability and the Spectrum Network) to provide information to staff and managers. The intention is to extend this range to all strands of diversity.
- 7.2.6 All current training programmes will be reviewed to ensure equality is mainstreamed into courses and that staff are fully aware of and trained in, the requirements of the general duties and how they relate to the training course they are currently on. Feedback from participants will be used to make regular improvements to training courses and ensure trainers specifically delivering equality and diversity training are supported.

7.2.7 The compulsory equality training will be monitored and regularly reviewed to ensure that it continues to meet the needs of staff and that developmental needs identified are implemented.

7.3 Staff and Employment Monitoring

7.3.1 The Avon & Somerset Probation Board will ensure that monitoring is completed for at least disability, as required by the disability equality duty, ethnicity as required by the race equality duty, gender, sexual orientation, age and religion/belief.

- *applicants for jobs and the outcome of recruitment exercises.* In addition, the Board will continue to equality proof its recruitment procedures to:
 - ensure that they incorporate good practice or positive action initiatives designed to increase representation of any under represented groups (please see Positive Action Strategy – Appendix C).
 - work towards improving its image as an employer that values diversity and equality and as a good place to work.
- *the results of promotion exercises, and where applicable, assessment centres.* The intention is to ensure that there is no concentration effect in relation to the workforce, for example where women and minority group staff are disproportionately at the bottom of the organisation. Where problems are identified it will be necessary to take steps to address disparities. This may include reviewing the promotion assessment process or providing additional coaching and training to certain groups, and also it may be necessary to set disability, ethnicity and gender – and perhaps other - targets for career progression;
- *involvement in grievance, capability and harassment procedures and subjects of disciplinary proceedings.* We will also look at the outcomes of these actions in order to ensure that the outcomes are fair;
- *the results of performance appraisal procedures* to ensure that they are effectively equality proofed;
- *access to training and take-up of training courses,* including those undertaken as identified as part of their performance appraisal;
- *dismissals and other reasons for leaving.*

7.3.2 Avon & Somerset Probation will continue to collect information about those who leave its employment. The Avon & Somerset Probation Board will ensure that adequate management information systems and processes are in place to undertake exit interviews and that the results of these are analysed to enable outcomes to be checked to establish whether Avon & Somerset Probation's systems have an adverse and different

impact on those from protected groups. If the analysis suggests such an impact exists, further investigations will be undertaken and recommendations made to be taken forward by the relevant Assistant Chief Officer.

- 7.3.3 Effective action to enhance equality and diversity in employment depends on the availability of good, reliable data on, principally, applicants for employment and employees.
- 7.3.4 In terms of ethnicity, Avon & Somerset Probation already uses the 16+1 ethnicity classification (based on the 2001 Census) to monitor staff. Harmonisation with the 2001 census across the criminal justice system not just for staff employed in public organisations but also for offenders and victims can be compared within each group and with the general population of Avon & Somerset. IT will also aid our ability to assess the successes of the employment opportunities and services we deliver. Avon & Somerset Probation currently meets a 100% staff return (this incorporates an option for staff to prefer not to respond). Where necessary, amalgamated classification will be used to detect broad trends or, where small groups of staff are concentrated in a particular unit or function, to protect them from personal identification.
- 7.3.5 Monitoring will provide local data that will enable the senior management team to analyse and determine whether action, including positive action measures, is necessary to ensure that the staff reflects the diversity of Avon & Somerset. This information could also be used for benchmarking purposes with other areas and the national picture and assessment of progress against targets.
- 7.3.6 Our monitoring figures will be published annually. This document will also be available on our website.

7.4 Staff Survey

- 7.4.1 A baseline of staff perception, aimed at gauging staff morale and confidence in Avon & Somerset Probation, was undertaken in 2004 and is now conducted on a biannual basis. Overall there have been consistently positive responses to specific diversity questions based on the 'strength of feeling' and we can conclude that in general:
- Staff are committed to the principal of equal opportunity and valuing diversity in the workplace.
 - The teams staff work in are committed to the principal of valuing diversity in work with colleagues and service users.
 - Avon & Somerset demonstrate the values of Diversity and are, generally, free from discrimination.
- 7.4.2 The staff survey has been run annually over the past 3 years, however, ASPA propose to introduce a staff 'Equality and Diversity Questionnaire' in 2009/2010 and propose to run the

staff survey and questionnaire on alternate years. The staff Equality and Diversity questionnaire will assess how far staff perceive that ASPA's policies, procedures and practices are effective in preventing and correcting invidious discrimination and promoting equality of opportunity, and look at trends emerging from each survey. The survey will cover all seven diversity strands and we shall also extend it by inviting staff to provide information on their diversity status so that we can compare the perceptions of employees from different groups.

Chapter 8

8.1 Procurement

- 8.1.1 Avon & Somerset Probation spends approximately **£1.8million** a year on purchasing goods and services from the private and voluntary sectors including purchasing legal services, interpreters, commissioning partnership services, Information Technology, Estates Management, stationary and a number of support services (such as payroll and occupational health).
- 8.1.2 The race equality, disability equality and gender equality duties have implications for the way public authorities carry out their procurement function. Broadly, those duties require that, if a public authority contracts with external organisations to carry out some of its functions, it remains obliged to ensure that equality requirements are met, regardless of who is carrying out the functions. There is a slight difference in the case of the gender and the disability equality duties. For them 'public authorities' include private bodies or voluntary organisations who are carrying out functions of a public nature and are therefore directly subject to the gender and disability equality duties in respect of those functions. However, in such situations the purchasing public authority does not divest itself of the duties but must act in tandem with the supplier to ensure that each conforms to the duties.
- 8.1.3 Where necessary and in order to meet their equality duties, public authorities must build relevant equality considerations into the procurement process.
- 8.1.4 In terms of equality and diversity in procurement, Avon & Somerset Probation will work towards the following key outcomes:
- that all businesses, including voluntary organisations, have an equal opportunity to bid for and win contracts for goods and services;
 - that all contractors understand that Avon & Somerset Probation operates to standards on equality and diversity in the delivery of services and that they will be expected to do likewise;
 - that all contractors meet minimum standards in terms of equal employment opportunities

- that contractors will work on a voluntary basis to promote equality of opportunity beyond the scope of the contract.

