

# GWENT POLICE

## INDEPENDENT ADVISORY GROUP POLICY



Heddlu  
Gwent  
Police

### SUMMARY

The Gwent Police Independent Advisory Group (IAG) has been formed as a result of the Macpherson Inquiry that was established to examine the issues of policing arising out of the murder of Stephen Lawrence. The Macpherson Report severely criticised aspects of policing in relation to the investigation of ‘major or critical incidents’, in particular where these may have an impact upon public confidence.

What is clear is that IAGs are a vital component in reconciling many of the service delivery issues of the Macpherson Report, particularly in furthering the ministerial priority for all police forces.

The IAG will provide a ‘critical friend’ approach in relation to the development of police service delivery and strategy affecting two major areas, employment, and service delivery. This approach will be adopted towards both Gwent Police and Gwent Police Authority.

Appendix A outlines guidance and terms of reference relating to the IAG.

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## 1.0 Policy Identification Page

**Policy Title: Independent Advisory Group**

**Reference: 148/4 a Issue 2**

**Underlying Documents: ACPO Hate Crime Manual, MacPherson Enquiry Report - Death of Stephen Lawrence, Commission for Racial Equality, Guidance Documents on Race Relations Amendment Act, Gwent Police and Gwent Police Authority Race Equality Schemes, Home Office Document 'Breaking Through', HMIC 2003 'Diversity Matters', Home Office Guidance Documents on Recording Stops.**

**Policy Ownership: F Division**

**Portfolio/Business Area Owner: ACPO Operations**

**Policy Written By: Diversity Officer**

**Department Responsible: Community Safety**

**Policy Lead: Head of Citizen Focus & Partnership**

**Links to other Policies: Equal Opportunities Policy, Race Equality Scheme, Hate Crime Policy, Stops Policy, Direction and Control (Organisational Complaints), Lay Observers, Employment of Transgender People, Data Protection, Information Security, Policing Public Sex Locations, Victim Support, South East Wales Vulnerable Adults Policy, Press and Public Relations, Interpreters.**

**Policy Implementation Date: 1<sup>st</sup> June 2004 reviewed and amended Nov 2006 and discussed at PSG.**

**Policy Review Date: annually**

## **2.0 Policy Statement & Intentions**

:

### **2.1 Principle & Scope of Policy:**

The principle behind this policy is to establish a formative basis by which Gwent Police can work in partnership with the Independent Advisory Group (IAG).

The scope of the policy will deal with the aims and terms of reference of the IAG, as well as outlining how the IAG will monitor performance against the key aims outlined in the next section.

Included in this policy is guidance outlining membership, quorum and frequency of meetings.

Guidance is given on the vetting of non- police members, confidentiality and financial reimbursement.

Finally the use of the IAG in Critical incidents is outlined.

### **2.2 Aims of Policy**

To increase trust and confidence in policing amongst minority communities.

To examine policies and outcomes of policies and practices to guard against disadvantaging any section of our communities.

Gwent Police acknowledges and supports the IAG role in delivering the following:

Assisting with the development and implementation of the national 'Diversity Strategy', the Race Equality Scheme, and other relevant policies.

Recommending ways in which Gwent Police can provide a non-discriminatory service.

Supporting the Police Authority in public consultation areas, particularly with regard to minority communities.

Examining and analysing data provided by the force performance indicators.

To advise incident commanders in investigating critical incidents.

### **3.0 Introduction**

#### **3.1 Origins/Background Information**

The Gwent Police Independent Advisory Group has been formed as a result of the Macpherson Inquiry that was set up to examine the issues of policing arising out of the murder of Stephen Lawrence. The Macpherson Report severely criticised aspects of policing in relation to the investigation of 'major or critical incidents', in particular where these may have an impact upon public confidence.

What is clear is that IAGs are a vital component in reconciling many of the service delivery issues of the Macpherson Report, particularly in furthering the ministerial priority for all police forces:

#### **3.2 Motivators/Driving Forces**

In conjunction with the Independent Advisory Group (IAG) the principle motivators and drivers of this policy are to achieve the following:-

To increase trust and confidence in policing amongst minority communities.

