

**Section 75 and Schedule 9 The  
Northern Ireland Act 1998**

**FINAL DECISION REPORT**

**SPEEDY  
JUSTICE**



**Equality Impact Assessment Police  
Service of Northern Ireland July 16<sup>th</sup>  
2013**

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# PSNI

## SPEEDY JUSTICE

An Equality Impact Assessment

### FINAL DECISION REPORT

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## 1: INTRODUCTION

In its approved Equality Scheme, PSNI gave an undertaking to carry out an Equality Impact Assessment (EQIA) on each policy or group of co-joined policies where screening had indicated that there may be significant implications in relation to one or more of the nine Section 75 grounds. A draft consultation report was duly made available as part of the formal consultation stage of the EQIA.

In keeping with guidance on best practice as issued by the Equality Commission for Northern Ireland, the PSNI consulted widely on its draft EQIA report and preliminary recommendations. This period of formal consultation followed from earlier pre-consultation that helped inform the development of the EQIA.

PSNI is committed to consultation which is timely, open and inclusive, and conducted in accordance with the Equality Commission's Guiding Principles. The consultation process in respect of this EQIA lasted for a period of **13 weeks** from **November 30th 2012** to **March 1<sup>st</sup> 2012**.

All PSNI Equality Scheme consultees were notified of the availability of this draft EQIA report and invited to comment. A public notice was prepared and issued to various media outlets to make the public aware of the EQIA, and information about the EQIA was placed on PSNI's website; comments were welcomed from any individual with an interest in the policy.

All consultation documents were made available in hard copy and alternative formats on request could be accessed on PSNI's website at: [www.psni.police.uk](http://www.psni.police.uk) (pathway: 'Updates' / 'Consultation Zone')

Following the consultation period and including consideration of the findings from the consultation, PSNI made a commitment to reach a decision in terms of the EQIA process and publish this Final Report.

This Final Decision Report is available on PSNI's website. In addition, Equality Scheme consultees and those who responded to the consultation will be notified of the availability of the report.

As part of an ongoing process to establish a robust monitoring framework across the Criminal Justice System as a whole, PSNI is currently revising its data capture systems to enable equality monitoring to be mainstreamed, and this will ultimately incorporate equality monitoring of Speedy Justice.

If you have any queries about this document, and its availability in alternative formats (including Braille, disk, large print and audio cassette, and in minority languages to meet the needs of those whose first language is not English) then please contact:

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## 2: SPEEDYJUSTICE

In May 2006, the Criminal Justice Inspectorate NI carried out an extensive review of the Northern Ireland Justice system, with a particular focus on the often considerable time that was taken to process cases through the formal justice system. In recognition of this delay, the Inspectorate recommended that more cases, and especially youth cases, should be diverted away from the Public Prosecution Service (PPS) and the courts by use of police informed warnings and cautions. The report also recommended that greater flexibility be applied to decisions on informal warnings and cautions for young people in particular, so that (in the words of the Criminal Justice Review), 'cases are dealt with expeditiously'.

Following the Ministry of Justice report, a working group was created between PSNI and PPS to look at ways of reducing delays and, where appropriate, removing cases from the formal justice process. The 'Speedy Justice' initiative for non-court disposals was one outcome of these deliberations.

A working group was created to look at ways of tackling delay including widening the range of disposal methods and, where appropriate, removing cases from the formal justice process. As a result of this the PSNI introduced a four year 'Tackling Delay' programme with three high level objectives:

- 'Speedy Justice' – to improve the quality & timeliness of evidence gathering and case preparation – to get it right first time promptly.
- Proportionate – to expand the range of options we have to deal with an offender.
- Visible – to improve community confidence of the justice system by justice being seen to be done promptly & fairly.

