

Report to: Full Authority  
Agenda #: 7.2  
Date: 27 September 2022  
Subject: Oversight of Inclusion and Diversity (I&D)  
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For: Discussion

## 1. Purpose of paper

- 1.1 This paper seeks to provoke action to improve BTPA's engagement in and oversight of Inclusion and Diversity.
- 1.2 It summarises the duties and responsibilities of all parties; attempts to describe current activity and highlights some opportunities to strengthen performance.

## 2. Background – what we are required to do.

- 2.1 Under the Public Sector Equality Duty (PSED) imposed by the Equality Act 2010 BTP/A must, in the exercise of its functions, have due regard to (i.e., consciously consider in all its activities) the need to:
  - Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
  - Advance equality of opportunity between people who share a protected characteristic and those who do not.
  - Foster good relations between people who share a protected characteristic and those who do not.
- 2.2 The Act explains that having 'due regard' for advancing equality involves:
  - Removing or minimising disadvantages suffered by people due to their protected characteristics.
  - Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
  - Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.
- 2.3 In addition to the general PSED, the Code of Governance also sets out I&D responsibilities for the committees, Chief Executive and Chief Constable, the Full Authority, Members and Chair as follows:

Strategy and planning	To oversee development of subordinate strategies including those relating to people, equality and diversity
People and Culture	To have oversight of legitimacy with respect to the representation, equality and diversity of BTP's workforce
Performance and Delivery	To have oversight of 'Legitimacy' with respect to the representation, equality and diversity of BTP's workforce and BTP's use of its policing powers and service delivery, in conjunction with People and Culture Committee.
Chief Exec and Chief Constable	In their respective areas ensure that the rules for recruitment and management of staff create an inclusive culture in which diversity is fully valued; appointment and advancement is based on merit: there is no discrimination on grounds of gender, marital status, sexual orientation, race, colour, ethnic or national origin, religion, disability, community background or age.
Full Authority	Cultural focus – setting the vision for the culture of the organisation and ensuring clear, consistent and comparable information is provided to measure this and address any cultural concerns arising.
Members and Chair	You should promote an inclusive and diverse culture in the body and your actions should help create an environment where different perspectives and backgrounds are encouraged and valued.

2.4 In addition, there is an expectation that all committees and working groups when they are considering strategies, proposals or business cases take account of whether what is on the table has been equality impact assessed.

### 3. Consideration – how does our activity stack up?

3.1 All BTP/A strategies and plans contain elements which can be seen to contribute to delivery of our PSED. There are specific commitments in the 2022-2027 strategy around reducing the likelihood of people coming to harm on the railways; building trust and confidence of passengers and staff to defeat criminality and building a modern inclusive Force where our people reflect the best of our communities.

3.2 The 2022-2025 policing plan contains specific commitments to tackle discrimination harassment and victimisation through focus on VAWG, USB and hate crime. The draft overarching I&D strategy attempts to corral the myriad action plans and activity in this space and, crucially, to set some targets for improvement.

- 3.3 As explored under agenda item 7.1 today there is a wealth of external scrutiny activity taking place across the Force, which demonstrates a willingness to involve communities and their representatives. However, the Force have themselves identified that these groups may be insufficiently challenging, independent or representative to constitute effective scrutiny. This activity has been largely invisible to the Authority and consideration needs to be given to how BTPA can most constructively engage with it.
- 3.4 The Authority's approach to scrutinising legitimacy has been maturing, with PDC (and SPC for Scotland) focusing on front line operational activity; stop and search, arrest, use of powers etc and the more recently established PCC taking on internal workforce and other HR related matters. Progress is being made, yet we remain a long way from being able to explain our disproportionality or to understand what reform would need to look like.
- 3.5 Furthermore, the ongoing Authority/Executive oversight mapping exercise, which was the subject of a breakfast briefing on 23 September, points to several medium and high priority areas in relation to equality, diversity and inclusion with partial or no scrutiny.

#### 4. Conclusions

- 4.1 It is easy to be aware of the PSED and not fully engage with what it requires of us. To consciously consider how to remove or minimise disadvantages suffered by people due to their protected characteristics requires a level of understanding of the disadvantages caused by difference that most people are not born with.
- 4.2 To take steps to meet the needs of people with protected characteristics, where those needs differ from the needs of other people requires a sophisticated understanding of those differences and the impact they have. Where policy and decision makers do not share those characteristics, it becomes additionally challenging to understand them.
- 4.3 The challenge for police oversight bodies is two-fold. Firstly, to determine how best to support and challenge their Force on their journey towards improved trust and legitimacy and second, how to establish their own legitimacy to offer scrutiny on I&D. Credibility to do so can be undermined if there is insufficient understanding of the deep-rooted systemic issues underpinning inequality to be able to ask the right questions and challenge effectively.

#### 5. Diversity issues

- 5.1 It is important to recognise that conversations about I&D can have the effect of making people who are in the majority feel defensive, threatened, or excluded.
- 5.2 Taking action to tackle disadvantage for some groups risks making others feel like they are being blamed or judged for not having those challenges. People may feel they are being attributed advantages that they do not recognise, by virtue of who they are, or that assumptions are being made that their life has been without struggle.

- 5.3 This is a significant undercurrent in I&D discussions in the Force in response to positive action on recruitment and in feedback on the people survey. There is a strongly held view that 'not having a protected characteristic' is a disadvantage. It is worth acknowledging this dynamic, which plays out in public debate around inclusion and is likely to be present in most organisations.

## 6. Opportunities

- 6.1 Members may wish to reflect on the extent to which they routinely and actively consider the requirements of PSED and the Code of Governance in the discharge of their duties.
- 6.2 Members could seek to develop their understanding of the impact of difference by engaging with impacted communities through external scrutiny mechanisms, to build understanding of real impact and amplify relevant feedback in to the BTPA.
- 6.3 Members could support BTP's inclusion journey by signing up as senior sponsors of specific themes underpinning the I&D strategy.
- 6.4 Committee chairs may wish to give increased agenda time to equality impact considerations or consider peer reviewing to assure the effectiveness of challenge in this area.
- 6.5 Full Authority/Chair may choose to use development days or other learning opportunities to explore I&D considerations in more depth.
- 6.6 Full Authority could decide to keep a central thematic grip on I&D by taking progress reports on the targets within the I&D strategy as well as thematic deep dives in to the 5 pillars of the strategy.

## 7. Recommendations

- 7.1 That the Authority acknowledges the scale of the challenge as described in providing effective oversight of I&D.
- 7.2 That the Authority gives a steer as to its appetite for the menu of opportunities set out at paragraph 6, to guide further work.