

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

**FINAL DECISION
REPORT**

**PSNI Vetting
Procedures**



**Equality Impact Assessment
Police Service of Northern Ireland
October 2015**

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PSNI

PSNI Vetting Procedures

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, 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 **12 weeks from 8th June 2015 to 28th August 2015.**

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 (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 Decision 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.

A system will be established to monitor the impact of any decisions in order to find out the effect on the relevant equality categories.

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:

PSNI Anti-Corruption & Vetting Branch
Human Resources Department,
PSNI Headquarters, Brooklyn, 65 Knock Road, Belfast, BT5 6LE

2: SERVICE VETTING PROCEDURES

The PSNI's overarching policing aim is to 'Keep People Safe through the *Policing with the Community Strategy*'. PSNI Vetting Procedures are designed to support and embed this Strategy, and thereby to gain the confidence of the whole community in the Police Service of Northern Ireland.

Vetting exists to protect the PSNI, its assets and data from persons and organisations, both internal and external, which may cause harm or detract from our central purpose, vision and values. It is the aim of vetting to provide an appropriate level of assurance as to the trustworthiness, integrity and probable reliability of all staff and non-police personnel working within the Police estate.

Vetting determinations are made with full cognisance taken of the impact of our decision making; we aspire to treat individuals from whatever background with courtesy, fairness and respect.

AIMS OF THE POLICY

The specific aim of PSNI's Service Vetting Procedures is set within the broader context of PSNI's purpose and guiding principles.

The overarching purpose of PSNI is to keep people safe. This goal is to be achieved through engagement with the community and our partners.

PSNI's guiding vision and purpose is:

- To build a more confident, safe and peaceful society;
- To keep people safe by preventing crime and harm to individuals and society;
- To keep people safe by protecting the vulnerable;
- To keep people safe by detecting those who commit crime and bring them to justice;
- To collaborate in our decision making and engage with the community and our partners;
- To be courteous, respectful and fair in everything we do and how we interact with the community as a whole;
- To be accountable, transparent in how and what we do.

3: CONSIDERATION OF AVAILABLE DATA AND RESEARCH

PSNI currently hold comprehensive background Section 75 monitoring data in relation to all PSNI employees (i.e. Police Officers and Staff) but not Non-Police Personnel (NPP). Monitoring of Non-Police Personnel would fall to the contracted company or individual, neither of which is likely to be designated under Section 75¹.

PSNI Vetting Data

The EQIA analysis was based on the three most recent years where data were available (2012 – 2014) or data from recent competitions/campaigns for police recruits. Figures for the most recent competition (Competition 1) were also referenced. The figures represent the most up-to-date information available while also spanning the time of the introduction of the new Service Vetting Policy in 2008.

These sources were supplemented within the EQIA with further contemporary and comparative research across a number of other vetting levels (Level 4 Management Vetting, Level 5 Security Clearance and Level 6 Developed Vetting).

In summary, the analysis revealed little or no evidence to suggest that any of the stated criteria directly discriminate on any Section 75 ground.

4: CONSIDERATION OF ANY ADVERSE IMPACT

A review of the available data provides no evidence that the vetting procedures themselves unfairly discriminate on Section 75 grounds. At the same time, it may be that chill factors could operate to make it less likely that certain individuals will put themselves forward for vetting in the first place. While this issue lies outside the scope of the current EQIA, it should not be ignored. This reticence could be based on factual information or on hearsay, and is an issue that warrants further investigation.

5: SUMMARY OF CONSULTATION RESPONSES

The consultation yielded four responses from four representative groups (see Appendix One), and these are summarised below, together with PSNI's response:

- Equality Commission;
- Sinn Féin;
- Disability Action;
- Department of Justice.

¹ PSNI previously has sought guidance from the Equality Commission on this matter and was advised that PSNI can seek assurances from the supplier regarding adherence to relevant legislation but cannot require specific monitoring information from the supplier.

In respect of DOJ submission there were no issues raised in respect of the EQIA. In respect of Sinn Féin there were issues raised that sit outside the scope of the current EQIA. These have been noted and we thank both organisations for their responses. The following summary focuses on issues raised that were of direct relevance to the EQIA itself.