8.1.5 In terms of equality and diversity in procurement and in consideration of our equality duties, Avon & Somerset Probation will work towards the following key principles:

- consider all elements of the requirement and contract specification from an equality and diversity perspective, including requirements for full and appropriate access and use
- ensure steps are taken to maintain a level playing field for all potential contractors, regardless of size, disability, gender or ethnicity of ownership, and collect, maintain and monitor relevant records
- make contractors aware of Avon and Somerset Probation's equality and diversity policies and its equality duties
- include a requirement in all contracts that the contractor must comply with the anti-discrimination provisions of the current and new legislation
- ensure actions taken to maintain equality and diversity relate to the likely equality impact and size of the contract
- monitor performance of equality and diversity requirements
- encourage contractors to agree further voluntary steps to promote equality and diversity after the contract has been awarded

8.1.6 Avon & Somerset Probation has identified procurement as a function which is highly relevant to all its equality duties and it is included in the list of functions and policies to be subject to impact assessment.

Chapter 9

9.1 Partnerships

9.1.1 Government policy is to encourage increasing delivery of service delivery through partnerships. Avon & Somerset Probation has developed its relations with a wide range of other organisations as has been explained earlier in respect of equalities. Partnership work has implications for meeting an authority's equalities duties, comparable in many ways with the position on procurement. Where partner organisations are subject to the equality duties, Avon & Somerset Probation will there are agreed protocols designed to enable all the partners to comply with their duties to the extent that the function concerned is relevant to the duties. Where partnerships are with community-based or voluntary organisations, which are not subject to the duties, Avon & Somerset will ensure that partners understand the obligations created by the duties and will agree

protocols which enable us to meet those obligations. Where the relationship with a partner is in the form of a contract, the approach outlined in chapter 10 will apply.

9.2 Communities

We are preparing a Community Engagement strategy and approach to ensure a consistent methodology for individuals, community groups and stakeholders to feed into our practice and enhance the service we deliver. This will be prepared as part of our Board to Trust evidence.

Chapter 10

10.1 Complaints, comments and compliments

10.1.1 Avon & Somerset Probation takes seriously all feedback, including complaints that we receive from both internal – staff – and external sources: offenders, victims, partners, etc. We encourage anyone who brings a complaint to our attention to give us information on their status in relation to the equality and diversity strands covered by this Single Equality Scheme. We will monitor this information against, for example, complainants satisfaction, investigate trends and patterns and consider what policy changes may be necessary to meet our equality duties. We shall publish the results. Leaflets explaining how an (external) complaint may be made, are readily available at all the premises from which Avon & Somerset Probation delivers services and all staff are aware of their responsibility to advise service users of the complaints procedure.

10.1.2 We see our Single Equality Scheme as a living document, which will be further developed and improved through time. We would welcome your comments, inquiries or any concerns that you may have regarding this scheme by writing to:

Assistant Chief Officer – Human Resources
Avon & Somerset Probation Area HQ
Queensway House
The Hedges
St Georges
Weston-Super-Mare
BS22 7BB

The Assistant Chief Officer – Human Resources will be responsible for monitoring complaints in relation to this scheme and will provide regular feedback at the Board and Chief Officer’s Management Team meetings.

Date published: 31st March 2009

Publication and confidentiality
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The Avon & Somerset Probation Board recognises its statutory responsibilities under the Freedom of Information Act, Data Protection Act and the equality duties regarding the publication of information. The Board will adhere to the Data Protection Act when collecting, storing and analysing this information. The Board is also bound by the Cabinet Office code of practice on ethnicity information and as such will not publish information in a form that might identify individual staff members.

This Scheme, the associated Action Plan and the Equality Impact Assessment tool is published on the Avon and Somerset Probation web site in a format that will allow 'downloading'.

www.avonandsomersetprobation.org.uk

It is also posted on 'ASPIC', the intranet system available to all Avon & Somerset staff.

APPENDIX A: ABBREVIATIONS

ACO	Assistant Chief Officer
AT	Assistive Technology
BME	Black and Minority Ethnic
CEHR	Commission for Equality and Human Rights
CJA	Criminal Justice Act 2003
CRE	Commission for Racial Equality
CJS	Criminal Justice Service
DDA	Disability Discrimination Act
DES	Disability Equality Scheme
EOC	Equal Opportunities Commission
EIA	Equality Impact Assessment
ETE	Employment, training and education
GES	Gender Equality Scheme
HR	Human Resources
IAPS	Integrated Accredited Programme Software
LAGIP	Lesbian and Gay in Probation
LGBT	Lesbian, Gay, Bisexual and Transgender
MAPPA	Multi Agency Public Protection Arrangements
NDSN	National Disabled Staff Network
NPD	National Probation Directorate
NPS	National Probation Service
NOMS	National Offender Management Service
OASys	The computerised Offender Assessment System
RES	Race Equality Scheme
RNID	Royal National Institute for the Deaf
RRAA	Race Relations (Amendment) Act
SES	Single Equality Scheme
WORP	Women Offenders Reduction Programme