Non-court disposals are most commonly recommended for crimes that are comparatively less serious and involve offenders who have little or no previous offending history. All **Speedy Justice** disposals fall into this category. In summary non-court disposals can include:

- Streamline No Prosecution File;
- Non-Court Diversion (i.e. Informed warning (Juvenile); Restorative Caution (Juvenile); Youth Conference (Juvenile); Informed Warning (Adult); Caution (Adult); Driver Improvement Scheme (17 years and above);
- Penalty Notice for Disorder (PND);
- Discretionary Disposal.

The overall aims of discretion are to:

- Enable victims of comparatively low level /low impact crimes to be more involved in determining how the crime should be dealt with whilst maintaining the rights of offenders.
- Offer a method of disposal that is prompt, proportionate to the crime and that will improve victim satisfaction.
- Afford greater access to justice for victims, with justice seen to be done, and support the drive to promote confidence in policing and Justice System.
- Provide a personal police service, thereby avoiding the lengthy, costly and impersonal bureaucracy attached to the formal justice system.

### 3: CONSIDERATION OF AVAILABLE DATA AND RESEARCH

Alongside various sources of in-house data relating to Speedy Justice, the EQIA was also informed by other relevant crime statistics, as derived from numerous sources, along with feedback provided during pre-consultation with key stakeholders.

As indicated above, as far as the application of Speedy Justice is concerned, data on the majority of s75 grounds are not currently captured by PSNI's information systems. Consequently, in relation to either victims or offenders, at the present time there is little or no empirical data on the following Section 75 grounds:

- Religious belief;
- Political opinion;
- Marital status;
- Ethnicity;
- Disability;
- Dependants; or
- Sexual orientation

### 4: CONSIDERATION OF ADVERSE IMPACT

#### **Victim:**

Gender: 78% of victims of crimes disposed of through Discretion were female, although females overall are more likely to be the victims of crime and hence this finding is not surprising.

Age: 53% of victims attached to Discretion disposals were aged 51+, while only 14% were aged under 18 years.

Race: The victim satisfaction surveys carried out on behalf of the Policing Board show levels of satisfaction of 90% in 10 out of 11 (for victims of low level crime or anti-social behaviour). However, we note very small sample (less than 1% of the total number of instances 1,530). Moreover, some other reports into race and policing have indicated negativity and problems at the service delivery level of policies. Examination of these reports provides indication of potential reasons for under reporting by ethnic minority groups.

Disability: The only information suggests possible underreporting of concerns in relation to people with learning difficulties.

#### **Offender:**

Gender: The available data shows that discretion has been applied more frequently to males than females, by a ratio of almost 3:1, which is broadly in line with comparable regional data on offender profiles by gender.

Age: The available data shows that Discretion has been applied to offenders of different ages as follows:

- Mainly to people below the age of 30; these account for 50% of all instances;
- Those under the age of 18 account for 19% of all the instances of Discretion;
- Those aged 51+ account for 15% of all instances of Discretion.

Disability: The only information available on this at the present time is qualitative and comes from written responses from two of the stakeholders during pre-consultation, in relation to consent and especially when children have a learning difficulty and / or mental health problems, a disability, or if English is not their first language.

Race: The only information available on this is a contention that, 'issues [re discretion] are further exacerbated when ... English is not their first language.'

## **5: MEASURESTOMITIGATE/ALTERNATIVEPOLICIES (Preliminary Recommendations)**

In the draft EQIA Report, PSNI acknowledged that there were significant constraints and challenges inherent in the limited data available on Speedy Justice. As a result, it was argued that the capacity to comment in any meaningful way on possible inequities within the application of Speedy Justice was likely to be heavily constrained. With these issues in mind, the following preliminary recommendations were proposed:

1. PSNI will consult widely on this EQIA, and use this consultation to help identify appropriate monitoring procedures
2. Internal consultations within PSNI will be used to establish monitoring procedures by all appropriate Section 75 grounds, for both victims and offenders.
3. Guidance documents linked to Speedy Justice will continue to be informed and modified by feedback received before and during the EQIA process.
4. These consultations and data will be used to in form the carrying out of a further EQIA during 2014.
5. Future implementation of Speedy Justice will be fully integrated with actions and targets as set out in the PSNI Equality, Diversity and Good Relations Strategy 2012-17.