1.	Equality Commission	PSNI Response
	<p>Going forward it will be important to continue to monitor the impact of the policy after each recruitment process.</p>	<p>PSNI to maintain robust monitoring of the impact of the policy after each recruitment process, by relevant Section 75 grounds.</p>
2.	Disability Action	PSNI Response
	<p>Disability Action believes that the Police Service of Northern Ireland must more than “explore” future monitoring arrangements and recommends that a system is established to monitor across all nine Section 75 categories to inform the monitoring of this and future EQIAs.</p> <p>Information must be made in a range of alternative formats to ensure accessibility and transparency to all Section 75 groups.</p> <p>Disability Action believes that the vetting panel members training should also encompass the broader equality legislation including in particular the Disability Discrimination Act, UN Convention on the Rights of Persons with Disabilities and Disability Equality Training.</p>	<p>PSNI to monitor the Service Vetting Policy on an annual basis by relevant Section 75 grounds.</p> <p>All information in relation to police recruitment is available in various formats on request.</p> <p>All police officers and police staff (including those on Vetting Panel) receive mandatory Disability Equality Training. In relation to Section 75 all information in relation to applicants is anonymised before it is presented to the Vetting Panel.</p>
3.	Sinn Féin	PSNI Response
	<p>The number of police officers and staff who are developed vetted, particularly in the Crime Operations Department is too high and PSNI should reduce the number of positions for which developed vetting is required. The number of those developed vetted in PSNI is considerably higher than in England Scotland and Wales</p>	<p>The Chief Constable has commissioned a DV review to consider reducing the numbers of police officers and staff who are Developed Vetted.</p>

<p>PSNI should ensure that all police officers are made aware that holding Irish nationalist or republican beliefs should not be an impediment to securing vetting clearance at any level.</p> <p>While the mitigating measures in the consultation document look to be worthwhile it is not clear how these can be made to apply to those carrying out SC and DV vetting.</p> <p>Sinn Fein don't believe that Defence Business Services (DBS) as an organisation within the MoD can or will give fairness to those with Irish nationalist or republican views. PSNI should give consideration to what measures it can take to ensure equality of opportunity for the Section 75 category of political opinion.</p> <p>PSNI should seek monitoring information from those they have or are seeking to have a contract with for associate or temporary workers or managed services, while avoiding the identification of any individuals.</p> <p>PSNI should ensure that vetting levels are not disproportionately applied to some positions.</p>	<p>Political opinion will not impede police officers and police staff from applying for vetting clearance at any level; information available on vetting procedures will be reviewed with this in mind.</p> <p>Procedures are in place to ensure that internal vetting panels are broadly representative of community background and gender. All PSNI officers and staff have mandatory disability equality training which is updated on a regular basis.</p> <p>Whilst DBS-NSV carry out interviews on behalf of PSNI. PSNI are the decision maker in relation to all DV applications for police officers and police staff.</p> <p>Future monitoring arrangements will be explored to ensure the capture of relevant Section 75 data in relation to Non-Police Personnel.</p> <p>The new policy directive ensures that Posts that require Level 5 or 6 vetting clearance are defined as 'Designated Posts'. Designated posts will be determined by agreement of the Service Vetting Officer and the appropriate Head of Branch.</p>
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6: CONCLUSIONS

The four responses together have provided 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.

In light of the above feedback received during the EQIA the PSNI has revised the current Service Vetting Policy ²to reflect the comments made during the consultation period and the following mitigating measures will be adopted to reflect the comments of those who responded to the EQIA consultation.

- Future monitoring arrangements will be explored to capture relevant Section 75 data and especially in relation to Non-Police Personnel;
- The formal consultation stage of the EQIA will be used to help identify any chill factors attaching to the vetting process which may deter serving officers and staff from applying for MV, SC and MV;
- Available information on vetting procedures will be reviewed to ensure that it is fully accessible and transparent to all communities, thereby dispelling any myths or misconceptions;
- PSNI's website will be reviewed to ensure inclusion of detail of vetting procedures, for both police staff and non-police personnel;
- Procedures will be established to ensure that all vetting panels are broadly representative of community background and gender;
- All vetting panel members will be trained in equality of opportunity generally and Section 75 duties in particular and this training will be updated on a regular basis.

7: MONITORING FOR ADVERSE IMPACT

The EQIA decision will be posted on PSNI's website.

The results of ongoing monitoring by relevant Section 75 grounds will be carried out on an annual basis. If the monitoring and analysis of results 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, PSNI will ensure that the policy is further revised to achieve better outcomes for the relevant equality groups.

² The Service Vetting Policy has been changed to reflect comments from consultees. There are also some other changes that have been made to reflect national guidelines.

Appendix One: Responses from Representative Groups

Equality Commission for Northern Ireland

Thank you for the opportunity to respond to the EQIA on Vetting Procedures.

Having now had the opportunity to review the documentation in more detail I can state that the EQIA process follows the stages as laid down in the Commission's guide the 'Practical Guidance on Equality Impact Assessment'. The aims of the policy are clearly defined and consideration has been given to what available data and research is available. Consideration of the assessment of impacts has taken place in relation to the nine equality categories as well as the consideration of other mitigating measures and alternative policies.

Going forward it will be important to continue to monitor the impact of the policy after each recruitment exercise. If the monitoring and analysis of results show that the policy is having a greater adverse impact than predicted, or if opportunities arise which would allow for greater equality of opportunity to be promoted, the PSNI would need to revise the policy so as to achieve better outcomes for the relevant equality groups.