APPENDIX B: LEGAL CONTEXT FOR THE SINGLE EQUALITY SCHEME

1. Disability

- 1.1 The main statute is the Disability Discrimination Act 1995. The Disability Discrimination Act 2005 has amended the 1995 Act and is supplemented by the Disability Discrimination (Public Authorities)(Statutory Duties) Regulation 2005 SI No.2966.
- 1.2 This legislation imposes both general and specific duties. The General Duty set out in s49A of the Disability Discrimination Act 1995 applies to all public authorities. The duty requires that every public authority shall, in carrying out its functions, have due regard to the need to:
- promote equality of opportunity between disabled persons and other persons
 - eliminate discrimination that is unlawful under the Disability Discrimination Act 1995
 - eliminate harassment of disabled persons that is related to their disabilities
 - promote positive attitudes towards disabled persons
 - encourage participation by disabled persons in public life
 - take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons.
- 1.3 Specific Duties are imposed on Public Authorities listed in Schedule 1 Regulation 2 Part 1 of the Disability Discrimination (Public Authorities)(Statutory Duties) Regulation 2005 SI no.2966), which includes local Probation Boards established under section 4 of the Criminal Justice and Courts Services Act 2000.
- 1.4 These duties require a public authority to publish a Disability Equality Scheme (DES) demonstrating how it intends to fulfil its general and specific duties, and to have involved disabled people in the development of the DES. Our DES has been developed in accordance with the statutory Regulation and detailed guidance issued by the Commission for Equalities and Human Rights (CEHR) and is incorporated in this Single Equality Scheme.

2. Race

- 2.1 The Race Relations (Amendment) Act 2000 amended the Race Relations Act 1976 to include a duty to promote race equality. There are both general and specific duties. The general duty requires public bodies such as Avon & Somerset Probation (ASPA) to have due regard to the need to:
- eliminate unlawful racial discrimination
 - promote equality of opportunity between persons of different racial groups, and

- promote good relations between persons of different racial groups
- 2.2 In addition there is a specific duty imposed on public bodies such as ASPA to publish a Race Equality Scheme which sets out how we intend to meet the general duty and to review the scheme every three years.
- 2.3 The Act also places a specific duties on public bodies to:
- assess and consult on the likely impact of proposed policies for promoting race equality
 - monitor policies for any adverse impact on promoting race equality
 - publish the results of assessments, consultation and monitoring
 - ensure public access to information and services we provide, and
 - train staff on the duty to promote race equality.
- 2.4 There is a specific duty to carry out ethnic monitoring in employment of:
- staff in post
 - applicants for employment, training and promotion
 - staff receiving training
 - staff who benefit from or who suffer detriment from Performance assessment
 - staff involved in grievance procedures
 - staff subject to disciplinary procedures, and
 - staff leaving employment
- 2.5 Avon & Somerset Probation produced its first Race Equality Scheme in 2002, covering 2002-05. We are now producing a new scheme which we have incorporated into this Single Equality Scheme.

3. Gender and gender identity

- 3.1 Discrimination on grounds of a person's gender in employment and the provision of goods, facilities and services has long been prohibited under the Sex Discrimination Act 1975 and the Sex Discrimination Act 1998. The Equal Pay Act 1970 made discrimination in pay unlawful. The Gender Recognition Act 2004 made it unlawful to discriminate on the grounds that a person has undergone or is undergoing gender reassignment. The Equality Act 2006 has introduced a positive duty on public authorities to promote gender equality in undertaking their key functions, including equal pay, which is due to come into effect on 6 April 2007. The general gender equality duty will require public authorities to have due regard to:
- eliminate unlawful discrimination with regard to obligations under the Sex Discrimination Act 1975 and

the Equal Pay Act 1970 and to take steps to ensure compliance with these Acts; and to

- promote equality of opportunity between men and women and take active steps to promote gender equality when carrying out functions and activities.

3.2 There are also specific duties laid on many public bodies, including Avon & Somerset Probation, to help them meet their general duty. They include:

- publish a gender equality scheme in consultation with employees and stakeholders
- set out its overall objectives for gender equality
- conduct and publish impact assessments on new functions/policies
- review progress within three years of publication and publish a revised scheme

Our gender equality scheme has been made an integral part of this single equality scheme, and has been prepared in accordance with the requirements of the specific gender duties and the EOC's draft code of practice.

4. Religion or belief

4.1 The Equality in Employment Regulations (Religion or Belief) came into force in December 2003 and apply to vocational training and all aspects of employment, including recruitment, terms and conditions, promotions, transfers, dismissals and training. They make it unlawful to discriminate directly or indirectly against anyone on grounds of religion or belief/non-belief, to subject them to harassment or to victimise them because they have made or intend to make a complaint or allegation or intend to give evidence to a complaint of discrimination or discriminate or harass someone in certain circumstances after they have ceased to be employed.

4.2 Section 46 of the Equality Act 2006 makes it unlawful for a public authority involved in providing goods, facilities or services to discriminate on grounds of religion or belief/non-belief by

- refusing to provide a person or a section of the public to which that person belongs with good, facilities or services if they would normally do so
- providing good facilities or services of an inferior quality rather than those that would normally be provided, or in a less favourable manner (for example hostile or less courteous) or on less favourable terms than would normally be the case.

5. Sexual orientation

- 5.1 The Equality in Employment (Sexual Orientation) Regulations came into force in December 2003 and apply to vocational training and all aspects of employment, including recruitment, terms and conditions, promotions, transfers, dismissals and training. They make it unlawful to discriminate directly or indirectly against anyone on grounds of sexual orientation, to subject them to harassment or to victimise them because they have made or intend to make a complaint or allegation or intend to give evidence to a complaint of discrimination or discriminate or harass someone in certain circumstances after they have ceased to be employed.
- 5.2 The Equality Act (Sexual Orientation) Regulations 2007, enabled by s.81 of the Equality Act 2006, makes it unlawful for a public authority involved in providing goods, facilities or services to discriminate on grounds of sexual orientation by
- refusing to provide a person or a section of the public to which that person belongs with good, facilities or services if they would normally do so
 - providing good facilities or services of an inferior quality rather than those that would normally be provided, or in a less favourable manner (for example hostile or less courteous) or on less favourable terms than would normally be the case.