## **6: SUMMARY OF CONSULTATION RESPONSES**

The consultation yielded extensive responses from three representative groups:

- Children's Law Centre
- Include Youth
- Policing Board

<b>SUMMARY OF RESPONSES TO CONSULTATION ON SPEEDY JUSTICE EQIA</b>		
<b>Consultee</b>	<b>Response</b>	<b>PSNI response</b>
<b>EQIA / SCREENING &amp; S75 ISSUES</b>		
Include Youth	P3. Pre-consultation report not attached to EQIA as CLC's had	PSNI duly acknowledge this oversight and apologise without reservation for this omission.
Children's Law Centre	P31 have we considered international obligations?	The EQIA focused primarily on domestic legislation and the two s75 statutory duties but also set this within a European context and including the European Convention on Human Rights and the Rights of the Child.
Policing Board	Para 3: Why discretionary disposals were not screened and subjected to an EQIA sooner?	An EQIA requires a certain amount of data to allow meaningful analysis and as discretion was a new process, the PSNI did not have the data at the planning stage.  However a screening exercise was carried out under s75 (1) of the Northern Ireland Act 1998 prior to implementation and this showed a low risk that this would have an adverse impact.
Include Youth	P4 policy should not have been rolled out until concerns raised were addressed & EQIA completed.	As discretion was a shift in practice from previous years – we also published the policy in draft form to a range of external bodies to seek views as part of a pre-consultation exercise.
Children's Law Centre	P23 & 24 / 26 CLC don't accept PSNI have insufficient data & states EQIA should have been completed prior to roll out	
Include Youth	P4 "of the opinion two years' worth of data is sufficient" for an assessment.	PSNI acknowledges there is a sufficient volume of cases dealt with by discretion but many data gaps remain which inhibit analysis. In order to address this, the PSNI is in process of identifying how to sensitively capture a broader range of s75 data.
Include Youth	P5 why steps have not been taken earlier to collect s75 information	Obtaining this information from individuals in a way that retains their confidence as to the motives and use of that information is a particular challenge and the PSNI has had to be cautious and measured in seeking to obtain this information.
Children's Law Centre	P23 & 25 PSNI should gather data across all nine equality categories (including child specific data for the categories) & system we intend to use to analyse responses & weighting given (p35)	Within an EQIA, it is not always necessary to gather data across all s75 categories and in particular either where those data are not relevant to the policy in question, or where data are not available. The ECNI guide on monitoring makes clear that there will be circumstances where data sets may be incomplete and also where a public authority must apply discretion in deciding which grounds can be monitored. The preliminary recommendations make reference to a commitment to future monitoring