To achieve this aim, it is necessary to have strong independent representation from the Gwent communities.

#### **3.3 The Legal Basis and Legitimate Aims**

Welsh Language Act 1993

Race Relations Act 1976

Race Relations Amendment Act 2000

Protection from Harassment Act 1997

The Employment Equality (Religion or Belief) Regulations 2003

The Employment Equality (Sexual Orientation) Regulations 2003

The Amsterdam Treaty Against Discrimination

The Human Rights Act 1998

Police and Criminal Evidence Act 1984

### **3.4 The Appendices**

Appendix A Terms of Reference and Guidance  
Appendix B IAG Police Call Out Process  
Appendix C Police IAG Call Out Process

### **3.5 Definitions**

IAG - Independent Advisory Group  
ACC - Assistant Chief Constable  
HCFP - Head of Citizen Focus & Partnership  
DO - Diversity Officer

A critical incident is defined as: 'Any incident where the effectiveness of the Police response is likely to have a significant impact on the confidence of the victim, their family and/or the community'.

Hate crime definition: A hate crime is crime where the perpetrator's prejudice against any identifiable group of people is a factor in determining who is victimised.

## **4.0 Implications of the Policy**

### **4.1 Financial Implications/Best Value**

The financial implications will be the provision of administrative support for IAG meetings and functions and expenses as outlined in the terms of reference

### **4.2 Human Resources/Training**

Training for IAG members in understanding police policies, procedures and critical incident investigation.

### **4.3 Strategic Plan Links**

To reduce crime and the fear of crime  
To contribute to delivering justice in a way that secures and maintains public confidence in the rule of law

### **4.4 Partnership Links**

The aim of this policy is to improve partnership links with the wider community and also the effectiveness of Community Safety Partnerships.

## 4.5 Diversity

In the application of this procedure, consideration must be given to the possible social impact of this procedure on the community. A social impact assessment concerning the use of the IAG is a requirement to ensure all issues are considered. This is also a requirement of the Gwent Police Race Equality Scheme. Social impact assessments must be undertaken before and after the application of this procedure.

Under the Race Relations (Amendment) Act 2000 Gwent Police is required to undertake proactive work to meet the General Duty of :

- Eliminating unlawful racial discrimination;
- Promoting equality of opportunity;
- Promoting good relations between people of different ethnic groups.

The General Duty is outlined in Section 71 (1) of the Act, and must be met **in its entirety**.

Monitoring undertaken by the IAG will seek to ensure that in service delivery there is no adverse impact either positive or negative upon any one particular social group or individual. The results of monitoring must be analysed and be available for publication, and appropriate changes made.

All individuals using this procedure must be aware of the potential impact that this procedure has on the individuals to whom it is applied. The following strands of diversity and their corresponding pieces of legislation must be considered when answering these questions.

- Welsh Language Act 1993 (bi lingual version of the summary and appendix to this document will be provided where requested)
- Race – Race Relations Act 1976
- Race Relations Amendment Act 2000
- Disability - Disability Discrimination Act 1995
- Gender – Sexual Discrimination Act 1975
- Equal Pay Act 1971
- Age – Article 13 Treaty of Amsterdam (2006)
- Sexual Orientation – Article 13 Treaty of Amsterdam (2003)
- Religion – Article 13 Treaty of Amsterdam (2004)
- Employment Equality (Sexual Orientation) Regulations 2003
- Employment Equality (Religion or Belief) Regulations 2003

## **4.6 Consultation**

SEWREC  
VALREC  
Disability Network  
Rainbow Group  
Police Authority  
ACPO  
Divisional Departmental Heads  
Staff Associations  
Gwent Women's Police Association  
Gwent Black and Asian Police Officer's Association  
Gwent Police Disability Group  
Welfare Officer  
Freedom of Information Officer  
Disability Wales  
Help the Aged/Age Concern  
National Association of Health Workers with Travellers

## **5.0 Human Rights Consideration Certification**

### **5.1 Auditing for potential interference and discrimination**

Q1. What articles of the Human Rights Act 1998 may be engaged?