6. Age

- 6.1 The Employment Equality (Age) Regulations make it unlawful to discriminate against workers, employees, job seekers and trainees because of their age. The regulations cover recruitment, terms and conditions, promotions, transfers, dismissals and training.

7. Human Rights

- 7.1 This Single Equality Scheme, like the schemes for race, disability and gender which it encompasses, has at its core a commitment to human rights. The Government has created a single body, the Commission for Equality and Human Rights, which integrates institutional support for human rights and equality. This follows the Human Rights Act 1998 which incorporates the European Convention on Human Rights into UK law. For public authorities such as Avon & Somerset Probation, the Act makes it a legal duty for its practices and procedures to be compatible with Convention rights. Avon & Somerset Probation recognises that failure to comply and respond appropriately to the Act could seriously harm the reputation and image of the service. In addition, proven breaches could lead to damages being awarded against the organisation. To ensure that it continues to meet its

responsibilities in this area, in June 2005 Avon & Somerset Probation adopted a Diversity Strategy. We have also produced communications outlining our expectations to all staff and offenders that everyone deserves and can expect dignity and respect in all that we do- outlining clear consequences for failing to adhere to these expectations. In order to ensure the tenet of the Human Rights and Diversity legislation is at the heart of our activities, the Board has routinely impact assessed all policies and practices (incorporating all 7 strands of diversity) since 2005. As part of the production of the Single Equality Scheme, a revised Impact Assessment Process has been devised, see Appendix D.

APPENDIX C: Positive Action within Avon & Somerset Probation

1. Statement of Commitment

- 1.1 As part of our commitment to building a diverse workforce that is valued for its inclusiveness, we are committed to addressing some of the disadvantages that discrimination has brought to individuals within minority groups. We recognise that there are groups within society and, therefore, individuals within our organisation that have suffered discrimination or that have an unfair disadvantage because of their race, disability, gender, sexual orientation, religion or age.
- 1.2 In order to redress some of the effects of past discrimination and to help abolish outdated stereotypes within these groups, the Board is committed to taking Positive Action to help these disadvantaged groups access employment and training opportunities - where these groups are under-represented within the organisation or within parts of the organisation.

2. Definitions

- 2.1 Within the context of this Annex, 'positive action' refers to the provision of development opportunities to help counteract the effects of past discrimination or disadvantage which has arisen by virtue of one of the groups outlined above. The concept of positive action is enshrined within statute - which provides specific situations where positive action may take place (although restricted primarily to training and development). It is important to distinguish between Positive Action and Positive Discrimination. Positive Discrimination occurs where an individual or group is treated more favourably (outside training and development) by virtue of their defining difference.
- 2.2 ACAS has provided some practical examples of Positive Action¹ in use. These include:
 - Encouraging applications from particular groups,
 - Developing skills to help individuals within these groups to compete for jobs and promotion opportunities,
 - Helping individuals complete better application forms,
 - Developing interview techniques,
 - Developing confidence or assertiveness,
 - Retraining people whose skills may have become outdated;
 - Developing management skills for those in under represented groups;

¹ In their booklet "Tackling Discrimination and Promoting Equality: Good Practice Guide For Employers"

- Providing career counselling and guidance.
- 2.3 Positive Action is also enshrined within legislation. Indeed the principles are incorporated within:
- Race Relations Amendment Act
 - Disability Discrimination Act
 - Sexual Orientation Regulations
 - Religious Belief Regulations
 - Age Discrimination Act
 - Gender Equality Act.
- 2.4 The Race Relations Amendment Act, The Disability Discrimination Act and the Gender Equality Act all place an obligation on the Avon and Somerset Board not only to prevent discrimination on the prohibited grounds, but to positively promote Race, Disability and Gender equality. Positive Action is an activity that helps to demonstrate our commitment.

3. Responsibilities

- 3.1 In line with Equal Opportunities and Diversity in the Workplace, it is the responsibility of the Board, managers and all workers to promote equality and act in an appropriate manner. Positive action also places responsibilities on individuals and groups of individuals:
- 3.2 The responsibilities of all managers are:
- To promote positive action
 - To ensure that a robust assessment is undertaken using the form outlined in Appendix I to demonstrate the business case for undertaking specific positive action
 - To support workers who are engaged in positive action
 - To challenge unacceptable behaviour towards employees engaged in positive action
 - To identify barriers that could prevent a positive action initiative from being successful.
 - To identify opportunities to engage in positive action in under-represented groups
 - To communicate policies in relevant and accessible ways
 - To monitor and report on progress of positive action activities
- 3.3 The responsibilities of all workers are:
- To ensure the way in which they carry out their work does not result in adverse impact on individuals engaged in positive action.
 - To challenge discrimination when it occurs, reporting it to a relevant manager.
 - To support colleagues engaged in positive action

- To identify barriers that could prevent a positive action initiative from being successful.