**EQIA / SCREENING & S75 ISSUES**

Include Youth	P5 How did PSNI consult with young people as stated on p21 of EQIA? What was feedback? What attempts were made to provide young people / those with learning difficulty – accessible versions of this report?	In exercising due regard to the need to promote equality of opportunity, PSNI acknowledges that it did not make available a child friendly version of the EQIA consultation document. However, PSNI did consult extensively with those bodies that represent children’s interests and young people were able to attend any focus groups organised as part of the consultation process. As no requests to attend focus groups were received by or on behalf of young people, PSNI believed its engagement with representative bodies was sufficient to evidence its compliance with its statutory duties. However PSNI also recognises that in the future, additional steps to engage the youth sector on policy areas that affect them will be a valuable part of policy development, and will therefore be factored into future consultations.
Children’s Law Centre	P33 request for details of how we have or intend to consult directly with young people as part of the EQIA	
Children’s Law Centre	P34 request for child accessible versions of the consultation	
Include Youth	P8 <b>accountability</b> – “disposals are not being used appropriately on a number of levels including age and geography”	<p><b>Age:</b> PSNI do not consider any particular age group are being adversely affected by discretion for following reasons;</p> <ul style="list-style-type: none"> <li>➤ Discretion is a positive disposal option in so much as it has less impact than any other disposal.</li> <li>➤ Discretion will usually be used at the start of a person’s offending history as it is hoped the offender will adapt their behaviour as a result of being given ‘a chance’ (<i>Note: unless their crime is so serious as to immediately lead to another disposal type with greater sanctions</i>),&amp;;</li> <li>➤ Young men are statistically more likely to commit crime than other age groups – as such the discretionary profile of offenders simply reflects the general offending profile.</li> </ul> <p><b>Geography:</b> PSNI recognise the different volumes of discretion being applied across Districts however there are many complex issues affecting this, including:</p> <ul style="list-style-type: none"> <li>➤ The need for an admission.</li> <li>➤ Transient v resident population: the data does not reflect increased non-resident populations in urban areas. This is particularly so in south &amp; east Belfast which contain the biggest commercial centre during both day and night and significantly ‘skew’ the population figures.</li> <li>➤ The staged roll out of discretion across the Districts.</li> <li>➤ Previous offending history – discretion is intended to provide an opportunity for an offender to adapt their behaviour, therefore is not intended for those with a meaningful previous offending history.</li> </ul>
Include Youth	P5 state there is sufficient info to show inequality regards age, gender and address	
Children’s Law Centre	P25 need to establish reasons why geographical differences in use of discretion	



		<p>PSNI continue to actively work through the policing with the community strategy to increase confidence in policing and this wider strategic work presents the greatest opportunity to redress any real or perceived imbalance in the use of non-court disposals. Whilst there are some unique cultural influences within NI, the basic problem is not unique and is present in other police services in E&amp;W, albeit based on different cultural influences &amp; backgrounds. Specifically the requirement for an admission before a non-court disposal can be considered is a safeguard to limit police ability to be 'judge &amp; jury'. However this safeguard can adversely affect individuals or groups who do not trust police and therefore admit an offence for which they are guilty. As such police often have no choice but to charge or report such offenders when a 'lesser' disposal might otherwise have been given had an admission been present.</p> <p>In recognition of the complexity of this issue and the many influences affecting it, PSNI commit to providing an update to the EQIA in 2014 and are in the process of identifying how to improve capture and analysis of s75 data.</p>
Include Youth	<p>P9 "additional safeguards (re accountability) need to be set in place to take account of the different context (in NI)" ...          ..not content with safeguards listed in EQIA.          .."proper and robust independent oversight mechanisms must be in place"</p>	<p>PSNI are satisfied that the current process provides an effective balance of providing a comparatively simple means of dealing with low level/impact crimes that are victim focused whilst meeting legal commitments in a proportionate and accountable way. The key safeguards in place include:</p> <ul style="list-style-type: none"> <li>&gt; they can only be issued with the agreement of the offender and their appropriate adult (if a young person or vulnerable adult),</li> <li>&gt; a police supervisors authority is required for cases involving young people or vulnerable adults</li> <li>&gt; the process is fully documented and is subject to a quality assurance process led by the PPS who randomly chose such cases to independently ensure this disposal outcome is used appropriately and consistently.</li> <li>&gt; PSNI are exploring ways of improving s75 data gathering to further improve monitoring</li> </ul>
Children's Law Centre	<p>P32 that PSNI should consider introducing mitigating measures for discretion to include:</p> <ul style="list-style-type: none"> <li>&gt; Having case reviewed by competent authority</li> <li>&gt; Removal of option for reparation to be made by money for young people</li> <li>&gt; trg for officers in child protection, children's rights, determining capacity of the child, how to communicate with children and equality</li> </ul>	<ul style="list-style-type: none"> <li>&gt; PSNI consider the joint quality assurance process with the PPS provides suitable external oversight</li> <li>&gt; PSNI do not consider it beneficial to remove an option for reparation by payment. The payment for damage/repair is often a quick means of resolving an issue that meets the needs of the victim and acts as a tangible penalty to the offender. PSNI are content there are reasonable and proportionate controls in place to manage risk of extreme examples.</li> <li>&gt; PSNI considers officers receive a high level of training on issues concerning young and vulnerable people. This includes training in child protection during foundation and refreshers including NSPCC input.</li> </ul>

