



HOME OFFICE MEASURES IN THE CRIMINAL JUSTICE BILL: EQUALITIES IMPACT ASSESSMENT

1. Name and outline of policy proposal, guidance or operational activity

The Criminal Justice Bill ('the Bill') was introduced in the House of Commons on 14 November 2023. This is a joint bill, between the Home Office and the Ministry of Justice. This Equality Impact Assessment considers only the Home Office measures. The Ministry of Justice measures are considered in a separate assessment.

The Home Office measures are as follows:

Offences relating to things used in serious organised crime, theft or fraud

Articles for use in serious crime

- i. Introduce a new offence of possessing any specified article where a person intends, or has reasonable grounds to suspect, that it will be used in serious crime.
- ii. Introduce a new offence of importing, making, adapting, supplying, offer to supply a specified article where a person has reasonable grounds to suspect that it will be used in serious crime.
- iii. Introduce a new offence of possessing an electronic device which give rise to a reasonable suspicion that the device will be used in connection with a serious crime.
- iv. Introduce an offence of importing, making, adapting, supplying or offering to supply an electronic device in circumstances which give rise to a reasonable suspicion that the device will be used in connection with a serious crime.

Possession and supply of a SIM farm

Introduce new offences of supplying or possessing a SIM farm (subject to specified exceptions). The legislation will also create a power to prohibit other articles that might use electronic communications for fraud.

Knife crime

- i. Increase the maximum penalty for the offence of private possession, importation, manufacture, sale and general supply of prohibited offensive weapons and the offence of selling knives to persons under 18 to two years' imprisonment.
- ii. Introduce a new offence of possession of a knife or offensive weapon with intent to use in unlawful violence with a maximum penalty of four years' imprisonment.

Criminal liabilities of bodies and corporate partnerships

Criminal liability of bodies corporate and partnerships where senior manager commit offence (The Identification Doctrine)



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Enable a corporate body or partnership to be held criminally liable where a senior manager commits any offence while acting within the actual or apparent authority granted by the organisation.

Powers of the police etc

Expanded Drug Testing on Arrest (DToA)

Expanding drug testing on arrest to include specified Class B and Class C drugs, as well as, as now, specified Class A.

Powers to seize bladed articles etc

Introduce a new power to enable the police to seize, retain and destroy bladed articles held in private when they are lawfully on private property and have reasonable grounds to suspect that the item(s) will likely be used in connection with unlawful violence.

Stolen goods on premises: entry, search and seizure without a warrant

Introduce a new power allowing a police officer to enter premises without a warrant, in order to search for and seize a specific stolen item.

Power to suspend domain names and IP addresses

Confer a power on law enforcement agencies to apply for a court order to suspend domain names and IP addresses associated with criminal activity.

Access to driver licence records

- i. Extend the list of law enforcement agencies permitted to access DVLA driver information for law enforcement purposes.
- ii. Extended the purposes for which law enforcement agencies may access DVLA driver information for law enforcement purposes.
- iii. Introduce a code of practice governing access to and use of DVLA driver data.

Proceeds of crime and other property connected to criminal behaviour

Confiscation of the proceeds of crime.

Reform the confiscation regime contained in Part 2 of the Proceeds of Crime Act 2002 ("POCA") to:

- i. Clarify the objectives of the confiscation regime articulated in statute;
- ii. Prioritise victims' and legitimate third-party interests;



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- iii. Ensure early resolution of confiscation hearing, to narrow the issues in dispute and fast-track agreed orders;
- iv. More accurately value and define an individual's benefit from crime to ensure that confiscation orders made, are realistic and proportionate;
- v. Optimise enforcement by introducing enforcement plans to be imposed by the court when a confiscation order is made detailing the orders the enforcing court can make in the event the defendant defaults on payment of the order. The enforcement powers of magistrates' courts will also be extended to the Crown Court to tailor enforcement to the facts of each case, and confiscation assistance orders will be introduced to enable orders to be enforced promptly;
- vi. Introduce provisional discharge – to allow outstanding confiscation orders to be placed in abeyance where there is no realistic prospect of recovery in the immediate term. The discharge would be provisional so that money could still be recovered in time if an order was revoked.
- vii. Consolidate existing appeal rights for confiscation into POCA to ensure that the law is clear, transparent, and easily accessible.

Suspended Accounts Scheme

Establish a Suspended Accounts Scheme, to which financial sector organisations may voluntarily transfer to the government funds representing the amounts of account balances they have suspended on suspicion of criminality. These funds would then be used on new projects to combat economic crime.

Serious crime prevention orders

Strengthening Serious Crime Prevention Orders (SCPOs)

- i. Enable the National Crime Agency (NCA), the police (in all cases, not just those which are terrorism-related), British Transport Police, Ministry of Defence Police and HM Revenue and Customs to apply to the High Court for an SCPO – currently this can only be done by the Crown Prosecution Service and Serious Fraud Office.
- ii. Enable the Crown Court to make an SCPO on acquittal – currently this can only be done on conviction.
- iii. Ensure SCPOs automatically impose a prescribed set of notification requirements – currently there is no consistency on what is collected by the law enforcement agency overseeing the SCPO.
- iv. Provide the courts with an express power to impose electronic monitoring (“tagging”) as a term of an SCPO.

Nuisance begging and rough sleeping.

- i. **Replicating in modern language the Vagrancy Act 1824 summary-only offence of being found on enclosed premises for an unlawful purpose.** A person, upon



summary conviction, would be subject to a maximum penalty of 3 months' imprisonment, or a level 3 fine (or both).

- ii. **Creation of a move on power for nuisance begging.** The power would be exercised by a constable or a local authority officer. Failure to comply with a direction to move on would be a summary-only offence subject to a maximum penalty of one month imprisonment or a level 4 fine (or both).
- iii. **Creation of a Nuisance Begging Prevention Notice and Nuisance Begging Prevention Order.** This will allow local authorities and the police to issue a Notice to respond to nuisance begging and/or, where appropriate, to seek a court order if necessary to help direct an individual into appropriate support services. Failure to comply with a notice or order would be a summary-only offence subject to a maximum penalty of one month imprisonment or a level 4 fine (or both).
- iv. **Creation of a standalone criminal offence of nuisance begging.** A person would be liable upon summary conviction to a maximum penalty of one month imprisonment or a level 4 fine (or both).
- v. **Creation of a move on power for rough sleeping where it causes damage, disruption, harassment or distress.** The power would be exercised by a constable or a local authority officer. Failure to comply with a direction to move on would be a summary-only offence subject to a maximum penalty of one month imprisonment or a level 4 fine (or both).
- vi. **Creation of a Nuisance Rough Sleeping Prevention Notice and Nuisance Rough Sleeping Prevention Order.** This will allow local authorities and police to issue a Notice to respond to nuisance rough sleeping and where appropriate to seek a court order to help direct the individual into appropriate support services which could include accommodation where they are entitled to that support. Failure to comply with a notice or order would be a summary-only offence subject to a maximum penalty of one month imprisonment or a level 4 fine (or both).
- vii. **An offence of failing to provide a personal details (name, date of birth and address (if applicable)) where a police officer or local authority intend to issue a move on direction or prevention notice or apply for a prevention order.** On summary conviction the maximum penalty for the offence is one month imprisonment or a level 4 fine (or both).
- viii. **Creation of a new offence of arranging or facilitating begging for gain:** Activities which fall within scope include making arrangements for a person begging to be transported to a begging location or preparing props for a beggar (such as a placard) where such activity is for the benefit (all or in part) for the arranger of facilitator). The maximum penalty for the offence is six months' imprisonment or a fine (or both).

Anti-Social Behaviour

Anti-Social Behaviour Powers.

- i. Extend the timeframe for a dispersal order from 48 hours to 72 hours, with a mandatory review at 48 hours.



- ii. Extending the power to implement a Public Spaces Protection Order (PSPO) to the police.
- iii. Lowering the age of a Community Protection Notice (CPN) from 16 to 10 (the age of criminal responsibility).
- iv. Increasing the upper limit for a Fixed Penalty Notice (FPN) for breaches of a PSPO and a CPN from £100 to £500.
- v. Extending the timeframe that relevant agencies can apply for a Closure Order from 48 hours after service of a Closure Notice through the courts to 72 hours.
- vi. Extending the Closure Power to registered housing providers.
- vii. Extending the power of arrest to all breaches of a Civil Injunction.
- viii. Extending the powers available under the Community Safety Accreditation Scheme (CSAS) to allow CSAS officers to issue FPNs in respect of breaches of Community Protection Notices and PSPOs.
- ix. Place a duty on PCCs to promote awareness of the ASB Case Review in their police force area, monitor its use and provide a route for victims to query decisions via their office.

Crime and Disorder Strategies

Community Safety Partnerships.

Improve the accountability of Community Safety Partnerships (CSPs) and strengthen the strategic partnerships between CSPs and Police and Crime Commissioners (PCCs) to enhance how they work together to tackle crime and anti-social behaviour.

The police

Ethical policing (including duty of candour)

Place a duty on the College of Policing to issue a code of practice for ethical policing within England and Wales, and a requirement for the code to include a duty of candour.

Appeals to Police Appeals Tribunal (PAT).

Enable a chief officer of a police force in England and Wales (and the chief constable of the Ministry of Defence Police) to appeal to the PAT the findings of a police misconduct hearing in respect of one of their officers or former officers.

Enable a local policing body to appeal to the PAT the findings of a police misconduct hearing in respect of the chief officer, or former chief officer, of their force.



2. Summary of the evidence considered in demonstrating due regard to the public sector equality duty

The evidence considered in considering the duty include crime statistics, national statistics, offender profile statistics and available research.

The following measures were subject to public consultation. In having due regard to the public sector equality duty, the Department has considered fully the responses to the consultations.