4. Monitoring Progress

- All Positive Action Initiatives will be time limited and reviewed regularly
- All Initiatives will be documented using the form in Appendix I and a record maintained by the Assistant Chief Officer (HR)
- Avon & Somerset Probation Board will report its performance annually
- We will make this information available to the public through our website (www.AvonandSomersetprobation.org.uk)

Avon & Somerset Probation Area								
Positive Action Justification Form								
Activity:								
Diversity Strand:	<table border="1" style="width: 100%;"> <tr><td>Race</td></tr> <tr><td>Gender</td></tr> <tr><td>Disability</td></tr> <tr><td>Trans Identity</td></tr> <tr><td>Sexual Orientation</td></tr> <tr><td>Age</td></tr> <tr><td>Religion or Belief</td></tr> </table>	Race	Gender	Disability	Trans Identity	Sexual Orientation	Age	Religion or Belief
	Race							
	Gender							
	Disability							
	Trans Identity							
	Sexual Orientation							
	Age							
Religion or Belief								
National Demography of Population for Diversity Strand								
Local Demography of Population for Diversity Strand								
ASPA Demography of Population for Diversity Strand								
Description of Activity:								
Expectation of how this Activity will improve the representation of the Diversity Strand within ASPA.								
Duration of the Activity								
Monitoring Information (i.e. How will it be known that this activity has achieved its aims)								
Manager Completing Form								

Guidance for carrying out Equality Impact Assessments



AVON & SOMERSET

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BACKGROUND

1. What is an Equality Impact Assessment?

An Equality Impact Assessment (EIA) is a legislative requirement that supports the delivery of ASPA's core aims. The purpose of an Equality Impact Assessment (EIA) is to improve our work through an evidence based process which ensures consideration of how proposals will impact on different communities, eliminate discrimination and that, where possible, it promotes equality. This EIA process helps staff to:

- Gather information on the impact of their work and take action to improve projects, services and policies.
- Ensure that their practices and policies do not discriminate, promote equality of opportunity and promote good relationships between all groups

NB *'Functions and policies'* refer to policies, strategies, projects or services.

2. Why do we carry out EIAs?

An EIA should be carried out:

- To support good practice, and ensure that no individuals or groups are excluded from, or adversely affected by the way we provide services.
- To ensure that we understand and consult the diverse communities we serve, and thus target our resources.
- EIA is a legislative requirement which applies to all public bodies.
- To inform our business planning processes and promote community adhesion.

3. Who are the target groups?

The EIA process is designed to ensure that public bodies consider the impact of their provision on those people recognised by law as being at risk of discrimination or exclusion. Thus it refers to:

Race	Black and Minority Ethnic people, including Gypsies/ Travellers
Gender	Women, Men
Trans identity	Individuals who have identified themselves as 'Trans' or are questioning their Trans identify
Sexual Orientation	Lesbian, Gay, Heterosexual, Bisexual
Disability	People with a disability as defined by the Disability Discrimination Act 1995 – covers hearing impairment, visual impairment, physical disabilities, learning disability, mental health problems
Faith/ Religion	Any religion or religious belief, but not philosophical or political belief unless similar to religious belief. This also covers non-believers.
Age	Children and young people, and older people

NB - For legislative background see Appendix 1. It is also important to consider in a Probation setting the diversity of people we work with beyond the above list. For example, people will differ in terms of health, wealth, employment, housing, whether they are geographically isolated, and not least, their caring and safeguarding responsibilities.

Additionally, in order to meet our legislative responsibilities under the Children's Act, the assessment should ensure there is no negative impact within the proposals on Children.

4. What is meant by 'impact'?

Those responsible for projects, policies, strategies, functions, etc, should give thought to the likely impact their proposals will have on diverse groups of people. Impact should be considered from two angles:

(a) A negative or adverse impact:

An impact that could disadvantage one or more diverse groups. This disadvantage may be differential, where the negative impact on one diverse group is likely to be greater than on another.

It should be noted that some negative impact may be intended, e.g. a positive action programme targeted at specific diverse groups to increase their representation in the organisation. The EIA provides an opportunity to assess this.

(b) A positive impact:

An impact that could have a positive impression on one or more diverse group, or improve equal opportunities and /or relationships between diverse groups. This positive impact may be differential, where the positive impact on one particular group is likely to be greater than for another. For example: A targeted training programme for BME women may have a positive differential impact on those women, compared with its impact on white women and all men. It would not, however, necessarily have an adverse impact on white women or men.

5. Who is responsible for carrying out EIAs?

Each unit is responsible for identifying policies, strategies or projects to be impact assessed as well as undertaking the Initial Screening and full screening if required. It is recommended that policy leads and those undertaking projects attend EIA Training to ensure the assessment is undertaken correctly. All policies, strategies, projects, functions in each unit should undergo an initial assessment to determine their relevance to meeting the equality duties and identify whether the proposals have a positive or adverse impact on diverse groups of people.

6. When should an EIA be carried out?

An impact assessment should be carried out when:

- (a) Developing a new policy, strategy, function or project
- (b) Reviewing existing policies, strategies, functions or projects

All project managers are responsible for incorporating equalities into their projects or strategies and for assessing the impact on diverse groups. This should be a continuous process, starting at the very beginning of the project.

The EIA consists of two parts:

- (a) The initial assessment process
- (b) The more thorough full assessment if the initial screening has identified an adverse/negative impact.

CONDUCTING ASSESSMENTS

7. Initial Assessment

A full equality impact assessment does not have to be completed on all policies, strategies and projects. A decision will have to be made as to whether or not the policy, strategy, function or project will have a differential impact on diverse groups of the community or workforce following an initial assessment of the proposals. The initial assessment should be undertaken on all proposals to determine the extent of the impact and whether only minor adjustments need to be made which would minimise or eliminate any adverse/negative impact; (a minor adjustment could be a one off action such as setting up one consultation

meeting or a small change such as adding a category to a monitoring list). If these simple changes address any inequalities then the form allows that to be recorded and actioned under the initial impact assessment. Any decision not to complete a full equality impact assessment must be recorded on the Initial assessment form. Ideally, this part of the equality impact assessment process should be completed during the development or review stage before approval for the proposals is sought. Once the initial assessment has been completed, a full assessment is required if:

- a) Any diverse group has been identified as being disadvantaged or negatively impacted by the policy/strategy/function/project
- b) The impact was not intentional and/or illegal, i.e. discriminatory under anti-discrimination legislation

and minor adjustments would not rectify these.