Articles 1 to 14

Q2. Where individual rights are engaged what is the potential to discriminate against the parties involved?

As well as details of the potential to discriminate, the policy should include a generic statement.  
" In the application of this policy the Force will not discriminate against any persons regardless of sex, race, colour, language, religion, political or other opinion, national or social origin, association with national minority, property, birth or other status as defined under article 14 of the European Convention on Human Rights ".

### **5.2 Key Human Rights Principles**

Q1. What is the legal basis for your policy?

See section 3.3

Q2. Does the policy provide details of what could be considered as a legitimate

aim for the potential interference with an individual's rights, through the exercising of this policy? Restrictions on the rights protected in articles 8 - 11 in the Human Rights Act will be compatible with the convention only if they are aimed at protecting one of the interests listed in articles 8(2), 9(2), 10(2) and 11(2) respectively. The interest protected are broadly the same and generally include:

1. National Security
2. Public Safety
3. The protection of health or morals
4. The prevention of disorder or crime; and
5. The protection of the rights of others.

Q3. How are staff made aware of the clearly defined decision making processes?

Appendix A .

Q4. What are the minimum standards of documentation in relation to decision making?

Appendix A .

Q5. How does your policy provide guidance on the justification for actions and assessment as to whether the action is the least intrusive?

Appendix A .

### **5.3 Rights, Publication, Audit and Inspection**

Q1 Are there any sections of the document which should not be disclosed to the public on the Force Publication Scheme;

This document can be disclosed to the public.

Q2. What rights to make representation and appeal process are available?

If an employee suffers loss, damage or injury as a result of a breach of this policy, independent legal advice can be sought and appropriate redress can be pursued through the criminal or civil courts. Persons who wish to make representations regarding the operation of this procedure will have recourse to both civil and criminal law. There is also the right to use both formal, informal and

organisational complaints procedures in respect to the operation of this procedure.

Q3. What internal review and audit process is in place or is proposed?

This policy has been drafted in accordance with the principles and rights contained within the Human Rights Act 1998. It will be reviewed and continuously assessed in the light of any relevant changes and developments in the application of the Act.

Q4. What external independent scrutiny is recommended?

Independent audit will be through the Police Authority, HMIC, CRE and EOC.

#### **5.4 Certification of Compliance**

Consideration has been given to the compatibility of this policy and related policies and procedures with the Human Rights Act; with particular reference to the legal basis of its precepts: the legitimacy of its aims; the justification and proportionality of the actions intended by it; that it is the least intrusive and damaging option necessary to achieve the aims; and that it defines the need to document the relevant decision making process's and outcomes of actions.

#### **5.5 Legal Vetting**

**There are no issues in this policy under ECHR which cannot be resolved.**

**This policy has been vetted.**

## **6.0 Promotion and Distribution**

This procedure will be promoted through weekly General Orders and the Force Intranet and internet sites, FOI Publication Scheme

## **7.0 Monitoring / Review**

### **7.1 Monitoring**

The IAG will monitor the following:

- Response to hate crime and incidents as defined;
- Use of Stops and Stop and Search powers in relation to persons and vehicles
- Data submitted to Personnel Strategy Group such as Complaints, Grievances, Training, Recruitment/Retention/Progression
- GAR Scheme figures breakdown
- Custody figures breakdown
- Self reporting schemes
- All elements of Force Diversity Training

## APPENDIX A

### Terms of Reference for Gwent Police Independent Advisory Group

#### 1. Aims

The Gwent Police Independent Advisory Group has been formed as a result of the MacPherson Inquiry which was set up to examine the issues of policing arising out of the murder of Stephen Lawrence. The MacPherson Report severely criticised aspects of policing in relation to the investigation of 'major or critical incidents', in particular where these may have an impact upon public confidence.