EQIA / SCREENING & S75 ISSUES		
Include Youth	P9 currently being applied in an arbitrary and inconsistent manner... not delivering transparent, child rights compliant, accountable justice.	<p>The PSNI is satisfied the safeguards within the scheme ensure consistency within acceptable limits.</p> <p>Discretion is designed to be as tailored and personal as it can be and therefore there will clearly be differences in the way in which cases are dealt with. However the differences are due to the infinite range of circumstances that are present even in cases that may appear on paper to be the same. The attitude and views of both offender and victim in particular will be very different and shape the outcomes on a case by case basis.</p> <p>With regards young people - a discretionary disposal can only be issued with the agreement of the offender and their appropriate adult and a supervisor's authority is required.</p> <p>A full record of discretionary disposals is retained and is a much more visible form of justice for those involved than many other types of case disposal as it involves the offender and victim agreeing to a suitable outcome.</p>
Children's Law Centre	P10 we challenge why PSNI do not consider non-court disposals require an EQIA given that informed warnings & restorative cautions have been under youth diversion scheme?	These issues are not of immediate responsibility of PSNI but rest with other designated public bodies within the criminal justice system (e.g. PPS). Furthermore this comment does not relate specifically to the conduct of the current EQIA.
Policing Board	Para 4: Whether PSNI screened & subjected the other diversionary disposals to an EQIA?	PSNI can confirm policies affecting other non-court disposals have been subject to s75 screening and found to have no negative impact. These have not been subject to an EQIA however as unlike discretion, the ultimate decision maker is the PPS.
Children's Law Centre	P11 formally raising concern regards what supporting evidence we considered when screening non-court disposals and that this be re-screened & widely consulted on	This issue lies outside the remit of the present EQIA. The Non-Court Disposal policy has been screened out in a separate document as it was felt that primary authority did not rest with PSNI.
Children's Law Centre	P8 when was equality screening conducted for non-court diversion by telephone? Who was consulted? What were their responses? (p9) Request for disaggregated data used for screening?	The policy screening was completed in August 2012. Screening was carried out in line with ECNI guidelines which, according to the Commission, does not require the level of scrutiny as suggested in this comment.
Children's Law Centre	P24 request for copy of equality & HR screening for guidance docs	The PSNI policy audit tool and screening template are internal documents that will be made publicly available on the new PSNI website when this becomes operational.

Consultee	Response	PSNI response
<b>CRIMINAL RECORD / DISCLOSURE ISSUES</b>		
Policing Board	<p>Para 11: When would a record of a discretionary disposal or other diversionary disposal be disclosed?</p> <p>Are they disclosed on all enhanced criminal record checks?</p> <p>If there is discretion to omit the record from an advanced criminal record check – who makes this decision?</p>	<p>A discretionary disposal is only held on Niche and will only be disclosed where the matter is subject to an Enhanced Disclosure Check (EDC) &amp; only then where the disclosure is considered to be relevant and proportionate to the position applied for.</p> <p>All other non-court disposals (warnings, cautions) maybe disclosed on a standard check, but only where relevant &amp; proportionate to the position applied for.</p> <p>No – as above, they will only be disclosed where it is considered relevant &amp; proportionate to the position applied for.</p> <p>For an EDC, AccessNI maybe alerted to the presence of information if it falls into specific categories, however the PSNI make the decision to disclose any such disposals based on whether it's relevant &amp; proportionate to the position applied for.</p>
Policing Board	Can disclosure ever occur after the record has expired?	Yes because the offender may have subsequent offending that is additive to the non-court diversion or may add to an existing record and becomes relevant.
Policing Board	Is PSNI satisfied it is meeting it's obligations under ECHR, particularly Art 8 in respect of disclosure?	Yes – whilst we recognise the tests we undertake engage Art 8, the Disclosure Unit operate the Quality Assurance Framework (QAF), a joint ACPO (Association of Chief Police Officers) and CRB (Criminal Records Bureau) process that provides a standardised framework under which to process, consider and disclose police information for enhanced criminal records checks. This therefore provides protection under Art 8(2).
Include Youth	<b>P7 criminal record disclosure</b> – concern regards when/how disclosed.	Refer above responses.