The aim of the assessment is to understand the perspective of recipients of the proposals when carrying out an equality impact assessment. The process is not an exact science and will be challenging. Completing an assessment is similar to undertaking a risk assessment as it involves predicting and assessing the implications of a policy, strategy or project on a wide range of people with different needs. Effective consultation with stakeholders is a key ingredient in conducting equality impact assessments.

At the initial assessment stage, you should be assessing obvious negative/positive impact or gaps in knowledge about likely impact. It should be a relatively short process, that makes use of previous consultation results, personal knowledge & experience, research & reports, internet searches, internal & external specialist advice, staff with previous experience of similar policies, strategies or projects, etc.

This assessment process should act as a safety net so that omissions can be identified and addressed prior to implementation. Question 7 provides for consideration of possible actions if there is a lack of data or information concerning a particular diverse group, however, this should not be a reason to stop the process. If the likely impact on a particular group is not clear due to lack of information and data, then action needs to be taken to acquire this information and ensure that it is reflected in the action plan.

8. Full Impact Assessment

This section provides an opportunity to fully assess the evidence for a possible negative impact where it has been found, from the initial assessment process that this is likely. The full impact assessment stage ensures that research and consultation with internal and external (if necessary) diverse groups has been carried out and leads to the development of an Action Plan aiming to minimise or eliminate the negative impact and, where possible, maximise the positive impact.

Those undertaking the assessment should be aware that there is an expectation that staff representatives, through trades unions and staff associations, should be involved in the equality impact assessment process.

The EIA Action Plan should list any recommendations that have been identified to improve the policy, strategy or project as a result of the EIA, along with identified responsible officers, success indicators and progress made.

It is important that relevant research data is used that reflects the policy, strategy, function or project being assessed. Data provided should be both qualitative and quantitative information, rather than a collection of statistics.

9. Consultation and Gathering Information

The initial assessment process requires information to be provided on who has been consulted in the preparation of the policy, strategy, function or project and comment on the type of impact it will have on each diverse group. Focus should be given to both adverse and positive impact.

Consultation must involve engaging with representatives from diverse groups who are likely to be affected by the policy, strategy or project. This must include engaging with staff and members, staff associations or trade unions, voluntary and community organisations. Consultation with other public bodies can be undertaken, but will depend on the aims of the policy, strategy or project. It is important to ensure sufficient time and resources are dedicated to the consultation process to encourage full participation.

10. Quality Checking

Quality checking of the impact assessment is undertaken to ensure an objective view is taken of the over all Equalities Impact Assessment. This will normally be a manager who has not previously been involved in the development of the policy or practice.

Set out the steps taken to ensure that the process is open and consistent.

Once the policy or function has been Equality Impact Assessed, it should be kept together with the policy or function and should be published in accessible format. (normally on the Intranet).

Equality Impact Assessments will be independently assessed by an individual not involved in the initial assessment to ensure appropriate quality is assured by the process.

11. Publication

Publishing the results of EIAs is a legal requirement and will demonstrate ASPA's commitment to promoting equality and diversity and undertaking effective monitoring the implementation of Action Plans.

The assessments should be made available in a range of accessible formats.

Assessments should be published on internal and external websites (as appropriate) and provided on request as a hard copy for members of the public.

12. Monitoring

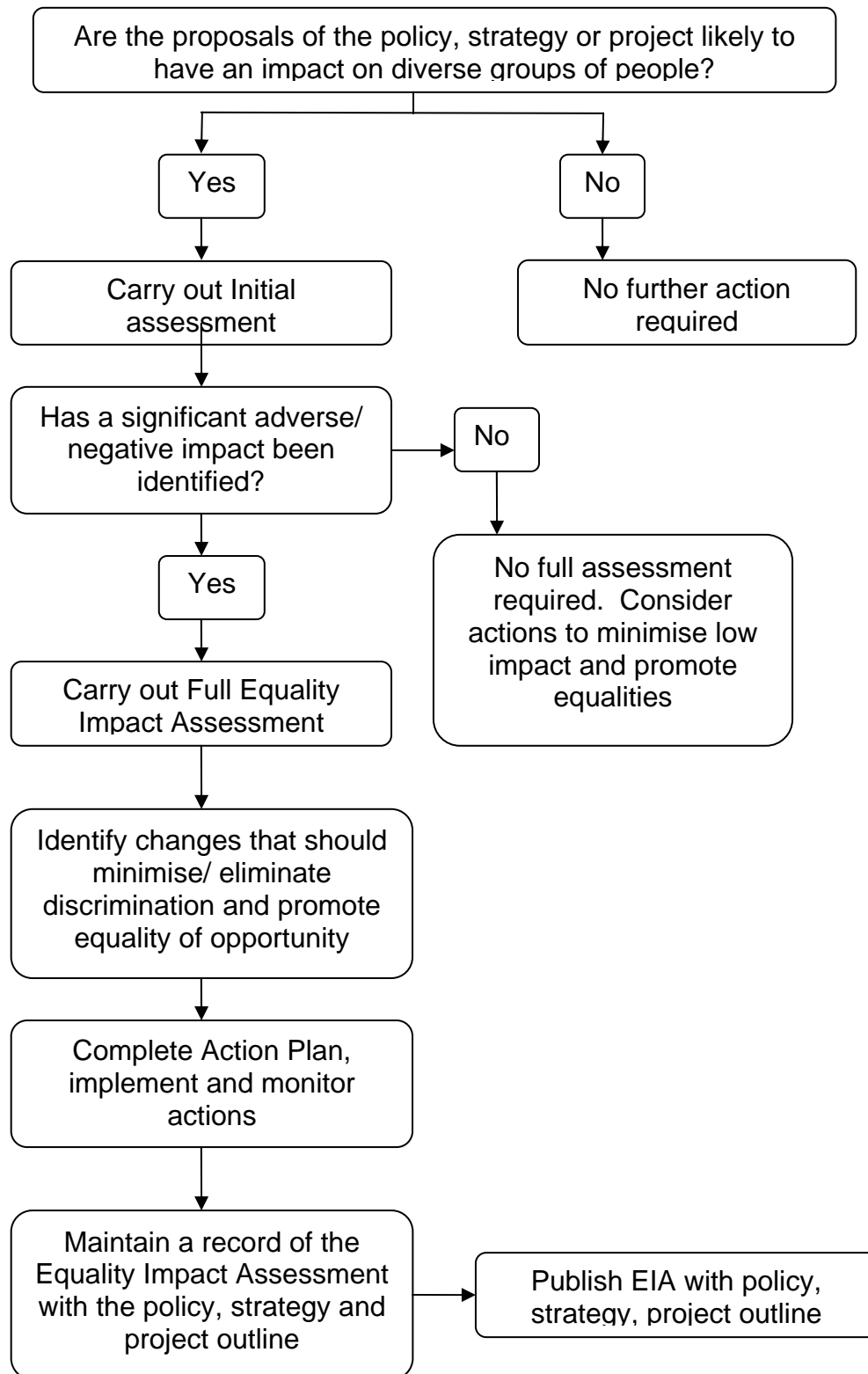
All those responsible for undertaking impact assessments will need to consider how to acquire regular information that can be used for monitoring purposes:

