



Staffordshire Police Equality Impact Assessment



The purpose of this EIA is to ensure you consider any equality issues as part of your decision making when developing / reviewing your policy / procedure.

Please complete the sections below and send to the Equality and Diversity unit to be quality assured. New / revised policies cannot be published on the policy database until the EIA has passed the quality assurance process.

Title of policy:	Police Interviews with Vulnerable or Intimidated Witnesses
Department:	Investigative Services
Date:	19 th September 2013

1. Identify the aims and purpose of the policy

Staffordshire Police fully endorses the principle of supporting all victims and witnesses, particularly those who are vulnerable or intimidated by enhancing the quality of their experience when giving evidence and ensuring that they are given equitable access to justice. Our policies and procedures in this important area aim to make the best use of our available resources by promoting a full and proper assessment of individuals who may be vulnerable or intimidated witnesses. Together with other agencies we aim to provide a service to the individual that enhances their ability to access and remain in the criminal justice process. This will ultimately greatly increase their ability to attend and give evidence at court when necessary.

The Youth Justice & Criminal Evidence Act 1999 defines three categories of witness and the process to be followed to record and present their evidence at a criminal court; this can include visually recording an interview and also arranging special measures at court (see below). The legislation identifies such victims as those assessed to be;

- i) Vulnerable
- ii) Intimidated or
- iii) A Significant witness

Staffordshire Police are bound to take account of the principles set out in the Youth Justice & Criminal Evidence Act 1999 in identifying and supporting the categories of victim and witness described above and to provide them with appropriate support

throughout their contact with the Criminal Justice system.

The special measures for giving evidence in Court include:

- Giving evidence behind a screen positioned around the witness box;
- Giving evidence by a live TV link from a room outside the courtroom;
- Giving evidence in private by clearing the courtroom of members of the public; (*available for sexual offence cases and cases involving witness intimidation*);
- Removal of wigs and gowns by judges and lawyers;
- Use of video-recorded interviews as evidence in chief;
- Examination of the witness through a Registered Intermediary; (*available for vulnerable witnesses*) and
- The provision of aids to communication such as through a computer or other device to communicate when giving evidence.

Although a vulnerable or intimidated witness might be eligible for special measures, the measures will not automatically be available at the trial. An application for special measures must be made to the court by a prosecutor, on behalf of the witness, and must be made within set time limitations. It is therefore important that any vulnerability is recognised as early as possible during the investigation stage to be able to support the witness should the investigation progress to a criminal prosecution.

The aim and purpose of the policy and procedures specifically for victims and witnesses who are vulnerable, intimidated or a significant witness will bring:

- An improvement in the quality of service and support to those who are identified as being a vulnerable or intimidated witness
- Consistency in and improvement of the quality of evidence given by a witness who is vulnerable or intimidated
- A better opportunity for those who are vulnerable or intimidated to be heard and for their concerns met
- An increase in the number of witnesses able to give their evidence at court to achieve a just outcome
- Where a digital recording is made of the interview with a witness who is vulnerable or intimidated to preserve the integrity of the interview which can be used as evidence in chief as appropriate thereby avoiding the potential adverse affect of having to give evidence in person at court.
- Opportunities to give feedback to officers conducting interviews to maintain or improve standards

2. Identify the individuals and organisations who are likely to have an interest in, or be affected by the policy.

Staffordshire and Stoke on Trent Adult Safeguarding Partnership

The Crown Prosecution Service

Stoke on Trent Local Safeguarding Children's Board. The jointly agreed procedure in Stoke on Trent for dealing with Child Protection matters can be viewed at:

<http://www.safeguardingchildren.stoke.gov.uk/ccm/navigation/professionals/procedure-manuals/>

Staffordshire County Council Safeguarding Children's Board. The jointly agreed procedures in Staffordshire for dealing with Child Protection matters can be viewed at:

<http://www.staffsscb.org.uk/professionals/procedures/>

OfSTED Office for Standards in Education, Children's Services and Skills

Staffordshire First Response is a service for children in Staffordshire from pre-birth to 18 years who don't currently have a dedicated Social Worker. Call them free on 0800 1313 126 from 8am - 8pm Monday-Friday or email: frist@staffordshire.gov.uk ([Opens in new window](#))

Stoke-on-Trent Children and Young People Services: 01782 235100

Multi Agency Public Protection Arrangements (MAPPA) assessing offenders

Multi Agency Risk Assessment Conference (MARAC) assessing & supporting victims victims

All Staffordshire police officers and police staff.

Staffordshire Police and Crime Commissioner

Staffordshire Police Federation

UNISON Staffordshire

8 District Councils of Staffordshire

Her Majesty's Inspector of Constabulary (HMIC)

Home Office

The Ministry of Justice

Members of the Public.

3. Data

Summarise the findings of any monitoring data / information which you have

considered regarding the impact of this policy on people from all or any of the protected characteristics. This could include national or local data.

