

*\*\*Further supporting guidance can be found on the EDHR site setting out data gathering; consultation and form completion etc. (please click [here](#))*



**EQUALITY DIVERSITY HUMAN RIGHTS**

**EDHR**

**WEST MIDLANDS POLICE  
EQUALITY IMPACT ASSESSMENT FORM**

West Midlands Police values its communities and workforce, putting them at the heart of everything that we do. We will act with humanity and treat all people with fairness. In designing our policy and service delivery we will listen and learn and strive for improvement.

How we function may impact on individuals and communities in different ways. By assessing the impact from the outset and involving those who may be affected we will demonstrate transparency and achieve better outcomes for all.

The Equality Act 2010 General Duty requires a public body to have due regard to; eliminate discrimination, advance equality of opportunity and foster good relations between groups. These are the overarching considerations for an EQIA.

**Section 1**

**a) Ownership details – including: Owning NPU/department or unit, person responsible and contact details:-**

Force Operations Department  
CI 5129 Kerry Blakeman –



**b) EQIA assessor and contact details**

PS 6377 Fleur Tedstill –



**Section 2**

**Title of strategy, policy, plan, project, contract or change in service delivery:**

**Spit and Bite Protection Equipment Policy**

**This document will be published on the WMP intranet and external website.**



**WEST MIDLANDS POLICE  
 EQUALITY IMPACT ASSESSMENT FORM**

West Midlands Police values its communities and workforce, putting them at the heart of everything that we do.

**Our Diversity and Inclusion Vision:**

'Maximise the potential of people from all backgrounds through a culture of fairness and inclusion to deliver the best service for our community'

How we function may impact on individuals and communities in different ways. By assessing the impact from the outset and involving those who may be affected we will demonstrate transparency and achieve better outcomes for all.

The Equality Act 2010 General Duty requires a public body to have due regard to; eliminate discrimination, advance equality of opportunity and foster good relations between groups. These are the overarching considerations for an EQIA.

**Ownership details – including: Owning NPU/department, person responsible and contact details:-**

Force Operations Department  
 CI 5129 Kerry Blakeman -

**Date:**

20/10/17

**Overarching Project title or delivery (with explanatory comments)**

Where there is more than one separate component or element within the project, please set out here the overarching project title, listing its key components which will all require individual EQIA assessments

**Spit and Bite Protection Equipment Policy**

Force policy on the acquisition and deployment of a piece of protective equipment known as Spit Guards.

This document will be published on the WMP intranet and external website.

### Section 3

#### What are the objectives of the strategy, policy, plan, project or change in service delivery?

The objective of this policy is to provide an efficient and consistent approach across the force in regards to the use of Spit Guards.

The policy sets out the criteria for selection and acquisition of protective equipment known as Spit Guards, and includes standards for the training and deployment of the equipment.

### Section 4

#### Does the strategy, policy, plan, project or service delivery contravene or impact on an individual's or group's human rights?

*Please refer to the Human Rights flow chart. Where required a full Human Rights assessment may be appropriate in addition to this assessment*

The Human Rights Act may be used by every person resident in England or Wales regardless of whether or not they are a British citizen or a foreign national, a child or an adult, a prisoner or a member of the public. It can even be used by companies or organisations (like Liberty).

The human rights that are contained within this law are based on the articles of the European Convention on Human Rights. The Act 'gives further effect' to rights and freedoms guaranteed under the European Convention

For further guidance:

- a) [Legislation.gov.uk](#) – [\(click here\)](#) OR
- b) [Human Rights guidance for police authorities](#) – [\(click here\)](#)

The policy has been implemented and reviewed in accordance with the European Convention and principles provided by the Human Rights Act 1998.

The Spit Guards are transparent and breathable and do not impair visibility. All caged vehicles used for transportation have windows in them therefore subjects can be monitored and reassured throughout their journey to custody or other place of safety. It is written into the policy that authorised personnel should be aware of the potential for elevated levels of distress and should dynamically risk assess the situation with a view to removal of the Spit Guard if appropriate.

The application of this policy therefore has no differential impact on any articles within the Human Rights Act 1998. However, failure as to its implementation would impact on the health and safety of West Midlands Police personnel.

This document will be published on the WMP Intranet and external website.

- ❖ Age – The policy should not have any negative impact on this protected characteristic.
- ❖ Sex (Gender) – The policy should not have any negative impact on this protected characteristic.
- ❖ Disability – Disability should be considered as an impact factor and part of the rationale when justifying the proportionality of deployment of a Spit Guard. There is a recommendation that eye wear should be removed prior to a Spit Guard being deployed therefore extra support may be required to those partially sighted in getting them to and from police vehicles.