- Statistical evidence desegregated by diversity need, economics etc. This can show the take-up, attainment levels and other outcomes including service delivery.
- Ongoing consultation mechanisms that provide input from users or consultation with representative groups and, where appropriate, enables corrective action to be taken immediately.
- Set equality targets that need to be met by a fixed period.
- Designate responsibility for monitoring.

Monitoring is fundamental to the success of the policy, strategy, function or project, alerting you to milestones and targets, the impact it will have on certain groups and likely success.

Remember current legislation makes monitoring on race, disability and gender a requirement not an option.

EQUALITY IMPACT ASSESSMENT PROCESS FLOW DIAGRAM



EQUALITY IMPACT ASSESSMENT FORM

Part 1 - INITIAL ASSESSMENT

1. Officer(s) & Unit responsible for completing the assessment:

2. Name of the policy, strategy, function or project:

3. What is the main purpose or aims of the policy, strategy, function or project?

4. Who will be the beneficiaries of the policy/strategy/function/project?

5. Has the policy/strategy/function or project been explained to those it might affect directly or indirectly?

6. Have you consulted on this policy/strategy/function/ project?

7. Please complete the following table and give reasons/comments for where:

(a) The policy/strategy/function/project could have a positive impact on any of the diverse groups or contributed to promoting equality of opportunity and improving relations between groups.

(b) The policy/strategy/function/project could have a negative impact on a diverse group, i.e. disadvantage them in any way.

Diverse Group	E.g. of positive impact	E.g. of negative impact	Reason/comments
Men			
Women			
Asian or Asian British people			
Black or Black British people			
White people (including Irish people)			
Chinese people			
Any other racial/ ethnic group (please specify)			
Mixed Race people			
Disabled People (please give details as to which group)			
Gay, lesbian and bisexual people			
Transgender people			
Older people (50+)			
Younger people (17 – 25)			
Children and Families			
Faith groups (please specify)			

EQUALITY IMPACT ASSESSMENT FORM

Part 2 – Full Assessment

1. Officer(s) & Unit responsible for completing the assessment:

2. Name of policy/strategy/function/project:

3. In Part 1 (Initial Screening), which diverse group were identified as being disadvantaged by the policy/ strategy/ function/ project proposals?

- Age
- Disability
- Faith/belief
- Gender
- Race
- Sexual orientation
- Gender identity

4. Summarise the negative impact for each group:

The next 2 questions must be completed, but only after consultation and necessary, relevant research has been carried out to inform the response given.

5. What previous consultation has taken place or will take place with each diverse group affected either externally or internally?

(PLEASE NOTE: trades unions, staff associations and staff should be included in the consultation process)

6. What relevant research material and qualitative and quantitative data was obtained? Please list:

7. What information did the consultation provide about the negative impact of the policy/ strategy/function or project proposals?

8. What changes do you propose to make to the policy/strategy/function or project as a result of the research and/or consultation?

9. Will the planned changes to the policy/strategy/function or project:

- lower the negative impact? Or
- ensure that the negative impact is legal under anti-discriminatory law?
(please note: if this answer is chosen, evidence must be provided as to the legal advice sought to support this view)
- provides an opportunity to promote equality of opportunity and improves relations between diverse groups?

10. What equality monitoring/ evaluation/ review systems have been put in place to ensure regular checks are undertaken on the effects of the policy/ strategy/ function or project proposals? Give details:

11. When will the policy/ strategy/ function or project proposals be reviewed?

Date completed:

Signed by Unit or Director Manager:

Date approved by senior management:

A copy of this full equality impact assessment must be published along with the policy/ strategy/ function/ project outline

ENSURING ACCESS TO INFORMATION

How will you ensure that information used for this EIA is readily available in the future?

(N.B. You will need to include this in your action plan)

-

How will you ensure that your stakeholders continue to be involved/ engaged in shaping the development/ delivery of this policy/strategy/function/ project?

(N.B. You will need to include this in your action plan)

-

How will you monitor the actions to ensure that the policy/ strategy/ function or project delivers the equality commitments required?