I hope you find this helpful. Should you require any clarification on any of the points raised please don't hesitate to contact me.

Sinn Féin

Sinn Féin believes that the PSNI policy of classifying whole documents as 'secret' or 'top secret,' when perhaps only a line or two or a paragraph or two would warrant that classification, has a major impact on vetting and therefore needs to be part of this consultation.

We have serious concerns that PSNI applies the classification of 'secret' or 'top secret' in instances where there is no justification for doing so and that this practice impacts on openness and transparency, on the disclosure process for coronial inquests, on vetting procedures and on community confidence.

The impact of the security classification of documents on vetting procedures arises from the level of vetting required of those who access this material, and this has cost implications as well as equality and effectiveness implications for PSNI.

The number of police officers and staff who are developed vetted, particularly in the Crime Operations Department is too high and PSNI should reduce the number of positions for which developed vetting is required. The number of those developed vetted in PSNI is considerably higher than in England Scotland and Wales

PSNI should ensure that all police officers are made aware that holding Irish nationalist or republican beliefs should not be an impediment to securing vetting clearance at any level.

While the mitigating measures in the consultation document look to be worthwhile it is not clear how these can be made to apply to those carrying out SC and DV vetting.

Sinn Féin don't believe that **Defence Business Services** (DBS) as an organisation within the MoD can or will give fairness to those with Irish nationalist or republican views. PSNI should give consideration to what measures it can take to ensure equality of opportunity for the Section 75 category of political opinion.

The levels of vetting applied may discourage some police officers from a catholic or nationalist background from applying for certain positions. We welcome the commitment in the document to continue to monitor this.

The level of vetting required in Crime Operations Department in particular may also be a chill factor which deters some people from a catholic or nationalist background from viewing that department in the way that they view other parts of the police service. This is not to suggest that there is any adverse reaction to an individual who is developed vetted but rather that the level of vetting required may give the appearance of a 'keep out' sign.

PSNI should seek monitoring information from those they have or are seeking to have a contract with for associate or temporary workers or managed services, while avoiding the identification of any individuals.

PSNI should ensure that vetting levels are not disproportionately applied to some positions.

Disability Action

INTRODUCTION

- Disability Action is a pioneering Northern Ireland charity working with and for people with disabilities. We work with our members to provide information, training, transport awareness programmes and representation for people regardless of their disability; whether that is physical, mental, sensory, and hidden or learning disability.
- 21% of adults and 6% of children in Northern Ireland have a disability and the incidence is higher here than in the rest of the United Kingdom. Over one quarter of all families here are affected
- As a campaigning body, we work to bring about positive change to the social, economic and cultural life of people with disabilities and consequently our entire community. In pursuit of our aims we serve 45,000 people each year.
- Our network of services is provided via our Headquarters in Belfast and in three regional offices in Carrickfergus, Derry and Dungannon.

- Disability Action welcomes the opportunity to respond to this draft and to aid our response has put the relevant page/paragraph of the draft in brackets at the end of our comments.

SPECIFIC COMMENTARY

Regarding the consideration of mitigating measures Disability Action would make the following comments:-

- Disability Action believes that the Police Service of Northern Ireland must more than “explore” future monitoring arrangements and recommends that a system is established to monitor across all 9 Section 75 categories to inform the monitoring of this and future EQIAs.
- Information must be made in a range of alternative formats to ensure accessibility and transparency to all Section 75 groups.
- Disability Action believes that the vetting panel members training should also encompass the broader equality legislation including in particular the Disability Discrimination Act, UN Convention on the Rights of Persons with Disabilities and Disability Equality Training.

CONCLUSION

Disability Action recognises the time and effort that have gone into producing this document for consultation and thanks the PSNI for the opportunity to respond and looks forward to continued dialogue.

Department of Justice

However, the position for DOJ is perhaps less clear as I think there is a section that sponsors PSNI [perhaps in Criminal Justice] ...they may have a more pertinent view on the processes discussed in the report. Indeed they may have already responded to the exercise so you might wish to check whether they received this request for comments and responded.

If you are looking for an indication of what other vetting units do then please see my comments below.

- 1) Page 8 - Please refer to the security vetting level table below shown at the bottom of page 8. We carry out clearance levels CTC, SC and a few DVs on our DOJ staff. We don't clear any of our staff to MV level which is a prerequisite to SC clearance and allows regular access to Police assets to SECRET and occasional access to TOP SECRET.

Level	Clearance Required
Level 2 Non-Police Personnel	CTC
Level 2 Police Staff (External)	CTC
Level 2 Police Staff (Internal)	CTC
Level 3 Police Officer Recruit	CTC
Level 4 Management Vetting	MV
Level 5 Security Clearance	SC
Level 6 Developed Vetting	Developed Vetting