The Crown Prosecution Service have conducted research into vulnerable and intimidated witnesses within the Criminal Justice System published in April 2012

The research was conducted through a combination of two methods: a review of a sample of 74 CPS case files and a workshop attended by ten criminal justice system practitioners. Representatives from a small number of voluntary sector groups which represent victims and witnesses were also consulted as part of the research planning process, which further informed the approach to the case file review.

The research by the CPS involved representatives from victim and witness voluntary sector groups: Voice UK, Mind, Victim Support and Co-ordinated Action against Domestic Abuse (CAADA); who offered their thoughts on the data collection template and study aims;

Overview of the cases examined

Principal offence category	Special Measures applic involved	No special measures involved	Total cases
Offences against the Person	32	20	52
Sexual offences	8	Nil	8
Burglary	Nil	1	1
Robbery	1	Nil	1
Theft and Handling	Nil	Nil	Nil
Fraud & Forgery	1	Nil	1
Criminal Damage	Nil	1	1
Public order Offences	4	Nil	4
Other offences excluding motoring	4	1	5
Motoring	1	Nil	1
Total	51	23	74

The outcome of cases where an application for special measures was involved.

Case Outcomes	Special Measures applic involved	No special measures involved	Total cases
Convictions	29 (56%)	Nil	29 (36%)
Unsuccessful	22 (44%)	23 (100%)	45 (64%)
Total	51	23	74

The findings indicated that when special measures are used there was some probative value from the appropriate use of such measures. The CPS report also highlighted the need for improvement in recognising and meeting the need for special measures. The full review is available on http://www.cps.gov.uk/publications/research/cps_research_on_special_measures.pdf

3.1 Age

Data on age was collected for the CPS study on Vulnerable Victims and Witnesses

Age Band	Special measures applications made	No special measures applications made	Total victims/witnesses
14-17 ^a	2	1	3
18-24	18	7	25
25-59	27	14	41
60-69	Nil	1	1
70-79	2	Nil	2
80+	5	1	6
Total	55	24	79

Notes: (a) All three witnesses were aged 17 by the time of the trial date

Younger people are more likely to be a victim of crime than adults. However, because they are less likely to report crime, they are less able to access support. Such support, when given, often leads to authorities becoming aware of offences committed against the young. Similarly someone who is elderly and infirm may become a victim or witness to a crime and that person may also need support throughout the criminal justice process. Such support, if appropriate, may take the form of a recorded interview with the police and the use of special measures at court as appropriate

Staffordshire Police has officers and police staff trained to investigate offences against children and also vulnerable adults jointly with the Children's Social Services, those responsible for adult safeguarding and specialists in the medical profession.

3.2 Disability

Section 16 Youth Justice & Criminal Evidence Act 1999 recognises that there are different needs amongst people with a disability who may be the victims of crime or are a witness to a crime.

A 2011 article in the Guardian newspaper reported Keir Starmer Director of Public Prosecutions as saying:-

'And then there are those who will admit that the state gets things wrong. The director of public prosecutions has just made a speech admitting that the authorities "are still in the foothills when it comes to [disability](#) hate crime and supporting victims and witnesses with disabilities". Speaking at the University of Sussex, Keir Starmer has acknowledged that disabled people lack confidence in the criminal justice system, and that prosecutors have to do their part in reversing that. '

Full article:

<http://www.guardian.co.uk/law/afua-hirsch-law-blog/2011/mar/02/criminal-justice-ukcrime>

Being a witness can be stressful. Additional support may be needed if the witness is a child or anyone who has a disability which must be recognised and taken into consideration if that person becomes part of a criminal investigation.

Section 16 of the Youth Justice & Criminal Evidence Act 1999 (YJCE Act) defines vulnerable

as:-

- (i) **All witnesses under 18 and adult witnesses with mental disorders, learning disabilities or**
- (ii) **physical disorders/disabilities**

During a trial in any Court vulnerable witnesses will be eligible for visually recorded evidence in chief, live visual link, screens, evidence in private and removal of wigs and gowns. There may also be access to intermediaries who are specialists who can help witnesses with communication difficulties and aids to communication such as an alternative method of communication or example alphabet boards, makaton symbols and signs see <http://www.makaton.org>

3.3 Race

Data on race was collected for the 2012 CPS study on Vulnerable Victims and Witnesses

Ethnicity	Special measures applications made	No special measures applications made	Total victims/ witnesses
White British	37	14	51
Any other White Background -	Nil	3	3
White and Asian	Nil	1	1
Any other Black background	1	Nil	1
Not Provided/Not stated	17	6	23
Total	55	24	79

Section 17(1) Youth Justice & Criminal Evidence Act 1999 (see below) recognises that there are different needs amongst people who may be the victims of crime or are a witness to a crime according to race or religion. Being a witness can be stressful.