What is clear is that IAGs are a vital component in tying together many of the service delivery issues of the MacPherson Report, particularly in furthering the ministerial priority for all police forces which is:

*"To increase trust and confidence in policing amongst minority ethnic communities."*

The IAG will provide a 'critical friend' approach in relation to the development of police service delivery and strategy affecting two major areas, employment, and service delivery. This approach will be adopted towards both Gwent Police and Gwent Police Authority.

The report also stated that:

*"It is incumbent upon every institution to examine their policies and the outcome of their policies and practices and to guard against disadvantaging any section of our communities."*

To achieve this aim, it is necessary to have strong independent representation from the Gwent communities. The Gwent Police IAG will support the police authority in public consultation areas, particularly with regard to minority communities.

The IAG will monitor:

See above at 7.1

- Gwent Police's performance against the spirit of diversity, and equality of opportunities policies;
- Service delivery;
- its response to hate crime;
- issues of ethnicity under section 95 Criminal Justice Act, racist and homophobic incidents;

- use of Stop and Search powers.
- Force diversity training programmes

It will also

- assist with the development and implementation of the National Diversity Strategy (under development), and other relevant policies.
- recommend ways in which Gwent Police can provide a non-discriminatory service.
- examine and analyse data provided by the force performance indicators.
- Advise incident commanders who are investigating critical incidents

## **2. Membership of the IAG.**

Members will be appointed for their specialist knowledge, experience, and/or links with particular minority groups, or other special interests. (This does not imply that such representatives represent or speak on behalf of those communities).

Membership will be as follows:

### **Police**

Assistant Chief Constable;  
Head of Citizen Focus & Partnership  
Force Diversity Officer;  
Member of Gwent Police Authority

### **Community**

Representatives from/for:  
Gay, Bisexual and Transgender groups;  
Minority ethnic groups, including gypsies and travellers;  
People with disabilities;  
Faith groups

The maximum number of members will be determined and reviewed by the IAG and administrative support will be provided as required. Support here also includes the facilitation of discussions or the need to inform, guide, receive specialist input or explain for clarity within the discussion.

It is anticipated that members will serve for a maximum of three years, and will resign upon rotation. These individuals will however be eligible to reapply. Once

an individual has been asked to sit on the IAG, his or her role on the IAG after the initial period of office will be subject to an election from other IAG members. Police and Police Authority representatives on the IAG are non-voting, and are present only in an advisory capacity.

The IAG will have the right to appoint/second additional members when it is considered to be appropriate. A Task and Finish sub-group will undertake this function and then present recommendations to the main group for discussion and consideration.

Individual members can be de-selected if half the full voting members who are physically present agree at a properly constituted meeting. A secret ballot can be used for this purpose if two full voting members request it.

Community members of the IAG will not have the right to remove police representatives from the IAG.

### **3. The Chair**

One member of the group will act as Chair. They will be elected by secret ballot by those members who have full voting rights. Elections will take place two months before the end of the retiring Chair's term of office.

The Chair will serve for a period not exceeding three years, but can remain an IAG member at the end of their term, if this is agreed.

The Chair can be removed if half the actual membership who are physically present agree at a properly constituted meeting to vote to do so. A secret ballot can be used for this purpose if two full voting members request it.

The Chair can be voted off without the support of the police representatives.

The Chair, after consultation with IAG members, will appoint a Vice-Chair to act in their absence. If, for any reason, the elected Chair cannot attend a meeting, then the Vice-Chair will chair the meeting.

In addition to chairing meetings, the IAG Chair will assist the secretary to plan meetings, review minutes, prepare reports/papers, and act as a point of contact between meetings.

IAG members may ask the Chair to act on their behalf at meetings, or in other agreed situations. The Chair is accountable to the IAG, and will report to the IAG any activities undertaken on their behalf.

#### **4. Quorum**

The number of full voting members required to be physically present to make decisions at regular meetings will be half the number of the current full voting membership.