1. **Enabling chief officers to appeal the outcome or finding of misconduct hearings to the Police Appeals Tribunal (PAT).** [Outcome](#).
2. **Confiscation of the proceeds of crime after conviction: A [consultation paper](#),** Law Commission, 17 September 2020.
3. **Confiscation of the proceeds of crime after conviction: A [final report](#),** Law Commission, 9 November 2022.
4. **Police and Crime Commissioner Review (PCC) [Review](#) Part Two: Recommendations**
5. **Review of the Vagrancy Act: [consultation](#) on effective replacement,** DLUHC/Home Office/Ministry of Justice, 7 April 2022. [Government Response](#)
6. **Corporate criminal liability: an [options paper](#),** Law Commission, 22 June 2022.
7. **Swift, Certain, Tough: new consequences for drug possession,** [Home Office](#), July 2022.
8. **Two legislative measures to improve the law enforcement response to serious and organised crime: [Government consultation](#),** Home office, 24 January 2023.
9. **Review of the Computer Misuse Act 1990: [consultation](#) and response to call for information,** Home Office, 7 February 2023.
10. **[Anti-Social Behaviour Action Plan](#),** Home Office and DLUHC, 27 March 2023
11. **Community Safety Partnerships Review and Anti-Social Behaviour Powers: [Government consultation](#),** Home office, 27 March 2023.
12. **Consultation on new knife legislation proposals to tackle the use of machetes and other bladed articles in crime: [Government consultation](#),** Home office, 18 April 2023.
13. **Preventing the use of SIM farms for fraud: [Government consultation](#),** Home office, 3 May 2023.
14. **Government response to the Law Commission's review of [confiscation](#),** Home Office, 25 October 2023.

The Department has particularly considered the following:

i. **Articles for use in serious crime.**

There is no available data on the cohort of people who would be impacted by these new offences. This is primarily because these proposals are designed to target individuals who keep just enough distance from serious offences being carried out to avoid facing any criminal justice outcomes under existing legislation which the Department could then analyse.



However, the Department considers the below data source (population of offenders who have been found to be involved in serious crimes) useful to provide an indicative picture of the cohort of individuals who may be captured by the new offences, as the Department considers that there may be similarities between the cohorts given that the proposed new offences will apply where the articles are to be used in serious crime.

The data source:

- Offending population statistics from the Ministry of Justice's (MOJ) [Criminal Justice System Statistics Quarterly](#)¹ release.

The available data provides information on the following protected characteristics: age, sex, and ethnicity (2017 – 2020) for the following:

1. Individuals convicted for “serious offences” under Schedule 1 to the Serious Crime Act 2007;
2. Individuals convicted for an offence of participating in the activities of an organised crime group under section 45 of the Serious Crime Act 2015; and
3. Individuals who are sentenced for more than seven years’ imprisonment for a criminal offence.

When evaluating the impact of these measures on individuals with protected characteristics, we have considered the following:

Age: Evidence collated suggests that individuals in the age range of 30 – 39 are overrepresented in the cohort. For each specific cohort outlined above (1-3), the percentage of individuals who fall within this age group ranges from 26% to 42%, compared to the general population of England and Wales of 13%². As such, the Department notes that there may be a differential impact on individuals falling within this age group.

Sex: Figures demonstrate that there is currently an over-representation of men (who make up 80% of the indicative target population) compared to the overall population of England and Wales (of which 49% are male³). The Department therefore notes that there may be a differential impact on males.

Ethnicity: Across each of the offender cohorts identified, around 50% of the individuals are white. However, there is an over-representation of black people across all cohorts, as they constitute around 12% of each cohort, whereas black people constitute 3% of the population of England and Wales. This data shows that the proposals could have a differential impact on black people compared to people of other races.

ii. Possession and supply of a SIM farm

Due to lack of data on the prevalence of SIM farms in the UK, the analysis uses data on the prevalence and impact of fraud.

- **Geographic Region** – Adults resident in North-East (4.1%) were the least likely to be victims of fraud. Adults’ resident in South-East (9.2%), the

¹Ministry of Justice, Criminal justice system statistics quarterly: December 2020: <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2020>

² HMG, Population of England and Wales, August 2018: <https://www.ethnicity-facts-figures.service.gov.uk/uk-population-by-ethnicity/demographics/age-groups/latest>

³ HMG, Population of England and Wales, August 2018: <https://www.ethnicity-facts-figures.service.gov.uk/uk-population-by-ethnicity/demographics/male-and-female-populations/latest>



South-West (7.4%) and the East (6.9%) were the most likely to be victims. (YE Mar 2023)⁴.

- **Gender** – A slightly higher proportion of men are victims of fraud with 6.7% of women and 5.8% of men being victims of fraud. (YE Mar 2023)⁵
- **Age** – Fraud affects people across all ages. The age group with the highest proportion of victims are those aged 45-54 (7.4%). People aged 18-24 (5.3%) and 75+ (4.4%) were less likely to be a victim of fraud than the average adult (6.3%). (YE Mar 2023)⁶
- **Disability** - Adults with a disability were more likely to be a victim of fraud (7.4%) than those without a disability (6.0%). (YE Mar 2023)⁷
- **Income** – A larger proportion of higher income households were victimised (the highest income group, +£52k, 8.3%) compared with lower income households (<£10,400, 5.1%; £10,400-£20,800, 5.7%). (YE Mar 2023)⁸
- **Occupation** – People with a managerial or professional occupation were significantly more likely to be a victim of fraud (7.6%) than people with other occupations. Those who have never worked or are long term unemployed make up the lowest proportion of victims (2.6%). (YE Mar 2023)⁹
- **Qualification levels** – Those who have no qualification represent a lower proportion of victims (3.3%) compared with those who have qualifications (e.g. those who have a degree or diploma represent 7.6%). This is likely to be linked to their resulting profession and potentially greater income. (YE Mar 2023)¹⁰

iii. Knife crime (including police powers to seize bladed articles).

Perpetrators of violent crime

The Department has used the available data for offenders convicted for a knife or offensive weapon offence in England and Wales published by the Ministry of Justice (MoJ)¹¹ to understand the target population and then to assess the impact of this policy on people with

⁴ [\[CSEW March 2023 Nature of fraud and computer misuse in England and Wales Appendix Tables : Table 8\]](#)

⁵ [\[CSEW March 2023 Nature of fraud and computer misuse in England and Wales Appendix Tables : Table 7\]](#)

⁶ CSEW March 2023 Nature of fraud and computer misuse in England and Wales Appendix Tables : Table 7] -

<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/natureoffraudandcomputermisuseinenglandandwalesappendixtables>

⁷ CSEW March 2023 Nature of fraud and computer misuse in England and Wales Appendix Tables : Table 7]

⁸ [\[CSEW March 2023 Nature of fraud and computer misuse in England and Wales Appendix Tables : Table 7\]](#)

⁹ [\[CSEW March 2023 Nature of fraud and computer misuse in England and Wales Appendix Tables : Table 7\]](#)

¹⁰ [\[CSEW March 2023 Nature of fraud and computer misuse in England and Wales Appendix Tables : Table 7\]](#)

¹¹ 'Knife and Offensive Weapon Possession Sentencing Statistics: Year ending March 2022 main tables, released the Ministry of Justice, 12 March 2022. The figures include those sentenced to community sentence, suspended sentence and immediate custody. This is in line with the proposed policy.



protected characteristics. This is the best available data the Department is aware of to analyse the equalities impacts for the policy.

MoJ data is broken down by police force area, age group, ethnic appearance and gender. It should be noted that the ethnicity category is not self-reported, but rather the police officer's perception in the individual case. In addition, the figures are for offence occasions as opposed to offenders and, when split out geographically, refer to the police force prosecuting the offence as opposed to where the offender lives.¹²

Victims of homicide

The Department has used ONS data on Homicide in England and Wales which analyses information held within the Home Office Homicide Index, which contains detailed record-level information about each homicide recorded by police forces in England and Wales.

iv. Criminal liability of bodies corporate and partnerships where senior manager commit offence (the Identification Doctrine)

The majority of business owners in the UK, by far, are UK nationals, at 84.72%.¹³ Under the current common law model, the identification doctrine disproportionately applies in practice to smaller business as it is easier to identify a person as their "directing mind and will". The burden is therefore currently proportionately higher in businesses with a lower headcount and centralised management structures.

In the UK, 85.6% of small and medium sized business with employees is led by white person(s), 5.1% is other than white and 9.3% is unknown.¹⁴ Of all the people whose gender could be identified from their title (such as Mr. or Mrs.), 72.92% were male and 27.08% were female. In other words, the people controlling a company are almost three times as likely to be a man than a woman.¹⁵

The extension to senior management aims to better capture and prosecute larger businesses compared to medium and smaller sized business. Larger businesses traditionally have more employees with different levels of responsibility and experience. By having a larger headcount, it could be assumed that these businesses are more diverse compared with smaller businesses that sometimes employ family and friends of similar background.

v. Testing of persons in police detention for the presence of controlled drugs

Over three million adults reported using drugs in the last year in 2021/22 and evidence shows that drug misuse is prevalent across the socioeconomic spectrum¹⁶. Public Government data and internal Drug Testing on Arrest (DToA) data (*note that DToA data received so far includes specified Class A substances only*). For the purpose of this EIA, said data is treated as an indicator only) submitted to the Home Office in FY 2022/23 was used in this EIA to look at the rate of completed tests by age, race and sex. DToA data pertaining to the remaining protected characteristics is not routinely provided to the Home Office, however, the Department will

¹² Due to this, some double counting is inevitable. If one offender is sentenced more than once in the same year they will appear multiple times in the data. This means the rates and sentence numbers may be a slight overestimation.

¹³ <https://www.finder.com/uk/business-owners-uk>

¹⁴ [Leadership of small and medium enterprises - GOV.UK Ethnicity facts and figures \(ethnicity-facts-figures.service.gov.uk\)](https://www.ethnicity-facts-figures.service.gov.uk/ethnicity-facts-figures.service.gov.uk)

¹⁵ [5 million of the UK's business owners, analysed \(finder.com\)](https://www.finder.com)

¹⁶ [Drug misuse in England and Wales - Office for National Statistics \(ons.gov.uk\)](https://www.ons.gov.uk)



consider any risks of direct or indirect discrimination, or other equalities impacts, in relation to these characteristics as the legislation is implemented.

Arrest and charge data suggests that current practices of drug possession enforcement have a disproportionate impact on certain protected characteristics (namely - race, age, and sex), in particular young black men more than other groups. This imbalance is likely to result in part from police decisions prior to arrest, for example stop and search practice, and where police enforcement operations are targeted for both drugs and other offences.