The nature of the offence itself can make victims and witnesses feel intimidated for example assault, sexual offences and hate crime. Additional support may be needed particularly if the witness is a child where the cultural or religious needs of the child must be recognised and taken into consideration if the child becomes part of a criminal investigation.

During a trial in any Court vulnerable witnesses will be eligible for visually recorded evidence in chief live visual link, screens, evidence in private and removal of wigs and gowns. There will also be access to intermediaries and aids to communication

Section 17(1) Youth Justice & Criminal Evidence Act 1999 defines intimidated as when:-

The quality of evidence given by the witness is likely to be diminished by reason of fear or distress on the part of the witness in connection with testifying in the proceedings.

Section 17(2) In deciding whether a witness falls within s17(1) the following points, where appropriate, should be considered:-

- The nature and alleged circumstances of the offence to which the proceedings relate
- The age of the witness
- **The social and cultural background and ethnic origins of the witness**
- The domestic and employment circumstances of the witness, and
- Any religious beliefs or political options of the witness

Also any behaviour towards the witness by :-

- The accused
- Members of the accused person's family or associates
- Any other person who is likely to be either an accused person or a witness in the proceedings

Witnesses who might be regarded as intimidated include victims and witnesses in cases that involve:

- domestic violence
- **racially motivated crime**
- crime motivated by reasons relating to religion

- crime motivated by reasons related to disability
- homophobic and transphobic crime
- violent crime, particularly that involving guns or knives
- gang related violence
- Victims and witnesses who have experienced past or repeat harassment or bullying
- Victims and witnesses who are elderly and frail

3.4 Religion or Belief

There is no decisive data that members of a particular religious group or belief are more at risk than others from becoming the victim of crime. Religious beliefs may support and sustain victims in adversity and enable them to come to terms with what has happened to them. Support and assistance from religious figures important to the victim and their family must not be overlooked to assist through the investigation process. Victims and witnesses who may be vulnerable, intimidated or are a significant witness are equally likely to come from any religious group or belief. The needs of the witness, within the context of a criminal investigation, must be addressed on an individual basis. It is recognised that the nature of the offence itself can result in victims and witnesses feeling intimidated such as assault, sexual offences and hate crime.

3.5 Sex

Data on age was collected for the 2012 CPS study on Vulnerable Victims and Witnesses

Gender	Special measures applications made	No special measures applications made	Total victims/ witnesses
Female	42	21	63
Male	13	3	16
Total	55	24	79

Victims and witnesses are represented across genders as are perpetrators of offences. The policy and procedures take account of the sex of the victim in their response to being the victim of crime. The nature of the crime under investigation

may be gender specific as in the case of rape and other sexual offences for example when vulnerable young people are targeted by paedophiles who befriend, groom and sexually exploit them.

3.6 Sexual Orientation

There may be a period in the sexual development of a person when their sexual development is unclear, particularly when young, which becomes more defined with maturity. The main objective is to improve the experience of any investigation by maintaining a victim focused approach to encourage the reporting of being the victim of a crime and to stay with the investigation and in the judicial process until justice is served. Part of the victim focussed approach is to recognise that a person who is lesbian gay or bisexual may be more vulnerable to exploitation or abuse due to feelings of isolation and lack of support or understanding from family or peers.

See paragraph 4.6 below

3.7 Transgender

The main objective is to improve the experience of any investigation by maintaining a victim focused approach to encourage the reporting of being the victim of a crime and to stay with the investigation and in the judicial process. Part of the victim focussed approach is to recognise that a transgender person be more vulnerable to exploitation or abuse due to feelings of isolation and lack of support or understanding from family or peers.

See paragraph 4.7 below

4. Research

Summarise the findings of any research you have considered regarding this policy for all or any of the protected groups. This could include information you have obtained from other sources eg. ACPO, Home Office.

The most recent research into this area was by the CPS Exploring the decisions and actions taken by prosecutors in a sample of 74 CPS cases published in April 2012

The full review is available on

http://www.cps.gov.uk/publications/research/cps_research_on_special_measures.pdf

The research considered 74 cases where there were witnesses and victims who were vulnerable and intimidated and made recommendations as to how they could be supported within the criminal justice process.

4.1 Age

Children who are victims and witnesses to a crime are more likely to require special measures when giving evidence about their experiences. The management of child abuse investigations is geared towards that simple fact. Young victims are interviewed by officers trained to conduct interviews that are recorded by both sound and vision. Such interviews are conducted jointly with partner agencies from Children's Social Care. As child victims of abuse grow older many victims, particularly victims of sexual abuse, realise what has happened to them and may experience an element of self-blame which prevents them from disclosing to others what has happened. Reassurance and support is crucial to obtaining vital information to assist enquiries and bring offenders to justice.

The elderly and infirm may experience age related health conditions that affects their ability to recount their experience and to give evidence. The use of special measures can help to maintain the confidence of a victim within the criminal justice system and enable their evidence to be heard.