*This section refers to treatment towards those individuals, groups or communities with protected characteristics; age (Young and elderly), sex, disability, race, gender reassignment, sexual orientation, religion or belief, pregnancy or maternity.*

**How does the strategy, policy, plan, project or service delivery highlight any differential treatment of persons, groups or communities? Please give reasons and where appropriate describe in as much detail with appropriate actions to help address such negative impacts.**

**Section 7**

The policy has been designed to provide a consistent and fair approach in regard to the use of Spit Guards. The policy gives clear guidance on deployment principles and is supported by a training package to ensure those authorised to use Spit Guards are adequately trained in their deployment.

The policy mandates that in considering whether the use of a Spit Guard is reasonable, the principles of Authorised Professional Practice (APP) and National Decision Making Model (NDM) are used, together with an assessment of individual's needs.

**What are the intended outcomes of the strategy, policy, plan, project or service delivery in terms of equality and fairness?**

**Section 6**

- Police Officers, Special Constables, Police Community Support Officers and Police Staff.
- Members of the public who have been detained and have given cause for a Spit Guard to be deployed.

*Set out (and detail) those who might be affected by any new/revisted/existing changes; internal i.e. police officers/staff and/or external i.e. members of the community and partner agencies.*

**Who will be affected by this strategy, policy, plan, project or service delivery against that as described in the Equality Act 2010**

**Section 5**

- ❖ Race – The policy should not have any negative impact on this protected characteristic.
- ❖ Gender Reassignment – The policy should not have any negative impact on this protected characteristic.
- ❖ Sexual Orientation – The policy should not have any negative impact on this protected characteristic.
- ❖ Religion / Belief – Some religions such as Sikhism, Islam and Judaism have cultural sensitivities around the wearing of head coverings. Consideration should therefore be given within the decision on reasonable grounds for deployment around the potential for additional distress that could be caused to persons practicing certain religious beliefs. Spit Guards do not fit over turbans and any attempt to apply one could cause it to fall off which could cause considerable distress to the individual wearing it.
- ❖ Pregnancy / Maternity – The policy should not have any negative impact on this protected characteristic.
- ❖ Marriage and Civil Partnership – The policy should not have any negative impact on this protected characteristic.

## Section 8

**What consultation should be undertaken and why, in order to ensure fairness and that we have consulted and listened to the views of those affected?**

Consultation has already taken place with the following departments / associations and any recommendations dealt with before the final draft of the policy was produced –

Superintendents Association  
 Legal Services  
 Professional Standards Department  
 Learning and Development  
 Data Protection  
 Force Records /Records Management  
 Freedom of Information  
 IEM Team – Operations  
 HR  
 Shared Services  
 Force Policy Co-ordinator  
 Occ. Health and Safety  
 Unite  
 Unison  
 Police Federation  
 Susan Mabbett – Staff Officer to Force Executive Team

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**Section 9**  
Please outline any data or research (local or national) considered to inform the assessment. Attach or provide links where relevant

Within the previous 12 month of the policy being written there has been an average of one assault by spitting every other day within the West Midlands Police Force area. 28% of all police assaults now involve spitting.

**Section 10**  
Please outline any other recommendations you consider will improve the fairness and equality outcomes of this policy or service delivery?

- Recommendation that consultation should take place with BAPA, the Sikh Police Association and West Midlands Police Faith Advisors for further guidance on the impact the policy could have on those wearing religious headress.
- Recommendation that a specific note is made within the policy and training package that the Spit Guard does not fit over some types of religious head coverings to prevent any distress being caused by personnel attempting to get the Spit Guards to fit.
- Recommendation for a shorter initial review (6-12 months) to include repeated consultation with IAG members to inform on any community tension relating to the introduction of the new piece of protective equipment. The review will also allow opportunity to gather feedback from users and review the deployment principles following practical use of the equipment.

**Please Note.**

*This document must NOT be signed off as completed until (Section 12) – effective outcomes, has been completed.*

### **Section 11**

Please detail the consultation undertaken **ONLY** in relation to the EDHR review of this strategy, policy, plan, project or service delivery. This consultation should set out names and/or groups, dates, and the feedback from emails, one-to-one consultation, meetings, seminars etc, and include responses and non-responses.

Please justify all responses and the recommendations made in return.

*n.b. additional sheets (evidence) can be attached to the EDHR form as long as it sets all of the consultation evidence, as described above.*

See Section 8 and attached Internal Policy Consultation List.