While Class B and C drugs in scope for this work will be specified in due course, this EIA presents selected existing data on examples of selected Class B and C substances:

- **Cannabis (Class B):** The Crime Survey for England and Wales (CSEW) provides prevalence estimates for cannabis in England and Wales, for adults aged 16-59. The CSEW reports that “since estimates began in the year ending December 1995, cannabis has consistently been the most used drug in England and Wales.” In the year to June 2022, 7.4% of people aged 16 to 59 years and 16.2% of people aged 16 to 24 years reported having used cannabis in the last year; a similar level to the year ending March 2020 and the year ending March 2012. This is equivalent to an estimated 2,458,000 people who had used cannabis in the last year.¹⁷ This substance is more likely to be used more frequently than other so-called ‘recreational’ drugs.¹⁸
- **Amphetamine (Class B):** The CSEW estimates that in the year to June 2022, 0.3% of those aged 16-59, and 0.8% of those aged 16-24 reported having taken amphetamines in the last year – equivalent to 101,000 people.¹⁹ Evidence supporting Dame Carol Black’s Review of Drugs, published in February 2020²⁰, indicates that most users are under 30, with men twice as likely to use the drug than women generally – with use by gender in the under 25s being at similar rates. The review also suggested that there were around 9,000 “problematic users” of amphetamines in treatment. A large proportion of those in treatment for the drug also have problems with other drugs and alcohol.²¹
- **Ketamine (Class B):** The CSEW estimated that in the year to June 2022, 0.9% of 16–59-year-olds, and 3.1% of 16–24-year-olds had used ketamine in the last year.²²
- **Benzodiazepines (Class C):** Benzodiazepine misuse is more common in those with underlying medical or psychiatric conditions, and people with lower educational or socio-economic status are also at increased risk of misuse.²³ In 2021 – 2022, the proportion of young people in treatment reporting a problem with benzodiazepines (3%) was over 4 times the proportion in 2013 – 2014.²⁴

For the year ending March 2023, persons who identified as black or black British were arrested at a rate 2.1 times higher than those who identified themselves as white (down from 2.4 and 2.6 times each of the last two years)²⁵. Further, in the year ending March 2023, people identifying as black or black British were searched at a rate 4.1 times higher than those from

¹⁷ [Drug misuse in England and Wales - Office for National Statistics \(ons.gov.uk\)](#)

¹⁸ [PowerPoint Presentation \(publishing.service.gov.uk\)](#)

²⁰ [PowerPoint Presentation \(publishing.service.gov.uk\)](#)

²¹ [PowerPoint Presentation \(publishing.service.gov.uk\)](#)

²² [Drug misuse in England and Wales - Appendix table - Office for National Statistics \(ons.gov.uk\)](#)

²³ [A review of the evidence of use and harms of novel benzodiazepines \(publishing.service.gov.uk\)](#)

²⁴ <https://www.gov.uk/government/statistics/substance-misuse-treatment-for-young-people-statistics-2021-to-2022/young-peoples-substance-misuse-treatment-statistics-2021-to-2022-report>

²⁵ [Police powers and procedures: Stop and search and arrests, England and Wales, year ending 31 March 2023 - GOV.UK \(www.gov.uk\)](#)



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a white ethnic group across England and Wales, which is the second year-on-year decrease, from 5.5 in the year ending March 2021 and 4.8 in the year ending March 2022²⁶.

In the 2021 census²⁷, white people made up 81.7% of the population in England and Wales in 2021 and 78% of those arrested. Black people made up 4% of the population in England and Wales and 9% of those arrested.

The CSEW for year ending June 2022 reports that individuals of mixed or multiple ethnicity are more likely to have taken a drug in the last year with 20% of adults reporting use, compared to 10% of white adults, 5% of black/ African/ Caribbean/ black British, 9% of other and 4% of Asian.²⁸

The CSEW shows that drug use is higher among 16–24-year-olds than 16–59-year-olds. In year ending June 2022, 18.6% of 16–24-year-olds had taken a drug in the last year compared to 9.2% of 16–59-year-olds. For cannabis, in the latest year, 16.2% of those aged 16 to 24 years, reported having used the drug in the last year; a similar level to the year ending March 2020 in year ending June 2022, compared to 7.4% of those aged 16 to 59 years. For the year ending June 2022, the proportion of adults reporting any drug use in the last year was highest among those aged 20 to 24 years (23.3%)²⁹. The CSEW estimated that in the year to June 2022, 0.9% of 16–59-year-olds, and 3.1% of 16–24-year-olds had used ketamine in the last year.³⁰

About two-thirds (65%) of all stop and searches of persons in the year ending March 2023 were on people aged between 10 and 29 years old (331,159 out of 509,953 searches)³¹. The majority (83%) of all arrestees in the year ending March 2023 were aged 21 and above, a similar proportion to last year (84%). In comparison, 76% of the general population are aged 21 and above. (Data on arrests by age are grouped into five categories: 'Under 10', 'Aged 10 to 17', 'Aged 18 to 20', 'Aged 21 and over'.)

Evidence shows greater drug use among men than women. The CSEW for year to June 2022 reported that nearly 12% of men had taken a drug in the last year, compared to 6.5% of women³². Further, in the year to March 2023, 85% of people arrested were men and 89% of people arrested for drug offences in the year to March 2023 were men³³. In the year to March 2023, 89% of all stop and searches were carried out on men and men accounted for 92% of arrests following a drug-related stop and search³⁴.

Evidence from the Crime Survey for England and Wales shows that 8.2% of heterosexual people reported drug use in the past year ending 2022, compared to 29.9% gay/lesbian and 31.2% bisexual³⁵. There are offences associated with drug testing in police detention, namely refusal to give a sample for the drug test without good cause and non-attendance users at the

²⁶ [Police powers and procedures: Stop and search and arrests, England and Wales, year ending 31 March 2023 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/police-powers-and-procedures-stop-and-search-and-arrests-england-and-wales-year-ending-31-march-2023)

²⁷ [Ethnic group, England and Wales - Office for National Statistics \(ons.gov.uk\)](https://ons.gov.uk/people-and-population/ethnicity)

²⁸ [Drug misuse in England and Wales - Office for National Statistics \(ons.gov.uk\)](https://ons.gov.uk/people-and-population/ethnicity)

²⁹ [Drug misuse in England and Wales - Office for National Statistics \(ons.gov.uk\)](https://ons.gov.uk/people-and-population/ethnicity)

³⁰ [Drug misuse in England and Wales - Appendix table - Office for National Statistics \(ons.gov.uk\)](https://ons.gov.uk/people-and-population/ethnicity)

³¹ [Police powers and procedures: Stop and search and arrests, England and Wales, year ending 31 March 2023 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/police-powers-and-procedures-stop-and-search-and-arrests-england-and-wales-year-ending-31-march-2023)

³² [Drug misuse in England and Wales - Office for National Statistics \(ons.gov.uk\)](https://ons.gov.uk/people-and-population/ethnicity)

³³ [Police powers and procedures: Stop and search and arrests, England and Wales, year ending 31 March 2023 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/police-powers-and-procedures-stop-and-search-and-arrests-england-and-wales-year-ending-31-march-2023)

³⁴ [Police powers and procedures: Stop and search and arrests, England and Wales, year ending 31 March 2023 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/police-powers-and-procedures-stop-and-search-and-arrests-england-and-wales-year-ending-31-march-2023)

³⁵ [Drug misuse in England and Wales - Appendix table - Office for National Statistics \(ons.gov.uk\)](https://ons.gov.uk/people-and-population/ethnicity)



initial and/or follow-up assessment, and as such there is a potential negative impact on certain sexual orientation groups being disproportionately prosecuted for these offences.

Although specified Class B and C drugs are not currently tested via DToA, the data submitted so far on Class A drugs provides the Department with an insight into testing of individuals from different sexes, ages and ethnic backgrounds. Police forces do not record the sexual orientation of individuals who undergo DToA.

Internal DToA programme data reported to the Home Office does not indicate any evidence of disproportionate application of DToA to individuals from an ethnic minority background. The data does indicate that males and younger individuals are more likely to undergo testing. Although specified Class B and C drugs are not currently tested via DToA, the data submitted so far on Class As provided insight into the operationalisation of DToA and provides insight into how DToA is currently being carried out in forces.

vi. Stolen Goods on Premises: entry, search and seizure without a warrant

The Office for National Statistics (ONS) publishes quarterly statistical bulletins on crime against households and adults using data from police recorded crime and the CSEW. In addition, the ONS publishes overviews of specific crime type trends, which includes demographic and nature of crime data. We have considered the following data from the ONS to determine the demographics most affected by the key crime types:

It should be noted that the CSEW data has been used to provide an indication of which groups are more or less likely to be a victim of crime based on simply comparing the prevalence estimates between groups. However, caution should be applied when interpreting these data as it should be noted that these comparisons are not based on significance testing of the survey data.

¹ONS, 'Property crime tables' (Year ending March 2022)

<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/focusonpropertycrimeappendixtables>

²ONS, 'Property crime tables' (Year ending March 2021)

<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/focusonpropertycrimeappendixtables>

³ONS, 'Property crime tables' (Year ending March 2020)

<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/focusonpropertycrimeappendixtables>

⁴ONS, 'Nature of crime tables' (Year ending March 2020)

<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/natureofcrimepersonalandothertheft>

⁵ Criminal Justice System statistics quarterly, MoJ, (Year ending December 2022)

All-offence prosecutions and convictions data tool

<https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2022>

⁶ Police powers and procedures: Stop and search and arrests, England and Wales, year ending 31 March 2022



<https://www.gov.uk/government/statistics/police-powers-and-procedures-stop-and-search-and-arrests-england-and-wales-year-ending-31-march-2022>

Whilst the Department does not have specific data on the demographics of those handling stolen goods, the existing evidence base tells us that perpetrators of acquisitive crime offences are overwhelmingly male. Offenders tend to be younger than the general population, although this is particularly marked for theft and robbery offenders and less so for burglary. There is limited evidence of over-representation of any ethnic group aside from robbery where data suggests black individuals are over-represented. Drug use and poor education attainment are significant drivers of acquisitive crime offending, and prolific offending is extremely common. There is limited evidence of the characteristics of people who buy stolen goods. Limited research into this suggests that young males on low incomes are more likely to purchase stolen goods than older males or females. Victims of theft are more likely to buy stolen goods than non-victims. ([Casola et al. \(2009\)](#); [Patel \(2013\)](#))

Women are slightly more likely than men to be victims of an acquisitive crime, and younger people are more likely to be victims than older people. Ethnic minority individuals are more likely to experience acquisitive crime than white individuals.

The Government does not collect or publish data on police use of powers of entry and search, so are unable to comment on the characteristics of those subject to these powers. However, the Home Office will seek to explore this aspect further in order to provide further commentary on the equalities risks to individuals, particularly where powers may be used mistakenly.

The Department will also consider further the equalities impacts relating to victims of domestic abuse, given the potential risks to these individuals from vexatious use of the new policy by abusers.