Members who attend meetings can only be removed from membership of the group at the request of half the full-voting members of the group physically being present at a meeting. The group needs active participation so members who fail to attend three normal meetings without a satisfactory reason can be asked to resign if the required number of full voting members agree.

The group should not be allowed to change its working methods, membership, or rules without the support of the police.

#### **5. IAG Meetings**

The IAG will meet as often as is required, but should meet up to six times a year. Dates will be set as far ahead as members find convenient. Meetings will be arranged in line with the Force meeting structure.

If extra meetings are deemed necessary, the secretary will liaise with the Chair on suitable dates, and will give the maximum notice possible to members. Wherever possible, meetings shall not be arranged where they conflict with the faith observances or particular personal circumstances of members.

All meetings will have an agenda and wherever possible papers will be circulated at least 21 days in advance of the meeting.

IAG members can request items to be put onto a future agenda and, with agreement of the group, members can ask for urgent matters to be discussed at the current meeting.

Members are expected to allow and encourage all colleagues to fully participate in discussions in an open, free, constructive and respectful manner.

Meetings will normally be limited to two hours duration unless there are exceptional circumstances. The Chair will be responsible for ensuring that meetings begin and end on time.

## **6. Vetting**

Non-police members of the group will be vetted by Standards Unit (local and national checks) to ensure compatibility with the aims of the group. Recent or past inappropriate or criminal behaviour will not necessarily be a bar to membership but will be subject to a risk assessment on potential compromise of the group's aims.

## **7. Confidentiality**

The proceedings of all IAG meetings are sensitive but it is understood that, from time to time, members will need to consult with others outside of the group in order to seek the views and opinions of the minority communities that they are connected to. Members must not reveal information that could identify any individual, whether a member of the group, or third party.

To operate effectively, the group may, on occasion, have sight of restricted material that must be treated as strictly private and confidential. Members must declare an interest when matters are raised in which they are connected.

Members will be required to sign a confidentiality agreement.

The Chair will ask Gwent Police representatives to clarify the status of any information/report in order to determine its sensitivity.

Any breaches of these confidentiality arrangements will lead to a Standards Unit investigation of, and the possible expulsion of, a member where a clear breach has occurred.

The terms of reference will be reviewed annually.

## **8. Financial Reimbursement**

Incentives for members to attend may be provided by reimbursement by the Police Authority of reasonable out of pocket expenses, such as travelling, support, and attendance costs (e.g. signers, interpreters, etc, when required). Rates to be advised.

Expenses will be paid on attendance at the meeting.

Individuals will be paid at £15.00 an hour, plus travelling expenses.

A proforma claim form will be completed on each occasion.

## 9. The Use of the IAG on Critical Incidents

The McPherson Report severely criticised aspects of policing in relation to the investigation of 'major or critical incidents', in particular where these may have an impact upon public confidence.

A critical incident is defined as:

*'Any incident where the effectiveness of the Police response is likely to have a significant impact on the confidence of the victim, their family and/or the community'.*

The Gwent Police Independent Advisory Group will act as a 'critical friend' to Gwent Police in relation to 'major or critical incidents'.

The IAG may be asked to assist with a 'critical or major incident' in an advisory capacity. In such circumstances, the IAG will follow the structure identified in the 'Police IAG Call Out Process' document. In the event that the IAG becomes concerned about events affecting a minority community, the IAG can instigate the procedures as identified in the 'IAG Police Call Out Process' document.

APPENDIX B

**IAG CALL OUT PROCESS - by IAG MEMBER**

IAG Member contacts IAG Chair



IAG Chair contacts Head of Citizen Focus & Partnership (HCFP) or Force Diversity Officer (DO)



HCFP/DO CONTACTS ACC or ON-CALL ACPO OFFICER



IAG MEMBERS ASSEMBLED



MEETING WITH IAG MEMBERS CONVENED

# APPENDIX C

## IAG CALL OUT PROCESS - by Police