4.2 Disability

Research evidence suggests that disabled children are more vulnerable to abuse than non- disabled children. A large scale American study that examined records of over 40,000 children found that disabled children were 3.4 times more likely to be abused or neglected than non-disabled children. Disabled children were 3.8 times more likely to be neglected, 3.8 times more likely to be physically abused, 3.1 times more likely to be sexually abused and 3.9 times more likely to be emotionally abused. Overall, the study concluded that 31% of disabled children had been abused, compared to a prevalence rate of 9% among the non-disabled child population (Safeguarding Disabled Children July 2009 Department for Children Schools and Families practice Guidance)

Key features of vulnerability of disabled children in the UK includes:

- Many disabled children are at an increased likelihood of being socially

isolated with fewer outside contacts than non disabled children

- Their dependency on parents and carers for practical assistance in daily living, including intimate personal care, increases their risk of exposure to abusive behaviour
- They have an impaired capacity to resist or avoid abuse
- They may have speech, language and communication needs which may make it difficult to tell others what is happening
- They often do not have access to someone they can trust to disclose that they have been abused
- They are especially vulnerable to bullying and intimidation
- Looked after disabled children are not only vulnerable to the same factors that exist for all children living away from home, but are particularly susceptible to possible abuse because of their additional dependency on residential and hospital staff for day to day physical care needs.

When dealing with adult victims and witnesses who are disabled and have been so since child hood it must be borne in mind that their prior experience may be such as that described above. As such there is an increased likelihood that they have already been the victims of some type of abuse which may have gone unreported. Such prior experiences only adds to their vulnerability and increases the need to build trust in the criminal justice system

There are a number of research articles concerning child abuse and disability. Examples of these are viewable on:

Child Abuse and Neglect: the Role of Mental Health Services.

Internet link: www.rcpsych.ac.uk/files/pdfversion/cr120.pdf

Think child, think parent, think family: a guide to parental mental health and child welfare (SCIE Guide 30).

Internet link: www.scie.org.uk/publications/guides/guide30/index.asp

4.3 Race

All victims should be dealt with sensitively in accordance within their own cultural norms where possible. The victim may be fearful of the investigation, which can cause embarrassment, exhaustion or guilt. Many victims feel an element of self-blame. Reassurance is crucial to obtaining vital information to assist enquiries and bring offenders to justice.

4.4 Religion or Belief

There is no data that members of a particular religious group or belief are more at risk than others of becoming a victim of crime. Religious beliefs may support and sustain victims in adversity and enable them to come to terms with what has happened to them. Support and assistance from religious figures important to the victim must not be overlooked to assist the victim through the investigation process. The victim may be fearful of the investigation, which can cause embarrassment, exhaustion or guilt. When young victims grow older and realise what has happened to them they can feel an element of self-blame. Reassurance is crucial to obtaining vital information to assist enquiries and bring offenders to justice.

4.5 Sex

The sexual exploitation of boys and young men does happen. The Department of Children Schools and Families (DCSF) 2009, supported by research in the field acknowledges boys and young men, as well as girls and young women can be sexually exploited. It is acknowledged that there is under reporting of the sexual abuse of children particularly boys as evidenced by the prominence of historic investigations of abuse of children whilst in the care of a number of institutions.

4.6 Sexual Orientation

Each time a victim with this protected characteristic becomes a victim or a witness to a crime and they are required to give evidence their capability to do so is assessed on a case by case basis. It may become apparent from the circumstances and during the course of an investigation that sexual orientation of the victim may be a feature of the case. Sexual orientation becomes a vulnerability when it is exploited or

manipulated and is the reason an individual may have been targeted. This can be the case when for example a person has still not come 'out'. There is no clear data about the number of times this happens with either adult or child witnesses or victims and it is for investigators to be alert to the circumstances of the case and the potential disclosure of the sexual orientation of the victim or witness which was something that person preferred to be kept confidential.

4.7 Transgender

In common with a number of people in the general population, transgender men and women face abuse and victimization.

A recent study illustrated that heterosexuals and homosexuals alike who do not express their gender roles according to society are more likely to experience abuse physically, sexually, and psychologically.*

The concerns of not being treated equitably within the criminal justice system may be very real for transgender men and women. Again this area has little data to offer clear direction and it is for investigators to be alert to the circumstances of the case and the potential disclosure of something that victim or witness preferred to be kept confidential.