0.6% of those aged 18-24 and 0.5% of those aged 25-34 were estimated to be victims of robbery in the year to March 2021, compared to 0.2% of those aged 65-74. In the year to March 2021, of those aged 18-24, 3.8% were estimated to be victims of vehicle crime, compared to 1.0% those aged 75+.²

Adults aged 18-24 are more likely to be victims of domestic burglary (3.2%) and adults aged 25-34 are most likely to be victims of theft from the person (1.0%). However, vehicle crime victims tend to be slightly older, with adults between the ages of 35-44 more likely to be victims of vehicle related theft (3.1%).¹

More specifically, mobile phone owners aged 18-21 were most likely to experience theft (1.5%). The risk of mobile phone owners experiencing theft decreases with age after this with 1.1% of adults aged 22-24 and 0.3% of those aged over 65 experiencing theft.³

vii. Power to suspend domain names and IP addresses.

There is limited evidence available when considering due regard for public-sector equality in relation to the provision. However, the provision is designed to tackle international criminality, with no expected wider consequences. The Department is confident that this will not have a discriminatory effect against any of the considered protected characteristics.

viii. Access to driver licence records

In 2022-23 PNC Driving Licence information was sought some six million times by UK territorial police forces. Other specialist police forces accessed the data some 7,000 times. As this legislation is regularising access which already exists, the Department does not expect significant changes to the number of times driver licence data is accessed. A statutory code



of practice will place on a formal footing the minimum requirements in relation to audit, training and behavioural standards in relation to the use of data. This is not expected to change the number of times the data is used.

The legislation will also pave the way for changes to the purposes for which DVLA data can be used when provided automatically. It is likely that this will reduce the some 1,000 requests made by police forces directly to the DVLA. The Department estimates that this measure will be used up to around 100,000 per year, but this will be highly dependent upon the exact nature of the secondary legislation.

ix. Confiscation of the proceeds of crime.

The measures in the Bill create new powers and amend existing powers to enable more proactive and swift confiscation of criminal assets but will not fundamentally alter the operation of the confiscation regime as it currently exists. Many safeguards will be built into the reformed regime to govern its use. Of particular relevance to equalities issues:

1. To ensure that the consequences of confiscation orders are properly understood, the Department agrees that a requirement on the court to ensure that the meaning and significance of the recoverable amount is explained to the defendant would be valuable. Appropriate rules will be devised by the Criminal Procedure Rule Committee (in supplementary secondary legislation).
2. The existing statutory provisions, namely in relation to the calculation of benefit from crime, are to be amended to ensure a more realistic calculation of an individual's benefit from crime. This will ensure **a fairer application of the law**.
3. Fast tracked confiscation orders agreed as part of the "early resolution of confiscation process" will **remain subject to final judicial approval**.
4. Many **case law principles will be codified** to improve accessibility to the law namely in relation to (whether in the primary legislation or in supplementary secondary legislation, such as Court Rules):
 - a. Restraint – risk of dissipation;
 - b. Hidden assets;
 - c. Tainted gifts;
 - d. Release of funds to meet reasonable living expenses;
 - e. Release of funds to meet legal expenses.
5. The applicable **statutory codes of practice** will be amended to reflect changes to the relevant powers, to ensure those powers are used proportionately.

As far as the Department can determine, these measures will have no direct discriminatory impacts upon protected groups.

The general aims and objectives of the statutory scheme for confiscation may result in a significant loss of funds (even to the point of destitution) for those subject to orders. This may also impact their family members or dependants. However, this has been considered justified for many years (since POCA came into force in March 2003) on the grounds that the confiscation of a person's "total benefit from crime" is in support of a legitimate aim: to strip criminals of their proceeds of crime ensuring crime does not pay; deterring prospective criminals; and to cease the financing of further criminality.

The reforms to the confiscation regime introduced in the Bill do not fundamentally alter the aims and objective of that regime, nor do they substantially change the operation of the powers to be out of step with Parliament's original intention. To ensure a continued proportionate and



justified application of the powers, the reforms will be subject to safeguards to govern their use.

One indirect adverse impact is identified in respect of prisoners, who may find it challenging to facilitate the sale of their assets to satisfy a confiscation order while their access to telephone communications is limited and access to the internet is restricted. However, this is not a “new” impact – it may apply to prisoners subject to confiscation orders as imposed under the regime as originally introduced.

To mitigate any difficulties, confiscation assistance orders will be placed on statutory footing to provide for an appropriately qualified person to assist a defendant with satisfying their confiscation order. This practice has already been successfully trialled in Project Mariner, which was set up in 2021 with funding from the Asset Recovery Incentivisation Scheme Top-Slice.³⁶ Qualified members of the police and prison staff worked to assist serving defendants with their confiscation orders. The total recovered over the two-year duration of the project between 2021 and the end of the financial year in 2023 was £1.2million. Due to the project’s success, funding was received to establish a network of staff to cover all regions in the UK. Placing confiscation assistance orders in legislation will remove barriers to the effective enforcement of confiscation orders and will contribute to a greater recovery of funds.

x. Suspended Accounts Scheme

Due to the lack of available data on the impact of the Suspended Accounts Scheme, which is novel, the analysis considers the elements of the scheme’s operation in relation to their impact on protected groups.

Suspension of funds

The proposed scheme does not interfere with the contractual relationship between businesses and customers which govern the handling of suspended accounts, including the private terms and conditions which allow organisations to freeze and hold these funds. Customers’ rights to make a claim against participating organisations will remain in accordance with existing customer terms and conditions, Financial Conduct Authority deposit protection regulations, and the Financial Ombudsman’s dispute resolution service. It is therefore considered that there will be no direct or indirect impact on customers, including those in protected groups.

Transferring funds to HMG

The proposed measures do not interfere with the business-customer relationship and therefore customers’ rights remain undisturbed by transfers to the scheme. It is therefore considered that there will be no direct or indirect impact on customers, including those in protected groups.

Spending of funds

³⁶ The Asset Recovery Incentivisation Scheme (“ARIS”) was introduced in 2006 to allow a proportion of the proceeds of crime recovered under POCA to be redistributed to agencies involved in the asset recovery process. The objective of the scheme is to provide operational partners with incentives to pursue asset recovery as a contribution to the overall aims of cutting crime and delivering justice. It divides net receipts from asset recovery between operational partners and HM Government. A proportion of the ARIS receipts make up a “top-slice” pot, a funding stream which provides investment for innovative projects that trial new approaches to support the development and delivery of a more effective and efficient asset recovery regime. Funding allocations are agreed between ministers in the Home Office, Ministry of Justice and Attorney General’s Office, reflecting the ambition to support innovation across the criminal justice system.



Funds received by the Suspended Accounts Scheme will be directed to new and additional projects to combat economic crime in accordance with HMG spending priorities at the time of receipt.

Economic crime covers a wide range of offences, the most common type being fraud. Data collected by the CSEW shows that unlike many other types of crime, fraud is often committed anonymously, with the offender often not having a specific target in mind. As such, there tends to be considerably less variation in victimisation rates across different demographic groups than with other crime types.³⁷

Because of this it is not expected that future action by the Government to tackle economic crime, including fraud will either directly or indirectly discriminate protected groups.

xi. Serious crime prevention orders

In the Department's public consultation further evidence was invited regarding the potential for any discriminatory impacts of these proposals on those with protected characteristics, including impacts that go further than justice outcomes (i.e. SCPO restrictions). Respondents highlighted the disproportionate policing response to people of ethnic minority backgrounds. However, this observation was not restricted to these proposals to strengthen SCPOs.

The Department has further used the following data sources to provide an indicative picture of the cohort of individuals who may be impacted by the proposals (those who are involved in serious crime and/or serious and organised crime):

- A. Offending population statistics from the Ministry of Justice's (MOJ) [Criminal Justice System Statistics Quarterly](#)³⁸ release.
- B. His Majesty's Courts and Tribunals Service (HMCTS) data on individuals who receive SCPOs³⁹.
- C. Organised Crime Group Mapping analysis by the Home Office Serious Organised Crime Research Analysis unit (SOCRA – now Home Office Analysis and Insight or HOAI)⁴⁰.

The following conclusions were made from an analysis provided by the data sources mentioned above, any statistics used are not publicly available.

Age

To the extent that these proposals lead to any disproportionate impacts on the basis of the protected characteristic of age, any indirect discrimination in terms of SCPO restrictions is considered to be objectively justifiable, as these proposals are a proportionate means of achieving a legitimate aim. Namely, these proposals will target individuals where they are involved in the commission or facilitation of serious crime and will have the positive effect of tackling serious crime and preventing harm inflicted on individuals and communities.

Furthermore, any imposition of an SCPO can only be carried out by a court following a proper process, with the usual safeguards.

Sex

³⁷ [CSEW March 2022 Nature of fraud and computer misuse in England and Wales - Characteristics of victims](#)

³⁸ Ministry of Justice, Criminal justice system statistics quarterly: December 2020: <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2020>

³⁹ This data set is OFFICIAL-SENSITIVE and not public.

⁴⁰ This data set is OFFICIAL-SENSITIVE and not public.



These proposals will apply to individuals irrespective of their sex. The Department does not consider that there is any direct discrimination on the basis of this protected characteristic.

To the extent that these proposals lead to any disproportionate negative criminal justice outcomes for individuals on the basis of the protected characteristic of sex, any indirect discrimination in terms of SCPO restrictions is considered to be objectively justifiable, as these proposals are a proportionate means of achieving a legitimate aim. Namely, these proposals will target individuals where they are involved in the commission or facilitation of serious crime and will have the positive effect of tackling serious crime and preventing harm inflicted on individuals and communities.

Ethnicity

These proposals will apply to individuals irrespective of their race. We do not consider that there is any direct discrimination on the basis of this protected characteristic.

To the extent that these proposals lead to any disproportionate negative criminal justice outcomes for individuals on the basis of the protected characteristic of race, any indirect discrimination in terms of SCPO restrictions is considered to be objectively justifiable as these proposals are a proportionate means of achieving a legitimate aim. Namely, these proposals will target individuals where they are involved in the commission or facilitation of serious crime and will have the positive effect of tackling serious crime and preventing serious harm inflicted on individuals and communities.

Furthermore, any imposition of an SCPO can only be carried out by a court following a proper process, with the usual safeguards.

xii. Nuisance begging and rough sleeping

The Department has used published DLUHC data on rough sleeping numbers in this assessment, in particular a rough sleeping questionnaire the findings of which were published in a report on 14 December 2020 called “Initial findings: understanding the multiple vulnerabilities, support needs and experiences of people who sleep rough in England” and a 2022 DLUHC report ‘Support for people sleeping rough in England, September 2022’.⁴¹

Firstly, it is important to note that there is a complex relationship between begging and rough sleeping. Not all rough sleepers beg. Beggars can be rough sleepers or part of the wider ‘homeless’ population, where they could be using tents as cheap accommodation or begging professionally to make money.