<b>TRAINING ISSUES</b>		
Policing Board	Para 15: What training has or is being planned to be delivered to frontline officers related to speedy justice?	<p>Training on Discretionary Disposals was rolled out between February – September 2010 including both student foundation and operational officer training.</p> <p>Training on streamline files &amp; gatekeepers followed this between September – November 2011 with Penalty Notices for Disorder in February 2012.</p>
Children's Law Centre	P21 can we be provided details of what trg officers have been given in relation to speedy justice?	All Speedy Justice disposals are incorporated in the training plan for new Student Officers.

Consultee	Response	PSNI response
<b>OPERATIONAL POLICING / GUIDANCE ISSUES</b>		
Policing Board	Para 13: Why can't a discretionary disposal be availed of if there is media interest?	<p>It can and following this feedback we will re-examine guidance related to this point to improve clarity.</p> <p>At present officers use a traffic light system to help determine whether an offender maybe suitable for a discretionary disposal and this makes no reference to media interest – so this is not a specific consideration at this time.</p> <p>However in developing guidance for discretion, the PSNI has been exploring a simpler alternative – namely having a memorable list of key circumstances (noted by the mnemonic 'CHIMPS'), that if present would trigger a review to determine if it appears appropriate for PSNI to be the decision maker for a disposal.</p> <p>In any event, regards media interest – this would not automatically prevent discretion being appropriate and in most occasions this would make no difference. Instead it is intended to 'flag up' those comparatively few cases where the level of media interest is such that public confidence could be affected. This would allow consideration as to whether, in the circumstances, it would be in the public and organisational interest if an independent body were involved in the disposal decision. An obvious example would be where the offender was a member of the police service for example.</p>
Policing Board	Para 14: Will victim information (where available) be input to Niche for all discretionary & diversionary disposals?	Yes – this is standard practice to facilitate any on-going communication/ victim update.
Include Youth	P6 Why does discretion leaflet still contain following: "victim must consent before discretion can be considered."?	PSNI acknowledge it shouldn't & is in process of amending this to reflect: "The victims consent should be sought however they cannot 'veto' the process if it otherwise appears appropriate to be dealt with by discretion".
Children's Law Centre	P15 concern regards different use of language re likelihood of conviction	<p>This wording was used simply for simplicity sake as it's intended for operational guidance. There was no intention to have different standards employed and for sake of clarity PSNI agree to amend guidance to reflect the PPS standard to "require the consider whether the evidence which can be adduced in court is sufficient to provide a reasonable prospect of prosecution"</p> <p>Establishing 'informed consent' from a young person or vulnerable adult is protected by the Police &amp; Criminal Evidence Order (NI) 1989 and related Codes of Practice which ensures a suitable appropriate adult is present to represent the offender's interests.</p> <p>Since pre-consultation the PSNI has also introduced a 'suspect information' statement, in order to maximise understanding of those involved in what the process is and its consequences.</p> <p>The PSNI therefore believe safeguards contained within PACE + fact most young people will have legal advisor + the accountability safeguards are proportionate and reasonable.</p>
Include Youth	P7 <b>informed consent</b> – even with parent/guardian present consent may not be informed...the provision of a suspect leaflet to assist understanding – is not satisfactory response.	