*Andrea L. Roberts, Margaret Rosario, Heather L. Corliss, Karestan C. Koenen and S.Bryn Austin 'Childhood Gender Nonconformity: A Risk Indicator for Child Abuse and Post traumatic Stress in Youth', Paediatrics Official Journal of the American Academy of Paediatrics, February 2012

5. Consultation

The CPS have conducted research published in April 2012 regarding vulnerable victims and witnesses and published 'Exploring the decisions and actions taken by prosecutors in a sample of 74 CPS cases' published in April 2012

The full review is available on

http://www.cps.gov.uk/publications/research/cps_research_on_special_measures.pdf

The research was conducted in consultation with representatives from victim and witness voluntary sector groups: Voice UK, Mind, Victim Support and Co-ordinated Action against Domestic Abuse (CAADA); who offered their thoughts on the data collection template and study aims

During the course of conducting the research the CPS used the following reference material:

Cooper, D. and Roberts, P. (2005) *Special Measures for Vulnerable and Intimidated Witnesses: An Analysis of Crown Prosecution Service Monitoring Data*. London: CPS.

Available from: www.cps.gov.uk/legal/assets/uploads/files/Monitoring%20Data.pdf

Criminal Justice System (2007) *The Witness Charter. Standards of care for witnesses in the criminal justice system*. Available from: <http://www.justice.gov.uk/downloads/victimsand-witnesses/working-with-witnesses/witness-charter.pdf>

Crown Prosecution Service (2005) *The Prosecutor's Pledge*. Available from:

http://www.cps.gov.uk/publications/prosecution/prosecutor_pledge.html

Crown Prosecution Service (2006) *Bar/CPS Standard for Communication between Victim, Witness and the Prosecuting Advocate*. Available from:

http://www.cps.gov.uk/publications/agencies/comms_standard.html

Crown Prosecution Service (2008) *Code of Practice for Pre-trial Witness Interviews*.

Available from: http://www.cps.gov.uk/victims_witnesses/resources/interviews.html

Crown Prosecution Service (2009a) *Thematic Review of Vulnerable and Intimidated Witnesses and the service provided by Witness Care Units*. Unpublished policy paper.

Crown Prosecution Service (2009b) *Practice Guidance. Early Special Measures discussions between the police and Crown Prosecution Service (5th Edition)*. London:

CPS. Available from:

<http://www.cps.gov.uk/legal/assets/uploads/files/13007%20Early%20Measures%20SMD%205th.pdf>

Equality and Human Rights Commission (2011) *Hidden in plain sight. Inquiry into disability-related harassment*. Available from:

http://www.equalityhumanrights.com/uploaded_files/disabilityfi/ehrc_hidden_in_plain_sight_3.pdf

Franklyn, R. (2012) *Satisfaction and willingness to engage with the Criminal Justice System. Findings from the Witness and Victim Experience Survey, 2009–10*. London:

Ministry of Justice. Available from:

<http://www.justice.gov.uk/downloads/publications/research-and-analysis/mojresearch/satisfaction-willingness-to-engage-with-cjs.pdf>

Hamlyn, B., Phelps, A., Turtle, J. and Sattar, G. (2004) *Are special measures working? Evidence from surveys of vulnerable and intimidated witnesses*. London: Home Office.

Available from: <http://library.npia.police.uk/docs/hors/hors283.pdf>

HMCPSP (2009) *Report of a Joint Thematic Review of Victim and Witness Experiences in the Criminal Justice System*. London: HM Crown Prosecution Service Inspectorate, HM Inspectorate of Constabulary and HM Inspectorate of Court Administration. Available from:

http://www.hmcpsti.gov.uk/documents/reports/CJJI_THM/VWEX/VW_thm_May09_rpt.pdf

HMCPSP (2012) *Joint Inspection Report on the Experience of Young Victims and Witnesses in the Criminal Justice System*. London: HMCPSP. Available from:

http://www.hmcpsti.gov.uk/documents/reports/CJJI_THM/VWEX/CJJI_YVW_Jan12_rpt.pdf

Lee, V. and Charles, C. (2008) *Research into CPS decision-making in cases involving victims and key witnesses with mental health problems and/or learning disabilities*.

London: CPS. Available from:

http://www.cps.gov.uk/publications/docs/mhld_cps_research.pdf

McLeod, R., Philpin, C., Sweeting, A., Joyce, I. and Evans, R. (2010a) *Court Experience of Vulnerable People: Report 3: At Court*. London: Ministry of Justice. Available from:

<http://www.justice.gov.uk/downloads/publications/research-and-analysis/mojresearch/court-experience-adults-3.pdf>

McLeod, R., Philpin, C., Sweeting, A., Joyce, I. and Evans, R. (2010b) *Court Experience of Vulnerable People: Report 2: Before Court*. London: Ministry of Justice. Available from: <http://www.justice.gov.uk/downloads/publications/research-and-analysis/mojresearch/court-experience-adults-2.pdf>

Mind (1999) *Silenced Witnesses*. London: Mind.