When evaluating the impact of the measures on individuals with protected characteristics, the Department has considered the following:

Age: DLUHC’s 2020 rough sleeping questionnaire found that ‘the average age of respondents was 40 years, with ages ranging from 17 to 77 years’. The 2022 Rough sleeping snapshot in England found that ‘most people sleeping rough in England are aged over 26’.

Sex: The 2022 Rough sleeping snapshot in England found that ‘most people sleeping rough in England are male’. The 2020 rough sleeping questionnaire found that ‘the majority of respondents were men (79%) and a fifth (20%) were women. The gender difference corresponds with the latest Rough Sleeping Snapshot Statistics and other published studies’.

⁴¹ [Rough sleeping questionnaire: initial findings - GOV.UK \(www.gov.uk\)](#) and [Support for people sleeping rough in England, September 2022](#)



Disability: The 2020 rough sleeping questionnaire found that ‘there was a high level of co-occurring physical and mental health support needs, 75% of respondents (n=350) reported experiencing both. Almost half of these respondents reported more than five physical or mental health issues or conditions (48%) [...] The vast majority of respondents (82%) reported having a current mental health vulnerability. The most commonly reported mental health conditions were depression and anxiety [...] There were higher than average levels of autism reported by the sample. The national prevalence of autism is approximately 1%, and whereas 5% of respondents within the sample reported having autism’.

‘A subsample of respondents (n=350, 62% of the sample) were asked about any physical conditions they may have experienced in the last twelve months. The majority (83%) reported having at least one physical health condition [...] the most commonly reported issues were joint aches/problems with bones and muscles, dental/teeth problems, and chest pain/breathing problems’.

‘The majority of respondents [72%] have had a drug or alcohol need during their life, either historically or were still actively using or dependent on them [...] 60% of the respondents were defined as having a current drug or alcohol need, and 12% were defined as having both needs’.

Race including colour, nationality, ethnic or national origin: The 2020 rough sleeping questionnaire found that ‘the majority of respondents were White (83%) and UK nationals (83%). A notable minority (11%) were from the European Union or the European Economic Area (EEA), who comprised a slightly higher proportion of those who recently slept rough (14%). The statistics on ethnicity and nationality also correspond to other sources and studies on these populations in England or the UK’.

Sexual orientation: The 2020 rough sleeping questionnaire found that ‘the majority of respondents [...] reported being heterosexual (86%)’.

Being married or in a civil partnership: The 2020 rough sleeping questionnaire found that ‘one fifth of respondents reported being in a relationship’.

Given that the replacement powers to tackle nuisance begging and nuisance rough sleeping (including move on powers, prevention notices and prevention orders), will provide more tools to the relevant authorities to issue positive requirements on vulnerable individuals, thereby encouraging them to take up support offers where available, the Department does not foresee any negative impacts of these measures on individuals with protected characteristics. We know from research that enforcement alone can be ineffective and can increase a person’s vulnerability.⁴² This is why the replacement measures have been designed in order that they can be used as part of a wider, local authority-led response to rough sleeping and begging.

In addition, we know that those who are homeless, rough sleeping and entitled to benefits can claim them regardless of not having a fixed address. Although local authorities do not have a blanket duty to house everybody, they do have a duty to provide accommodation to people eligible for support and with a priority need which includes:

- A pregnant woman;
- A person with whom a dependent child resides;

⁴² Homelessness and crime: key findings by the Institute of Global City Policing (IGCP) A.Kyprianides and B.Bradford, January 2021 and O’Sullivan, E. (2012), ‘Varieties of punitiveness in Europe: homelessness and urban marginality’. *European Journal of Homelessness*. 6(2): 69–97. [ejh6_2_article34473401968653742230.pdf \(feantsa.org\)](https://www.feantsa.org/ejh6_2_article34473401968653742230.pdf)



- A person who is vulnerable as a result of old age, mental illness or handicap or physical disability, or other special reason.

This duty, which already exists, further reduces the impacts on individuals with protected characteristics.

xiii. Anti-Social Behaviour

The main source of evidence used to support consideration of the Public-Sector Equality Duty has been the Office for National Statistics' "Crime in England and Wales" national statistics data set. This is an annual dataset and was published in July 2023.

xiv. Crime and Disorder Strategies.

The CSP Review and ASB consultation results indicated support for the proposals including improved information sharing between CSPs and PCCs and the strengthening of the accountability structure of CSPs to PCCs.

There has also been extensive engagement with stakeholders throughout the duration of the policy development.

Because these legislative measures are administrative and procedural in nature, there is no direct impact on individual people, including those with protected characteristics. However, if the measures are successful in their intended aim to reduce crime and anti-social behaviour and improve community safety, certain protected groups who are disproportionately affected by crime may benefit indirectly, for example 16–24-year-olds and those from mixed/multiple ethnic backgrounds⁴³

xv. Code of practice on ethical policing (including duty of candour)

- **Initial research on existing duties of candour and their impact.** This includes assessing the impact of legislation by researching and analysing the existing equivalent duty in healthcare,⁴⁴ and the proposed duties that have been recommended as part of the draft Public Authority (Accountability) Bill, or 'The Hillsborough Law'⁴⁵ which was also referenced in Bishop James Jones' report on the experiences of the bereaved Hillsborough families,⁴⁶ and the report of the Daniel Morgan Independent Panel.⁴⁷ These two high-profile examples exposed police forces acting defensively and without honesty and transparency regarding their mistakes and wrongdoing.
- Bishop James also stated in his 2017 report that there is: '*at present a gap in police accountability arrangements*' in this area. Bishop James' report illustrates the Hillsborough families' and survivors' frustration with the evasiveness and obfuscation they experienced from public officials. Of the senior officers providing witness at the first inquiry, Lord Justice Taylor in his 1990 report on the Hillsborough disaster commented that they "*were defensive and evasive witnesses...neither their handling of problems on the day nor their account of it in evidence demonstrated the 'qualities*

⁴³ Crime in England and Wales, Year ending March 2023, Office for National Statistics

⁴⁴ Regulation 20 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014

⁴⁵ <https://bills.parliament.uk/bills/1978>

⁴⁶ [The patronising disposition of unaccountable power': A report to ensure the pain and suffering of the Hillsborough families is not repeated \(House of Commons, 1 November 2017\)](#)

⁴⁷ [Report of the Daniel Morgan Independent Panel \(2021\)](#)



of leadership expected of their rank". These were just examples of the institutional defensiveness and challenges in getting answers from the police over the years.

- The Baroness Casey review into the standards of behaviour and internal culture of the Metropolitan Police Service also illustrated the requirement to tackle organisational defensiveness and the clear evidence of police forces acting in their own self-interest. In her review, Baroness Casey expressly stated that policing “does not make ethical standards as clear as it could”,⁴⁸ and it is, in part, for this reason that the Code of Practice desired is that relating to ethical policing.
- This research also included a rapid assessment of academic material on introducing a duty of candour for the police,⁴⁹ and for all public bodies.⁵⁰ These reports concentrated on several of the existing duties that exist both for policing, and for all public bodies. For example, A duty of candour already exists at common law in the context of judicial review. The reports also discuss the success of the healthcare duty with Cian Ó Concubhair concluding with the limited evidence available that ‘Regulation 20 (duty of candour) has yet to achieve the desired radical shift in organisational culture within the NHS.’⁵¹
- **Public confidence in policing.** Assessing trends concerning public confidence in policing: CSEW - public confidence in policing (March 2020)⁵² data shows that confidence in policing has declined in recent years. For the year ending March 2023, overall confidence in local police was at 68% (down from 74% when last measured year ending March 2020). Women now have slightly less overall confidence in police than men (67% vs 68%) and overall confidence has also declined among all ethnic groups, with confidence among Black groups at 60% (compared to 64% in year ending March 2020). In recent years, high-profile cases of police misconduct and criminality, as well as the findings of several reports related to police culture and standards, have damaged public confidence.
- **Independent Office for Police Conduct (IOPC) public perceptions tracker.**⁵³ There has been a substantial drop in confidence that police deal fairly with complaints made against the police. This is now at its lowest since 2017. This has been driven by news stories about police failings, misconduct and criminality, as well as the critical Casey Review into the Metropolitan Police. The drop appears to be affecting all members of the public, meaning that confidence of the public overall is in line with the levels traditionally seen amongst low confidence groups only. There has been an increase in awareness of the IOPC, although knowledge of what it does remains low. Awareness of the IOPC has increased but confidence remains low. The proportion of the public that have heard of the IOPC has increased from just over half (52%) in November 2022 to two thirds (66%) in April 2023. Despite increased awareness, 74% don't know enough about the IOPC to say anything about what it does, demonstrating that depth of knowledge remains low.
- **Whistleblowing.** There has been no systemic investigation into barriers to police officers and staff reporting wrongdoing by their colleagues, but other reports and consultations have highlighted a culture of ‘blue wall of silence’.⁵⁴ HMICFRS’s PEEL spotlight report into Abuse of position for a sexual purpose (September 2019) says that

⁴⁸ <https://www.met.police.uk/SysSiteAssets/media/downloads/met/about-us/baroness-casey-review/update-march-2023/baroness-casey-review-march-2023a.pdf>

⁴⁹ Cian Ó Concubhair (2020), Literature Review: Duty of Candour, Organisational Behaviour and Learning, and the Process of Transformation

⁵⁰ <https://justice.org.uk/wp-content/uploads/flipbook/34/book.html>

⁵¹ Pg 17, Cian Ó Concubhair (2020)

⁵² [Crime Survey for England and Wales \(CSEW\) estimates of personal and household crime, anti-social behaviour, and public perceptions, by police force area, year ending March 2020](#)

⁵³ [Public confidence and engagement | Independent Office for Police Conduct \(IOPC\)](#)

⁵⁴ <https://journals.sagepub.com/doi/full/10.1177/1461355720947762>



'it is common for staff to say they had previously noticed that the offender (police officer) exhibited sexualised behavioural traits. HMICFRS reported that some staff admitted to not coming forward with their complaints because of the 'culture their supervisor had created'. Many police officers take their duty to report wrongdoing by their colleagues seriously - for example, of all allegations against police officers which resulted in dismissal at a hearing or accelerated hearing in 2020/21, 84% stemmed from internal allegations.