(N.B. You will need to include this in your action plan)

-

APPENDIX D: FUNCTIONS AND POLICIES ASSESSED AS RELEVANT TO THE STATUTORY EQUALITY DUTIES AND OTHER EQUALITY ISSUES

This appendix identifies the equality (disability, gender and race) impact assessment priorities within the various functions and policies of London Probation.

The priorities of the current and proposed Strategies and Policies, which have been assessed as relevant to the equality duties, have been classified as High, Medium or Low. Those rated high should have been impact assessed by September 2007, medium by September 2008 and low by September 2009. However, since 2007 LP has been in a constant process of change through restructuring and becoming part of NOMS and the newly formed MOJ; assessments have therefore slipped.

Functions, policies, etc that are marked with an asterisk are those that have been subject to an earlier impact assessment under the race equality schemes. Functions, policies, etc that are marked with a tick are those that have been subject to an assessment over the last three years.

Appendix E Assessment of relevance by priority to the six equality strands of functions, policies and proposed policies

Finance	Disability	Race	Gender (inc trans gender)	Age	Religion	Sexual Orientation
<i>Audit & Risk Information Governance</i>						
Fraud & Corruption, Prevention & Intervention*	L	L	L	L	L	L
Freedom of Information Publication Scheme*	L	L	L	L	L	L
Interim Information Security Policy*	L	L	L	L	L	L
Data Protection Code of Practice*	L	L	L	L	L	L
Implementation of Public Interest Disclosure Act (whistle blowing)*	L	M	L	L	L	L
Business Risk Management Strategy	L	M	L	L	L	L
Internal Audit*	L	L	L	L	L	L
<i>Estates and Facilities</i>						
Accommodation Strategy*	M	M	H	M	M	M
Policy Business case application & template*	L	L	L	L	L	L
Expenses claims guidance*	L	L	L	L	L	L
Human Resources	Disability	Race	Gender (inc trans gender)	Age	Religion	Sexual Orientation
<i>Human Resources Management</i>						
Recruitment Policy	H	H	M	H	H	H
Childcare Vouchers (eligibility criteria only)	L	L	M	L	L	L
Job share Policy and Procedures	M	L	M	L	L	L
Flexible Working	M	L	M	L	L	L
• Flexible Working Policy						
• Flexi Hours Scheme						
Management of Change Policy	H	H	H	H	H	H
Facilities Time Agreement	L	L	L	L	L	L
Secondment Policy	M	M	L	M	M	L
Sickness Management Policy	H	H	H	H	M	L
Special Leave Policy	L	L	L	L	L	L
Maternity, Paternity & Adoption Policy	L	L	M	M	L	M
Local implementation of the job evaluation	M	M	H	M	L	L

UNCLASSIFIED
scheme

Conduct

Capability Procedure*	H	H	H	H	H	H
Disciplinary Procedure*	H	H	H	H	H	H
Grievance Procedure	H	H	H	H	H	H
Acceptable Behaviour Policy*	H	H	H	H	H	H
Learning and Development Strategy	M	M	M	M	M	M
Induction Policy	M	M	M	M	M	M
Induction for new Probation Officers	M	M	M	M	M	M

Health & Safety

Health & Safety Policy/ Manual*	H	L	H	M	M	M
Assistive Technology Policy	H	L	L	L	L	L
Stress Policy & accompanying assessment guidelines (linked to sickness management policy)	M	M	M	M	M	M

Business Development Unit	Disability	Race	Gender (inc trans gender)	Age	Religion	Sexual Orientation
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Information Security

Internet & web access-policy & procedures*	M	L	L	L	L	L
Email Policy and procedures*	L	L	L	L	L	L
Acceptable Use Policy*	L	L	L	L	L	L

Resource Development

Income & Service Generation - Strategy & Guidelines*	L	L	L	L	L	L
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Partnerships

Partnerships Strategy	M	M	M	M	M	M
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Offender Management**Disability****Race****Gender
(inc trans gender)****Age****Religion****Sexual
Orientation***Resettlement*

Resettlement Strategy & Operational Policy

M

H

M

M

M

M

Offender Management

Offender Management Strategy*

M

H

M

M

M

M

Fares for Offenders Guidelines*

L

L

L

L

L

L

Home Detention Curfew Operational Policy
& Guidance

L

L

L

L

L

L

Pre Sentence Report Guidelines

M

M

M

L

M

M

Risk

Priority and Prolific Offenders Scheme*

L

H

L

L

M

M

Substance Misuse Policy*

L

M

M

M

L

L

Management of Life Licences

L

L

L

M

L

L

Revised compliance & Enforcement Procedures*

L

L

L

L

L

L

OASys (offender assessment system) Guidelines*

H

H

H

H

H

H

Risk of Harm Strategy

L

L

L

L

L

L

Assessment & Management of Risk

M

M

M

M

M

M

Victims

Policy for work with victims of crime

H

H

H

H

H

H

Prison

Service Level Agreements

L

M

L

L

M

M

Interventions	Disability	Race	Gender (inc trans gender)	Age	Religion	Sexual Orientation
Interventions Strategy	H	H	H	H	H	H
<i>Accredited Programmes</i>						
Sex Offender Operational Strategy*	L	L	L	L	L	L
Addressing substance related offending*	L	H	H	L	L	M
Aggressive Replacement Therapy*	L	M	L	L	L	L
Think First*	L	M	L	L	L	L
Drink Impaired Driving*	L	L	L	L	L	L
<i>Risk</i>						
Child Protection Policy	L	L	L	L	L	L
Safeguarding Children Practice Guidance	L	L	L	H	L	L
Serious Further Offences document	L	M	L	L	L	L
<i>Approved Premises</i>						
Approved Premises Strategy*	H	H	H	H	H	H
Supervision of Offenders in Approved Premises	H	H	H	H	H	H