Mind (2007) *Another Assault*. London: Mind. Available from: <http://www.mind.org.uk/assets/0000/4014/Anotherassault.pdf>

Mind (2010) *Achieving justice for victims and witnesses with mental distress. A mental health toolkit for prosecutors and advocates*. Available from: http://www.mind.org.uk/assets/0000/9950/Prosecutors__toolkit.pdf

Ministry of Justice (2011) *Achieving Best Evidence in Criminal Proceedings: Guidance on Interviewing Victims and Witnesses, and Guidance on Using Special Measures (3rd edition)*. Available from: <http://www.justice.gov.uk/downloads/victims-andwitnesses/vulnerable-witnesses/achieving-best-evidence-criminal-proceedings.pdf>

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Patton, M. Q. (2002). *Qualitative Research and Evaluation Methods* (3rd Edition). Thousand Oaks, CA: Sage Publications.

Payne, S. (2009) *Redefining justice: addressing the individual needs of victims and witnesses*. London. Ministry of Justice.

Plotnikoff, J. and Woolfson, R. (2009) *Measuring up? Evaluating implementation of Government commitments to young witnesses in criminal proceedings*. London: NSPCC. Available from:

http://www.nspcc.org.uk/Inform/research/Findings/measuring_up_report_wdf66579.pdf

Plotnikoff, J. and Woolfson, R. (2011) *Young witnesses in criminal proceedings. A progress report on Measuring Up?* London: Nuffield Foundation. Available from: http://www.nuffieldfoundation.org/sites/default/files/files/Young%20witnesses%20in%20criminal%20proceedings_a%20progress%20report%20on%20Measuring%20up_v_FINAL.pdf

On 27 June 2013 the Law Commission were tasked by the Ministry of Justice following the Government's publication of its three year hate crime action plan in 2012. The consultation period ended on 27th Sept 2013

Their terms of reference were asked to look into:

(a) extending the aggravated offences in the Crime and Disorder Act 1998 to include where hostility is demonstrated towards people on the grounds of disability, sexual orientation or gender identity;

(b) the case for extending the stirring up of hatred offences under the Public Order Act 1986 to include stirring up of hatred on the grounds of disability or gender identity.

More detail can be seen on:

http://lawcommission.justice.gov.uk/consultations/hate_crime.htm

Staffordshire Police are part of the Staffordshire and Stoke on Trent Adult Safeguarding Partnership which have published interagency procedures for recognising, recording and managing vulnerability in adults. They encourage close working between agencies to facilitate early intervention in a supportive way to meet the needs of vulnerable adults. The interagency procedures can be viewed

on:

<http://www.staffordshire.gov.uk/Resources/Documents/i/InteragencyProceduresFinal2aug10-1.pdf>

Staffordshire Police are also represented on the multi agency forums of the Local Safeguarding Children's Board (LSCB) of both Staffordshire and Stoke on Trent. Both LSCB's are responsible for the development of policy and procedures for child protection matters. All the agencies that make up the LSCB's support the guidance published on their respective web sites

The development of the LSCB procedures is one of the core functions of each Safeguarding Children Board in its role to co-ordinate local work to safeguard and promote the welfare of children. They encourage close working between agencies to facilitate early intervention in a supportive way to meet the needs of children and their families. The procedures reflect current legislation, accepted best practice and comply with the government guidance.

5.1 Age

There are a number of multi agency forums where issues that may impact on those with protected characteristics are discussed developed and managed. Foremost amongst such groups are the Local Safeguarding Children's Boards of both Staffordshire and Stoke on Trent and the Staffordshire and Stoke on Trent Adult Safeguarding Partnership. Both forums develop guidance to support the most vulnerable and enable them to play a full and active part in society. This includes supporting them when they become a victim or a witness in criminal proceedings

The Home Office publishes guidance titled:

Achieving Best Evidence in Criminal Proceedings: Guidance on vulnerable and intimidated witnesses including children.

Internet link: www.homeoffice.gov.uk/documents/ach-bect-evidence/

5.2 Disability

As detailed in section 4.2, research evidence suggests that disabled children are more vulnerable to abuse than non- disabled children. A large scale American study that examined records of over 40,000 children found that 31% of disabled children had been abused, compared to a prevalence rate of 9% among the non-disabled child population (Safeguarding Disabled Children July 2009

Department for Children Schools and Families practice Guidance).

Vulnerability of children is addressed in keeping with the principles of the ***Safeguarding Disabled Children: Practice guidance (2009)***. London: Department for Children, Schools and Families.

Internet link: www.dcsf.gov.uk/everychildmatters/download/?id=6195

Disability is considered by both the Staffordshire and Stoke on Trent Adult Safeguarding Partnership and the Local Safeguarding Children's Board (LSCB) of both Staffordshire and Stoke on Trent. Both forums are partnership forums where consideration of protected characteristics is central to the purpose of the group.

5.3 Race

All victims should be dealt with sensitively in accordance within their own cultural norms where possible.

A child's race culture and ethnicity must be taken into consideration when planning an interview with a child as indicated in paragraph 3 of:

Achieving Best Evidence in Criminal Proceedings: Guidance on vulnerable and intimidated witnesses including children.