- **Stakeholder engagement.** Key stakeholders were involved throughout considerations of whether to introduce a duty of candour for policing. This has continued as we agreed upon the preferred option to introduce a duty via a code of practice. A range of engagement activities have been undertaken with a variety of individuals from key partner organisations, including:
 - Association of Police and Crime Commissioners
 - College of Policing
 - His Majesty's Inspectorate of Constabulary and Fire & Rescue Services
 - Independent Office for Police Conduct
 - National Police Chiefs' Council
 - Scottish Government
 - Cabinet Office
 - Department for Health and Social Care
- **College of Policing's Code of Ethics consultation.** The new [Code of Ethics](#) to replace the 2014 iteration has been through several stages of consultation. This included using the College's evidence-based approach through the support of two committees with a broad representation of key stakeholders (including the Home Office), a range of police forces and key academics. There was also a separate public consultation which ran for six weeks which has informed the Code of Ethics and consequently the detail of the legislation. This has helped support the development of this Equality Impact Assessment.
- **Previous consultation responses.** The 2015 consultation '*Improving police integrity: reforming the police complaints and disciplinary systems*'.⁵⁵ This consultation led to the Government introducing a duty of cooperation in 2020 which aims to ensure police officers cooperate fully with official proceedings.

xvi. Appeals to the Police Appeals Tribunal (PAT).

CSEW concerning public confidence in policing (March 2020)¹

- Data shows that whilst confidence in policing remains high, it has declined in the most recent two years in which data has been collected (from year ending March 2018 to year ending March 2020) across all groups, from 78% to 74%, but has declined more among those from a Black background, with confidence among the Black Caribbean group now 20 percentage points lower than White groups (54% compared to 74%).
- Historically, women have had slightly higher levels of confidence in their local police than men, but both have declined in confidence from year ending March 2018 (79% women and 78% men). In year ending March 2020 75% of women and 74% of men had overall confidence in their local police.
- Women from Asian (79%) and White (77%) ethnic groups were more likely to have confidence in their local police than Black women (71%) in the 3 years to March 2020².

⁵⁵ [Improving Police Integrity: Reforming the Police Complaints and Disciplinary Systems \(2015\)](#)



Home Office

- Among all age groups lower percentages of people from Black and mixed ethnic groups had confidence in their local police than White people and Asian people in the 3 years to March 2020.
- Ensuring that the policing dismissals process is fair, transparent and effective – thus supporting an effective police culture may support public confidence in the police. Though it is important to note that confidence in the police can be impacted by numerous points depending on the individual, such as effectiveness of policing, local police operational priorities or if an individual feels the police treat them fairly.

YouGov data on public confidence in the police (March 2022)³

- In October 2021, YouGov data indicated that for the first time since they had started asking in July 2019, as many people replied they had not very much or no confidence (45%) as those replying they had a lot or a fair amount of confidence (45%) in the police to deal with crime in their local area. As of 28 February 2022, 47% of people replied that they had not very much or no confidence, compared to 43% who replied that they had a lot or a fair amount of confidence in the police to deal with crime in their local area.

House of Lords Library: Police standards and culture: Restoring public trust⁴

- The House of Lords Library ‘in focus’ report noted the Independent Office for Police Conduct tracking for public’s perceptions towards it as an organisation and about the police complaints system.⁵ Some of the findings found ‘confidence in the police’s ability to deal with complaints had decreased’ and ‘a perception of racism and sexism within the police has contributed to increased negative sentiment towards the police.’

Independent Office for Police Conduct (IOPC) referrals data⁶

- In October 2021 the IOPC reported that over the past three years the number of people facing disciplinary proceedings as a result of its investigations into alleged abuse of position for a sexual purpose (APSP) had risen sharply. From 2018 to 2021, 66 officers and police staff faced disciplinary proceedings, 42 of these were from the last year, making it the single largest form of police corruption that the IOPC deals with and accounting for 60% of its corruption investigations.

NPCC VAWG performance and insights report⁷

- In March 2023, the National Police Chiefs’ Council (NPCC) published data on police-perpetrated VAWG complaints and conduct cases recorded between October 2021 to March 2022.
- Of VAWG-related complaints in the period, 88% of complainants were female.
- Of VAWG-related conduct matters in the period, 55% of complainants were female.

HMICFRS An inspection of vetting, misconduct and misogyny in the police service (November 2022)⁸



Home Office

- The report found that whilst policing culture has improved in recent years, there still persists a culture of misogyny, sexism and predatory behaviour towards members of the public and female police officers and staff.

IOPC Operation Hotton Learning report (February 2022)⁹

- A series of nine linked investigations concerning serving police officers within the Metropolitan Police Service (MPS) found evidence of racial discrimination, misogyny, harassment and bullying involving officers predominantly based at Charing Cross police station.

IOPC Police Complaints Statistics for England and Wales (2021/22)¹⁰

- 3% of total complaint cases (120,687) related to discriminatory behaviours (3,735). Of these, 59% related to race, 15% related to disability and 11% related to sex.

Police officer uplift, quarterly update to March 2023¹¹

- As at 31 March 2023, in England and Wales there were:
 - 53,083 female officers (headcount) in post, accounting for 35.5% of officers; the highest number and proportion of female officers in post since comparable records began.
 - 12,087 ethnic minority (excluding White minority) officers, representing 8.3% of those who stated their ethnicity; this is the highest number and proportion of ethnic minority officers in post since comparable records began.
 - Over half (59%) of all police officers in post, in England and Wales, as at 31 March 2023, were aged 40 or under, with a further 39% of all officers between 41 and 55 with the remaining 2% over 55.
 - Since April 2020, more than four in ten new officer recruits (43.2%) were female and 11.4% (who stated their ethnicity) identified as ethnic minorities (excluding White minorities). By age group, more than half (56.8%) of new recruits were under 26. A further 38.4% were aged between 26 and 40, 4.7% between 41 and 55 and 0.1% over 55.

Misconduct data collected by the Home Office as a part of the Dismissals review

The Home Office has collected a comprehensive data set covering allegations heard at misconduct hearings since the year ending 31 March 2016, across the 43 territorial police forces.

Whilst there is data available on number of appeals made to the PAT and their outcome, it is difficult to draw conclusions on trends associated with the protected characteristics of those subject to appeals, given the small numbers. More generally, data shows that the number of appeals received has generally been on a downwards trend. In the year ending 31 March 2016 there were 70 appeals finalised in England and Wales, and with the exception of the year ending 31 March 2021, this number has either reduced or remained stable each year. In the year ending 31 March 2022, 25 appeals were finalised.



The overall data set for the review includes information on some protected characteristics of officers subject to an allegation and the subsequent outcome received at the hearing.

Data is based on the self-reported protected characteristics of officers, as recorded on force HR systems. Data is available for the sex, ethnicity and age of officers involved in allegations. Data on other protected characteristics are collected by police forces however they lack sufficient completeness rates to carry out reliable analysis.

- By sex, the data shows that between 30 and 40 in every 10,000 male officers are referred to a hearing each year compared with 15 to 20 for female officers. By outcome, the data does not show a noticeable difference in outcome between males and females at hearings.
- By ethnicity, the data shows that between 40 and 60 in every 10,000 ethnic minority officers are referred to a hearing each year compared with 20 to 30 for White officers. By outcome, a similar proportion of officers were found to have committed gross misconduct (87% for both groups), however a greater proportion of ethnic minority officers were subsequently dismissed (85% of ethnic minority officers vs 81% of White officers).
- By age, in recent years there has been an increase in younger and less experienced officers in post owing to the police uplift programme. In the year ending 31 March 2022, 41 in 10,000 officers aged 25 and under were referred to a hearing, higher than proportions seen amongst 26 to 55 year olds. A higher proportion of officers aged 25 and under or aged over 55 were dismissed where gross misconduct was found (88% for both) when compared with officers aged 26 to 40 and 41 to 55 years (82% and 79% respectively).

Data collected by the Home Office as a part of the Dismissals Review shows that in the year ending March 2022, 0.41% of all officers aged 25 or under faced a misconduct hearing or accelerated hearing (equivalent to 41 in every 10,000 officers aged 25 or under). This compares with 33 in every 10,000 officers aged 26 to 40 and 27 in every 10,000 officers aged 41 to 55.

A similar rate was seen for officers aged over 55 (42 in 10,000), however this is based on a very small number of proceedings as this group only represent 2% of the workforce.

The proportion of officers aged 25 or under, or aged over 55, who have faced misconduct hearings has increased in recent years, whilst proportions of officers aged between 26 and 55 have remained more constant.

3a. Consideration of limb 1 of the duty: eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act

For the purposes of this duty, the Department has considered the following protected characteristics: Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.



The Department does not consider that any of the Home Office measures in the Bill directly discriminate in a way that is not justified as per section 13(2) of the Equality Act 2010.⁵⁶ The Department has considered potential direct and indirect impacts of measures within the Bill below.

Where direct discrimination is not addressed, that is because at this time the Department has assessed that there is no direct discrimination to be considered for that measure; we will keep this under review and update as necessary.

i. Articles for use in serious crime

Disability

Indirect Discrimination

Our assessment of the evidence available is that the proposed new offences could potentially have a differential impact on people with disabilities, which can be appropriately mitigated.

Mental impairment, disorders or conditions

The new offences impose an objective test where a person has reasonable grounds to suspect that an article will be used in serious crime. That is, where a reasonable person with access to the same information as the accused would have suspected that the article was for use in serious crime.

Some individuals with a mental impairment, disorder or condition amounting to a disability under section 6(1) of the Equality Act 2010 may be less able to identify reasonable grounds for suspicion that an article will be used in serious crime, for the purposes of committing the proposed new offences. It is therefore possible that some individuals with a mental impairment, disorder or condition may be more likely to come under scrutiny by law enforcement agencies on suspicion of committing the proposed new offences.⁵⁷

However, the Department considers that the risks of any potential impact can be mitigated in the following ways: when making a decision to prosecute, the CPS must consider whether a prosecution is required in the public interest; the CPS has published legal guidance for prosecutors on making the decision to prosecute individuals with a mental health condition or disorder⁵⁸; the Government will consider the need for any defences to the proposed new offences; should an individual with a mental impairment, disorder or condition be convicted of one of the proposed new offences, if their level of culpability is lower this is likely to be reflected in more lenient sentencing by the courts.

⁵⁶ Equality Act 2010: <https://www.legislation.gov.uk/ukpga/2010/15/section/13>

⁵⁷ National Statistics published by the Department for Work and Pensions show that in the year 2019-20 9.6million people in the UK reported either a mental health, memory, learning or social/behavioural impairment. To note, the proposals in the public consultation apply to England and Wales only, furthermore not all people with these impairments will be less able to identify reasonable grounds for suspicion that an article will be used in serious crime. See: [Family Resources Survey: financial year 2019 to 2020 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/421111/family-resources-survey-financial-year-2019-to-2020.pdf)

⁵⁸ Crown Prosecution Service, October 2019, [Mental Health: Suspects and Defendants with Mental Health Conditions or Disorders | The Crown Prosecution Service \(cps.gov.uk\)](https://www.cps.gov.uk/mental-health-suspects-and-defendants-with-mental-health-conditions-or-disorders)



The Department considers that any remaining residual risk of a negative impact can be objectively justified as proportionate means of achieving the legitimate aim of tackling serious crime and protecting the public from the risk of harm.