OPERATIONAL POLICING / GUIDANCE ISSUES		
Children's Law Centre	P7 Is the IO a 'specialist' (YDO) given concerns raised by CJINI?	No – however the IO seeks advice from a YDO & their line manager for cases involving young people
Children's Law Centre	P7 Is the PPS prosecutor giving telephone decisions 'specialist' (ie. for young people)?	This is not always practical, however telephone decisions are made by a limited number of experienced PPS staff.
Children's Law Centre	P7 how does the IO outline the case by phone to the PPS?	They verbally brief the prosecutor in similar style to the way they'd present their evidence in a prosecution file, i.e. witnesses, forensic, CCTV, admissions/summary of Q&A's, aggravating (pre-meditated)/mitigating (remorse) factors, views of victim, offending history.
Children's Law Centre	P7 Have or how often have PPS refused to give non-court disposal by telephone?	No data retained however anecdotally PPS report most contacts are appropriate & refusals are not common. However if PPS are unhappy they simply request file.
Children's Law Centre	P7 where a telephone decision is given - how does subsequent submission of the file get QA'd?	The IO & prosecutor take name & basic details at time telephone decision is given. The IO records the prosecutor name on outline and PPS then allocate to the original prosecutor to check what has been recorded is as they were briefed. Other QA is as per normal line management practice through dip samples, direct questions / observations etc.
Children's Law Centre	P10 where does youth diversion sit with speedy justice?	IO's are still required to contact the YDO to identify relevant risk factors & ensure most appropriate disposal decision and follow up support is activated as necessary. Speedy justice does not therefore affect this.
Children's Law Centre	P7 Request for copy of protocol dealing with young people	A copy of the protocol will be made available to the Children's Law Centre.
Children's Law Centre	P13 how is the PPS QA process managed?	PPS are shown on PSNI case management system (Niche), a list of discretionary disposals administered for the time period being reviewed (usually monthly). The PPS then randomly pick a number of cases from that list. Each case is opened to review the evidence recorded and rationale for such disposal.
Children's Law Centre	P21 how do police records provide a full summary of the circumstances of the offence?	The IO is required to record the evidence they gather and other aggravating / mitigating factors that are relevant to determining a disposal decision within police crime recording system (Niche OEL).
Children's Law Centre	P16 best interests of child should be shown as the primary consideration	The PSNI agree and will update guidance to reflect this
Include Youth	P7 guidance should be proofed against <b>best interest</b> principle within PD13/06	PSNI believe discretion complements this principle and supports the stated aims & objectives regards police interventions (section 8).

OPERATIONAL POLICING / GUIDANCE ISSUES		
Children's Law Centre	P18 want clarification as to whether discretion can be used even where victim does not agree? Why if victim dissatisfied – it's referred to gatekeeper? How it can proceed if no satisfaction obtained?	The victim cannot veto however it is clearly important to obtain the involvement and agreement of the victim in the process as one of the aims of discretion is to involve the victim more in the process. The matter is referred to a gatekeeper should the victim be dissatisfied as the gatekeeper is responsible for providing disposal advice to officers prior to consultation or referral to PPS. If satisfaction cannot be achieved the IO can either continue if all the other circumstances indicate discretion is appropriate or through the gatekeeper – identify another disposal method
Include Youth	P7 <b>Proportionality</b> – request for what outcomes have been used in order to comment on proportionality	Getting this data would be impractical as it would require a manual trawl of individual records. The PSNI is instead content there are sufficient quality checks to ensure outcomes are proportionate.
Include Youth	P6 concerns remain regards process being led by subjective views of victim & proportionality of outcomes	Whilst the process is designed to involve the victim in agreeing an outcome they find suitable, the IO also has to take account of the offenders interests and the PSNI consider the quality checks and constraints within which an IO has to work within mitigate against such a disposal being unreasonably biased towards either party.
Children's Law Centre	P18 when is suspect advised regards possibility of matter being dealt with by discretion?	At point the officer has gathered the evidence including any interview of the suspect. Only when this has taken place will the officer consider what disposal option/s are applicable. Protection regards informed consent is provided within PACE.
Children's Law Centre	P19 what does PSNI consider an appropriate adult for young people or other vulnerable suspect?	PACE Codes of practice Code C1.7 defines what an appropriate adult is.
Children's Law Centre	P19 can young people take legal advice prior to answering questions? Does a decision to consult legal advice prior to answering questions affect possibility of case being dealt with by discretion?	Police have to comply with the PACE Codes of practice. Code C10 is the main section for this area however there are references throughout the codes depending on the many different scenarios this may be applicable. Whilst there are some exceptional circumstances that allow police to conduct an 'urgent' interview without legal advice, it would be highly unlikely these would apply to a case that later appears suitable for discretion. Any request or decision to seek legal advice would not affect discretion being a disposal option