## Section 12

### Outline effective outcomes

*For example, this may relate to consultation and satisfaction with external voluntary groups, agencies, IAGs, a change in process, or H & S – planning etc.*

- **Consultation with BAPA, the Sikh Police Association and West Midlands Police Faith Advisors will provide perspective on religious considerations in the deployment of Spit Guards.**
- **Regular reviews will inform of any community tension relating to the use of force in deploying this piece of equipment, and allows for the deployment principles to be reviewed following practical use.**

Signed by owner:

Date:

Owner's details:



Signed by assessor:

Date: 20/10/17

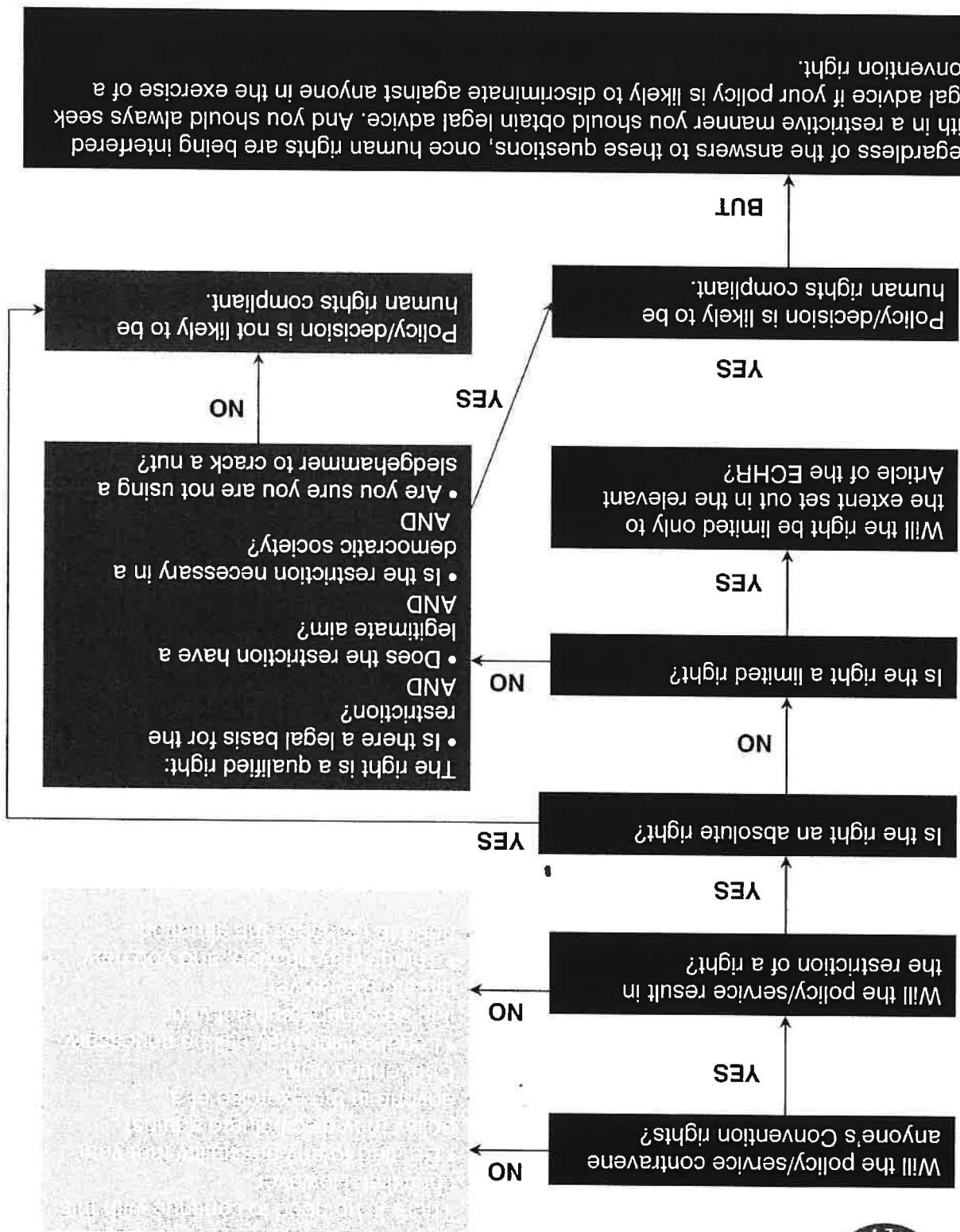
Owner's details: PS 6377 Fleur Tedstill

**On completion, copies of the EQIA form must be forwarded to [Redacted]  
Diversity Manager [Redacted]@west-midlands.pnn.police.uk**

**This document will be published on the WMP intranet and external website.**



# Human rights flow chart



Regardless of the answers to these questions, once human rights are being interfered with in a restrictive manner you should obtain legal advice. And you should always seek legal advice if your policy is likely to discriminate against anyone in the exercise of a Convention right.