Autism

Guidance suggests that autism can present itself as an intense interest in particular topics or items, including an interest in collecting items⁵⁹.

The potential for interaction between autism and offences which criminalise the possession of articles, or the collection of materials, has been raised in relation to offences under the Terrorism Act 2000⁶⁰. It is therefore possible that some individuals with autism could be more likely to come under scrutiny by law enforcement agencies on suspicion of committing the new offences, if their autism plays a role in them having an intense interest in and/or collecting articles closely associated with serious crime⁶¹.

The following measures will help to reduce the potential for any negative impact: when making a decision to prosecute, the CPS must consider whether a prosecution is required in the public interest; the CPS has published legal guidance for prosecutors on making the decision to prosecute individuals with a mental health condition or disorder, including Autism Spectrum Disorder⁶²; the Government will consider the need for any defences to the proposed new offences; should an individual with a mental impairment, disorder or condition be convicted of one of the proposed new offences, if their level of culpability is lower this is likely to be reflected in more lenient sentencing by the courts.

The Department considers that any remaining residual risk of a negative impact can be objectively justified as proportionate means of achieving the legitimate aim of tackling serious crime and protecting the public from the risk of harm.

ii. Possession and supply of a SIM Farm

Age

Indirect Discrimination

While the evidence shows that the most commonly victimised age bracket is 45-54, it also suggests that the pace of technological change is such that it may make it harder for certain demographics, including those in the 75+ bracket, to spot and avoid frauds. The policy is designed to protect all the general public from fraud, regardless of their age. Moreover, the

⁵⁹ National Autistic Society, [Obsessions and repetitive behaviour - a guide for all audiences \(autism.org.uk\)](https://www.autism.org.uk)

⁶⁰ In *R v Hannam*, the defendant was convicted for the collection of terrorist information under section 58 of the Terrorism Act 2000 and in the sentencing remarks the judge observed that the defendant's autism "explains why you kept material which others may have discarded".

⁶¹ The National Autistic Society estimates that there are around 700,000 autistic people in the UK. To note, the proposals in the public consultation apply to England and Wales only, furthermore not all autistic people will present with an interest in collecting items. See: National Autistic Society, [What is autism](https://www.autism.org.uk)

⁶² Crown Prosecution Service, October 2019, [Mental Health: Suspects and Defendants with Mental Health Conditions or Disorders | The Crown Prosecution Service \(cps.gov.uk\)](https://www.cps.gov.uk)



policy aims to reduce the presence and prevalence of telecommunications-enabled fraud and is therefore likely to reduce the burden on elderly, less technologically literate people to educate themselves on telecommunications safety.

Disability

The Department is not aware of any evidence indicating indirect discrimination against individuals on account of disability. We know that fraudsters may seek those who are cognitively impaired or who may be neurodivergent. Adults with a disability were more likely to be a victim of fraud (7.4%) than those without a disability (6.0%) (YE Mar 2023). The policy aims to stop fraud from being perpetrated. This is likely to reduce the burden on those who may not have, or be able to develop, the skills and knowledge needed to safeguard themselves against fraud. Therefore, it is expected that the policy will strengthen the protection of individuals with disabilities against fraud.

The Department is also aware that criminals often exploit vulnerable people and either trick or coerce them into committing a crime. However, law enforcement and safeguarding agencies already have systems, policies and policies in place to support vulnerable people exploited by criminals, such as:

1. Vulnerability and violent crime interventions | College of Policing available at <https://www.college.police.uk/research/vulnerability-violent-crime-interventions>
2. Criminal Exploitation of children and vulnerable adults: County Lines guidance available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/863323/HOCountyLinesGuidance_-_Sept2018.pdf
3. Both sides of the coin: The police and National Crime Agency's response to vulnerable people in 'county lines' drug offending available at <https://www.justiceinspectors.gov.uk/hmicfrs/wp-content/uploads/both-sides-of-the-coin-police-nca-response-vulnerable-people-county-lines-drug-offending.pdf>
4. County Lines: Protecting Our Communities and Families | Crimestoppers available at <https://crimestoppers-uk.org/keeping-safe/community-family/county-lines>

The existing safeguards are expected to mitigate any impact of the proposed offence on vulnerable people.

iii. Knife Crime (including police powers to seize bladed articles)

Age

Direct discrimination

The legislation will apply irrespective of age. This approach aligns with current knife legislation offences. Therefore, the Department does not consider that there would be any direct discrimination on the basis of the protected characteristic of age.

In the year ending March 2022, 86% of relevant sentences, were for adults. This means far more adults are likely to be sentenced.

At the same time, looking at admissions to hospital figures, rather than sentencing figures, in order to look at what section of the population are affected by knife crime irrespective of whether a charge has been made, more adults than children are admitted to hospital after being assaulted with a sharp instrument. Between April 2022 and September 2022, the peak age for such admissions was in the 10-19 age category (7.3 admissions per 100,000 population), and the peak age for victims of homicide in the year ending March 2022 was 16-24 (122 of 696 victims). Therefore, interventions that are successful in reducing violent crime



may also reduce the number of victims of violent crime and benefits could disproportionately fall to these age groups.

Indirect discrimination

Adults between the ages of 20-29 and 30-39 are admitted to hospital for assault by sharp instrument at a higher rate (6.6 and 4.4 per 100,000 population, respectively) in comparison to other adult ages groups. The peak age for victims of homicide in the year ending March 2022 was 25-34 (114 of 696 victims) making up 16% of homicide victims. As a result, there may be a positive impact for adults, in particular, those aged 20-39, as interventions that are successful in reducing violent crime may also reduce the number of victims of violent crime and benefits could disproportionately fall to those with certain characteristics (in this case, adults).

Race

Indirect discrimination

There may be a disproportionate impact of the legislation on the black male population because they are sentenced at a higher rate for offences involving knives and offensive weapons, with black adults sentenced at a rate of 124 individuals per 100,000 black adults in comparison to 21 per 100,000 for white adults. Black people, in particular males, are therefore expected to receive convictions at a higher rate. In principle, if any disproportionate impact on the basis of race occurs from the proper operationalisation of the policy, such impact is expected to be objectively justified.

However, the statistics show that people from black, Asian and other ethnic minority groups are more likely to be admitted to hospital after being assaulted with a sharp instrument and be victims of homicide. Therefore, interventions that are successful in reducing violent crime may also reduce the number of victims of violent crime and benefits could disproportionately fall to those with certain characteristics (in this case, black, Asian and ethnic minority groups).

Sex

Indirect discrimination

We would expect most convictions to be for people who are male. This is because more males are sentenced for offences involving knives and offensive weapons than females. In the year ending March 2023, 93% of people sentenced were male. In the adult population, it is estimated that 48 males were sentenced for relevant offences per 100,000 adult men, compared to 3 women sentenced per 100,000 adult women. Therefore, the statistics suggest that males are more likely to be convicted under the new legislation. However, the proposals outlined in this document will apply irrespective of the protected characteristics of sex. Any disproportionate impact, however, can be objectively justified as a means of achieving the legitimate aim of reducing knife crime.

91% of those admitted to hospital for assault by sharp objects are male. Males are also disproportionately admitted to hospital for assault by sharp objects. They are admitted at a rate of 5.8 per 100,000, as opposed to less than 0.6 female per 100,000. Therefore, interventions that are successful in reducing violent crime may also reduce the number of victims of violent crime and benefits could disproportionately fall to those with certain characteristics (in this case, males).

iv. Criminal liability of bodies corporate and partnerships

Indirect discrimination:

Age



Home Office

Senior managers are more often experienced individuals and are more likely than not to have more years working. There is therefore a higher average age among senior management who will be captured by the identification doctrine provisions. For instance, at the FTSE 100 companies, the average age of a male executive director is 54.1 years for male and 50.3 years for female.⁶³ In the civil service, the average age of SCS is 48 years.⁶⁴

Pregnancy and Maternity

People who have taken maternity or paternity leave may be proportionately less likely to be captured by these provisions. Although there is limited statistics on this, those who have taken maternity or paternity leave could have a slightly slower career development to senior management due to their time taken out of work than those who do not take maternity or paternity leave.

Race

According to the Gov.uk statistics on ethnicity in occupation, people who are white or mixed race are more likely to be captured by these provisions. According to these findings, 10.7% of white workers and 11.1 % of people of mixed ethnicity are managers, directors and senior officials.⁶⁵ Whereas only 4.6% of black people are in those roles, although some sources find this to be as low as 1.5%.⁶⁶

Gender

A higher proportion of senior management are male so we would expect males to be proportionately more affected by the provisions. For instance, in the financial services, senior persons in larger firms were 23% female and smaller firms 17% female.⁶⁷

v. Testing of persons in police detention for the presence of controlled drugs

Age

Direct discrimination

Drug testing in police detention (drug testing on arrest and drug testing on charge) requires different conditions to individuals aged under and over 18. Drug testing on arrest can take place if the individual is aged 18 and over, and the conditions set out in legislation are met. Drug testing on charge can take place if the individual is aged 14 and over, and the conditions set out in legislation are met.

There are additional processes in place for those under the age of 18 who are drug tested, including the 'on charge' requirement and the presence of an appropriate adult. These additional conditions aim to safeguard the wellbeing of children and young people. Children are afforded additional protections in domestic and international law, including the UN Convention on the Rights of the Child. Similar safeguards and additional conditions apply to other police powers in relation to children, for example, the requirement for custody officers to identify an appropriate adult responsible for the welfare of individuals under 18 years of age in police custody⁶⁸.

⁶³ • [FTSE 100 executive directors' age by gender 2019 statistic | Statista](#)

⁶⁴ [Age of the civil service | The Institute for Government](#)

⁶⁵ [Employment by occupation - GOV.UK Ethnicity facts and figures \(ethnicity-facts-figures.service.gov.uk\)](#)

⁶⁶ [UK: Only 1.5% of senior roles held by black people \(hrreview.co.uk\)](#)

⁶⁷ [Financial Services – senior jobs are still mostly for the boys | FCA Insight](#)

⁶⁸ [PACE Code C 2019 - GOV.UK \(www.gov.uk\)](#)



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The expansion of specified Class B and C drugs within scope of drug testing in police detention will apply to both the on arrest and on charge conditions, and the existing safeguards for under 18s will remain. The expansion will not discriminate on the basis of age for the reasons outlined above. Further, it is a discretionary power, available in respect of persons aged over 14 or 18 (as outlined above), which the police will be expected to apply in accordance with the statutory conditions and safeguards and their duties under the Equality Act 2010.