## 7: CONCLUSIONS

The three responses together provide a detailed examination of the form and content of the EQIA, and the underlying policy. The time and effort which has been taken to deal with these complex issues by consultees is much appreciated.

It is hoped that the clarification provided on the majority of requests for further information are sufficient. Where concerns have been raised with regard to the process of EQIA, then these have been addressed but only when they fall within the sphere of the EQIA itself. A number of concerns were raised with the process of screening, or the screening of other policies. These matters fall outside the scope of this EQIA but can be dealt with separately on request.

It is noteworthy that a great number of comments relate to the s75 data which are held on Speedy Justice, and PSNI remain acutely aware that in the absence of strong and reliable data across the Section 75 categories then the opportunities for genuinely determining adverse effects remains limited.

Within OPSNI, significant efforts are being made to strengthen monitoring procedures from the point of initial enquiry / exchange onwards, and discussions are ongoing with relevant personnel including those attaching to data management and policy development, as well as operational staff. With this in mind, the preliminary recommendations as laid out continue to provide a good framework for moving forward, with an acknowledgement that the length of time required to put in place these monitoring arrangements cannot be accurately determined at this time but that efforts are being made to ensure that momentum is not lost.

The following mitigating measures have therefore been decided upon:

1. PSNI is committed to introducing robust monitoring arrangements for both victims and offenders, mindful of human rights considerations and in line with other arrangements in place across the criminal justice system. Work to date indicates that the project will continue to present considerable logistical challenges although PSNI is committed to addressing the issue in a sustainable manner.
2. Guidance documents linked to Speedy Justice will continue to be informed and modified by feedback received before, during and after the EQIA process.
3. These consultations and data will be used to inform the carrying out of further review under Section 75 as and when appropriate.
4. Future implementation of Speedy Justice will be fully integrated with actions and targets as set out in the PSNI Equality, Diversity and Good Relations Strategy 2012-17.
5. PSNI will continue to review its arrangements for public consultation to ensure that all groups, and including especially children and young people, are afforded appropriate opportunities to make a meaningful input to the planning of processes that affect them.

## 8: MONITORING FOR ADVERSE IMPACT

The EQIA decision will be published in the press and will also be posted on PSNI's website.

Schedule 9 of the Northern Ireland Act 1998 requires that a system be established to monitor the impact of the final policy in order to find out its effect on the relevant groups and sub groups within the equality categories. The results of ongoing monitoring must be reviewed and published on an annual basis (para. 4 (2) (b)). If the monitoring and analysis of results over a two year period show that the policy results in greater adverse impact than predicted, or if opportunities arise which would allow for greater equality of opportunity to be promoted, the public authority must ensure that the policy is revised to achieve better outcomes for the relevant equality groups (Annex 1, para. 7.2).

In line with this advice, PSNI commit to review Speedy Justice on an annual basis and included in the annual review on progress to the Equality Commission. This review will be published on our website.

If the monitoring and analysis of results over a two year period show that there has been a greater adverse impact than predicted, or if opportunities arise which would allow for greater equality of opportunity to be promoted, PSNI will take steps to achieve better outcomes for the relevant equality groups.