Internet link: www.homeoffice.gov.uk/documents/ach-bect-evidence/

Nationally hate crime can be reported by anyone via the True Vision web site

http://www.report-it.org.uk/your_police_force

Race may be at the centre of the investigation as in cases of racial harassment or abuse. There may be a need to conduct a Community Impact Assessment following the commission of racial crime which involves members of the local community for example;

PARINS = Partnership Approach to Racial Incidents in North Staffordshire now known as Challenge North Staffs

http://www.parins.org/go2/About_Us/

Other parts of Staffordshire have partnership to tackle Hate Crime which affects those having the protected characteristics:

North Staffordshire <https://www.challengenorthstaffs.org/>

Chase District <http://www.cachpartnership.org.uk/index.htm>

South Staffordshire <mailto:selfreport@cachpartnership.org.uk>

East Staffordshire <http://www.eaststaffsbc.gov.uk/Services/Equalities/Pages/HateCrime.aspx>

Staffordshire Police

http://www.staffordshire.police.uk/info_advice/crime_prevention/student_zone/hate_crime/

5.4 Religion or Belief

The policy and procedures takes account of guidance where religion, belief and culture may be a factor in cases of child abuse. The below best practice guidance is based on consultation with a

number of groups and the following guidance:

Multi-agency practice guidelines: Handling cases of Forced Marriage.

Internet link: www.fco.gov.uk/resources/en/pdf/3849543/forced-marriage-guidelines09.

Forced marriage guidance for local authorities and relevant third parties.

Internet link: www.justice.gov.uk/guidance/forced-marriage.htm.

Safeguarding Children from Abuse Linked to a Belief in Spirit Possession.

Internet link: www.dcsf.gov.uk/everychildmatters/download/?id=661

The **National action plan for tackling child abuse linked to faith or belief** for England, published on 14 August 2012, brings together actions agreed between central Government and local statutory partners, faith leaders, voluntary sector organisations and the Metropolitan Police. Working together on the National Working Group on Child Abuse Linked to Faith or Belief the partners agreed ways of protecting children from this form of abuse.

The action plan is intended to help raise awareness of the issue of child abuse linked to faith or belief and to encourage people to take practical steps to prevent such abuse. It looks at tackling abuse linked to faith or belief from the perspective of the child, parent, community and faith group members and child practitioners. It is organised into four themes: engaging communities; empowering practitioners; supporting victims and witnesses; and communicating key messages. The action plan can be viewed on:

<http://www.education.gov.uk/childrenandyoungpeople/safeguardingchildren/a00212811/safeguarding-children-from-abuse-linked-to-faith-or-belief>

5.5 Sex

Safeguarding Children and Young People from Sexual Exploitation.

Internet link: www.dcsf.gov.uk/everychildmatters/download/?id=6021

Dorkenoo et al. (2007). *A Statistical Study to Estimate the Prevalence of Female Genital Mutilation in England and Wales*. Available from FORWARD UK.

Safeguarding Children who may have been trafficked.

<http://publications.everychildmatters.gov.uk/default.aspx?PageFunction=productdetails&>

PageMode=publications&ProductId=HMG-00994-2007&

Jones, D. P. H. and Ramchandani, P. (1999) *Child Sexual Abuse. Informing Practice from Research*.

Abingdon: Radcliffe Medical Press Ltd.

5.6 Sexual Orientation

Working together Safeguard Children 2010 states:

'Identity concerns the child's growing sense of self as a separate and valued person.

Includes the child's view of self and abilities, self image and self esteem, and having a positive sense of individuality. Race religion, age, gender, sexuality and disability may all contribute to this. Feelings of belonging and acceptance by family, peer group and wider society, including other cultural groups'

A child's sexual preference may be unclear and remain so into adult life. Because of their age it is less likely that a person under 18 years will be confident about outwardly showing their sexual preference. Each episode of child abuse is assessed on a case by case basis and it may become apparent from the circumstances and during the course of an investigation that sexual orientation of the victim may be feature of the case.

There are a number of support organisations to provide support and guidance

LGBT Network in Stoke on Trent

The network has grown into a recognised organisation that represents the views of the LGBT community. In 2010 LGBT Staffordshire became a registered charity and appointed an elected board of directors.

<http://www.gaystoke.org.uk/default.asp?ld=46&sC=page19>

Also for LGBT contact in Staffordshire

<http://www.gaystaffordshire.co.uk/>

5.7 Transgender

Working together Safeguard Children 2010 states:

'Identity concerns the child's growing sense of self as a separate and valued person.

Includes the child's view of self and abilities, self image and self esteem, and having a positive sense of individuality. Race religion, age, gender, sexuality and disability may all contribute to this. Feelings of belonging and acceptance by family, peer group and wider society, including other cultural groups'.

Each investigation is assessed on a case by case basis. Research suggests there is no fully settled and universally agreed way to resolve the emotional complexities of transgender issues in children which may continue into adulthood. What is agreed is that where the issue is important to the child the possibility that a child has or is becoming transgendered must be taken into account in any contact by those having statutory responsibility for child protection matters.

6. Conclusions

Taking into account the results of the monitoring, research and consultation, set out how the policy impacts or could impact on people from the following protected groups?

(Include positive and/or negative impacts)

6.1 Age

There are no negative impacts arising from the operation of the Staffordshire Police policy and procedures for addressing the needs of vulnerable and intimidated witnesses within the criminal justice process.

The policy and supporting procedures will ensure the early identification of victims and witnesses having protected characteristics. The form on which a witness account is recorded – Form MG11 - will contain a separate section of key questions regarding vulnerability for completion by the officer together with the witness. Completion of the form will serve as a guide to both the officer and the witness to identify vulnerability, intimidation and the need for a restraining order against an offender. It will also ensure that victims and witnesses with protected characteristics are supported throughout the criminal justice process. Following completion the witness signs the form in addition to their witness statement. There are already established processes in place to identify the need for special measures for those witnesses whose interview is recorded visually and conducted with partner agencies such as Children's Social Services

Legislative requirements that require that protected groups are considered in the investigation and judicial processes will be met

6.2 Disability

There are no negative impacts arising from the operation of the Staffordshire Police policy and procedures for addressing the needs of vulnerable and intimidated witnesses within the criminal justice process.

The policy and supporting procedures will ensure the early identification of victims and witnesses having protected characteristics. The form on which a witness account is recorded – Form MG11 - will contain a separate section of key questions regarding vulnerability for completion by the officer together with the witness. Completion of the form will serve as a guide to both the officer and the witness to identify vulnerability, intimidation and the need for a restraining order against an offender. It will also ensure that victims and witnesses with protected characteristics are supported throughout the criminal justice process. Following completion the witness signs the form in addition to their witness statement. There are already established processes in place to identify the need for special measures for those witnesses whose interview is recorded visually and conducted with partner agencies such as Children's Social Services

Legislative requirements that require that protected groups are considered in the

investigation and judicial processes will be met

6.3 Race

There are no negative impacts arising from the operation of the Staffordshire Police policy and procedures for addressing the needs of vulnerable and intimidated witnesses within the criminal justice process.

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Legislative requirements that require that protected groups are considered in the investigation and judicial processes will be met

6.4 Religion or Belief

There are no negative impacts arising from the operation of the Staffordshire Police policy and procedures for addressing the needs of vulnerable and intimidated witnesses within the criminal justice process.

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Legislative requirements that require that protected groups are considered in the investigation and judicial processes will be met

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Legislative requirements that require that protected groups are considered in the investigation and judicial processes will be met

7. Decisions

If the policy will have a negative impact on members of one or more of the protected groups, explain how the policy will change or why it is to continue in the same way.

If no changes are proposed, the policy needs to be objectively justified.

There are no negative impacts arising from the operation of the Staffordshire Police policy and procedures for addressing the needs of vulnerable and intimidated witnesses within the criminal justice process.

The policy and supporting procedures will ensure the early identification of victims and witnesses having protected characteristics. The form on which a witness account is recorded – Form MG11 - will contain a separate section of key questions regarding vulnerability for completion by the officer together with the witness. Completion of the form will serve as a guide to both the officer and the witness to identify vulnerability, intimidation and the need for a

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Legislative requirements that require that protected groups are considered in the investigation and judicial processes will be met

8. Monitoring arrangements

If the policy is new what consideration has been given to piloting the policy?

If monitoring is not already in place what arrangements have been made to monitor the effects of the policy on equality and diversity?

The policy is not new but is the most recent update based on current best practice guidance in order to meet legislative requirements. The identification and support of vulnerable and intimidated witnesses is a priority for Staffordshire Police who are immersed in partnership work which is currently developed to a mature level in conjunction with Local Safeguarding Board's for both children and vulnerable adults from both Stoke on Trent Local Authority and Staffordshire County Council

Issues of vulnerability are recorded within the Multi Agency Safeguarding Hub (MASH) which is an information sharing entity to enable the safeguarding of children and vulnerable adults who may be or become victims and witnesses in criminal investigations.

Staffordshire Police are committed to ensuring that our policies and working practices are working to achieve our priorities. To monitor performance and development in this area the Force engages in the following quality assurance processes:

- Audits and reviews.

- Witness Care Units supporting witnesses at court
- Crown Prosecution Service feedback on the need for special measures
- Serious Case Reviews.
- Domestic Homicide Reviews
- Organisation learning / peer review.
- Multi-agency working.
- Separate Local Safeguarding Boards for Children and Vulnerable Adults.
- Performance Assurance Unit involvement.
- External reviews and inspections by Her Majesty's Inspectors of Constabulary (HMIC)
- External reviews and inspections by the Office for Standards in Education, Children's Services and Skills (OfSTED)

This equality impact assessment will be published on the force website.

EIA Form Dated Oct
2013