Indirect discrimination

There is a risk of indirect discrimination on the basis of age, as young people are more likely to be stopped and searched and are more likely to have used drugs, when compared to other age groups. However, DToA data reported to the Home Office (*note that DToA data received from forces so far pertains to specific Class A substances only*) indicates that the age group 30-39 is slightly more likely to be drug tested than other age groups. The Department expects this to be the case when expansion of DToA to specified Class B and C substances takes place as well.

The CSEW shows that drug use is higher among 16–24-year-olds than 16–59-year-olds. In year ending June 2022, 18.6% of 16–24-year-olds had taken a drug in the last year compared to 9.2% of 16–59-year-olds. For cannabis, in the latest year, 16.2% of those aged 16 to 24 years, reported having used the drug in the last year; a similar level to the year ending March 2020 in year ending June 2022, compared to 7.4% of those aged 16 to 59 years. For the year ending June 2022, the proportion of adults reporting any drug use in the last year was highest among those aged 20 to 24 years (23.3%)⁶⁹. The CSEW estimated that in the year to June 2022, 0.9% of 16–59-year-olds, and 3.1% of 16–24-year-olds had used Ketamine in the last year.⁷⁰

In the year ending March 2022, 66% of all stop and searches of persons were on people aged between 10 and 29 years old, and of these, 33% of the total were aged between 18-24⁷¹. The majority (84%) of all arrestees in the latest year were aged 21 or over (data on arrests by age are grouped into five categories: 'Under 10', 'Aged 10 to 17', 'Aged 18 to 20', 'Aged 21 and over', or 'Age unknown'). In comparison, 75% of the general population are aged 21 or over⁷². We anticipate that this risk of indirect discrimination will continue into the expansion to specified Class B and C drugs, particularly when it comes to cannabis users. We consider this risk is objectively justified, as the aim of the overarching drug testing in police detention powers and the expansion to specified Class B and C drugs is to divert more individuals to drug treatment and support services to help address their drug use. The power is only available where an individual is arrested or charged for a criminal offence.

There are offences associated with drug testing in police detention, namely refusal of the drug test and non-attendance/failure to stay for the duration at the initial assessment, and as such there is a potential negative impact on certain age groups being disproportionately prosecuted for these offences. The Department will continue to consider this risk and will continue to collect and monitor data from police forces via the Home Office-funded DToA expansion programme.

Race

Indirect discrimination

⁶⁹ [Drug misuse in England and Wales - Office for National Statistics \(ons.gov.uk\)](https://www.ons.gov.uk/drug-misuse-in-england-and-wales-office-for-national-statistics)

⁷⁰ Drug misuse in England and Wales - Appendix table - Office for National Statistics (ons.gov.uk)

⁷¹ [Police powers and procedures: Stop and search and arrests, England and Wales, year ending 31 March 2022 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/police-powers-and-procedures-stop-and-search-and-arrests-england-and-wales-year-ending-31-march-2022)

⁷² [Police powers and procedures: Stop and search and arrests, England and Wales, year ending 31 March 2022 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/police-powers-and-procedures-stop-and-search-and-arrests-england-and-wales-year-ending-31-march-2022)



There is a risk of indirect discrimination of individuals from an ethnic minority background due to the disproportionality associated with other policing activities leading to arrest. For example, evidence shows that between 2020 to 2021 black people were over 3 times as likely to be arrested as white people – there were 29 arrests for every 1,000 black people, and 9 arrests for every 1,000 white people.⁷³

Stop and search has been shown to disproportionately impact people from black ethnicities more than other groups, often in relation to suspected drug offences. In the year to March 2022, black people were 6 times more likely to be stopped and searched for drugs than white people⁷⁴. In the year to March 2022, there were 7 stop and searches for every 1,000 White people, compared with 52 for every 1,000 Black people, while there were 15 stop and search for every 1,000 Asian people⁷⁵.

The CSEW for year ending June 2022 reports that individuals of mixed or multiple race are more likely to have taken a drug in the last year with 20% of adults reporting use, compared to 10% of white adults, 5% of Black/ African/ Caribbean/ Black British, 9% of other and 4% of Asian.⁷⁶

The Department anticipates that this risk of indirect discrimination will continue into the expansion to specified Class B and C drugs in relation to drug testing in police detention, considering the evidence of disproportionality in wider policing activity. However, the available DToA data does not indicate that drug testing in police detention is disproportionately impacting individuals from an ethnic minority background nor disproportionately impacting individuals from a white background, as the testing data by ethnicity is broadly in agreement with population data and arrest data. The Department considers this risk is objectively justified, as the aim of the overarching drug testing in police detention powers and the expansion to specified Class B and C drugs is to divert more individuals to drug treatment and support services to help address their drug use. The power is only available in respect of persons arrested or charged for a criminal offence.

There are offences associated with drug testing in police detention, namely refusal of the drug test and non-attendance/failure to stay for the duration at the initial assessment, and as such there is a potential negative impact on individuals from ethnic minority backgrounds being disproportionately prosecuted for these offences. The Department will continue to consider this risk and will continue to collect and monitor data from police forces via the Home Office-funded DToA expansion programme.

Sex

Indirect discrimination

Evidence shows that men are more likely to take drugs than women. The CSEW for year to June 2022 reported that nearly 12% of men had taken a drug in the last year, compared to 6.5% of women⁷⁷.

The Department anticipates that these disparities in drug testing rates in relation to sex will continue into the expansion to specified Class B and C drugs in relation to drug testing in police detention, considering the pre-arrest disparities in stop and search and arrest rates of

⁷³ [Arrests - GOV.UK Ethnicity facts and figures \(ethnicity-facts-figures.service.gov.uk\)](https://www.gov.uk/ethnicity-facts-figures)

⁷⁴ [Update to stop and search and arrests statistics using 2021 Census estimates - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/stop-and-search-and-arrests-statistics-using-2021-census-estimates)

⁷⁵ [Update to stop and search and arrests statistics using 2021 Census estimates - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/stop-and-search-and-arrests-statistics-using-2021-census-estimates)

⁷⁶ [Drug misuse in England and Wales - Office for National Statistics \(ons.gov.uk\)](https://www.ons.gov.uk/drug-misuse-in-england-and-wales)

⁷⁷ [Drug misuse in England and Wales - Office for National Statistics \(ons.gov.uk\)](https://www.ons.gov.uk/drug-misuse-in-england-and-wales)



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men compared to women. The available DToA data indicates that the DToA activity is broadly in-line with the differing arrest rates and drug misuse rates for men and women.

The Department considers this risk is objectively justified, as the aim of the overarching drug testing in police detention powers and the expansion to specified Class B and C drugs is to divert more individuals to drug treatment and support services to help address their drug use. The power is only available where a person has been arrested or charged for a criminal offence.

Sexual orientation

Indirect discrimination

The CSEW for year to June 2022 reports that 8.2% of heterosexual individuals reported drug use in the past year, compared to 29.9% of gay/ lesbian individuals and 31.2% of bisexual individuals, and so there is a possibility that gay/ lesbian or bisexual individuals may be more likely to be required to undergo drug testing when compared with heterosexual individuals. DToA programme data does not record the sexual orientation of individuals who undergo testing. However, if evidence is brought to the attention of the Home Office relevant to this, we will consider the findings and appropriate mitigations or steps to address this.⁷⁸

The Department considers this risk is objectively justified, as the aim of the overarching drug testing in police detention powers and the expansion to specified Class B and C drugs is to divert more individuals to drug treatment and support services to help address their drug use. The power is only available where a person has been arrested or charged for a criminal offence.

vi. Stolen goods on premises: entry, search and seizure

Age

Indirect discrimination:

Victims

Data sources indicate that young people (16-34) are more likely to be victims of some types of acquisitive crime. In general, an adult's likelihood of falling victim to domestic burglary, vehicle-related thefts and theft from the person decreases with age. For example, 0.6% of those aged 18-24 and 0.5% of those aged 25-34 were estimated to be victims of robbery in the year to March 2021, compared to 0.2% of those aged 65-74. In the year to March 2021, of those aged 18-24, 3.8% were estimated to be victims of vehicle crime, compared to 1.0% those aged 75+.²

Adults aged 18-24 are more likely to be victims of domestic burglary (3.2%) and adults aged 25-34 are most likely to be victims of theft from the person (1.0%). However, vehicle crime victims tend to be slightly older, with adults between the ages of 35-44 more likely to be victims of vehicle related theft (3.1%).¹

More specifically, mobile phone owners aged 18-21 were most likely to experience theft (1.5%). The risk of mobile phone owners experiencing theft decreases with age after this with 1.1% of adults aged 22-24 and 0.3% of those aged over 65 experiencing theft.³

Offenders

⁷⁸ Crime Survey for England and Wales, 2022



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The CSEW estimates that 42% of offenders of personal theft incidents were aged between 16 and 24 and 40% age between 25 to 39.⁴

Adults aged between 30 to 39 (33%), are the most likely group to have a conviction against the handling of stolen goods, where there are known ages (year ending December 22).⁵

The Department assumes the new power would be more likely to affect younger groups, who are more likely to be victims and perpetrators of theft. This could potentially assist in eliminating indirect discrimination against this group by deterring theft offences or assisting with the retrieval of stolen property. Where individuals with the protected characteristic of age might be indirectly disadvantaged as a result of this policy, the Department considers it can be objectively justified as a proportionate means of achieving the legitimate aims of preventing and investigating crime.

Race

Indirect discrimination:

Victims

CSEW indicates that households whose lead respondent identifies as Asian/Asian British are more likely to be victims of burglary. In the year to March 2020, 3.4% and 2.9% of Asian and black households were estimated to be victims of burglary, compared to 1.8% of white households. For theft from the person, black (1.1%) and Asian (1.0%) households were more likely to be victims compared to white households (0.7%) Furthermore, 6.4% and 6.9% of Asian and black households were estimated to be victims of vehicle related theft compared to 3.5% of white households.³

Offenders

White individuals are most likely to be convicted against handling stolen goods (80%), where ethnicity is known, for the year ending December 2022. It should be noted that this assessment is based on volumes and therefore does not take into account the breakdown by ethnicity in the general population.⁵

The Department would assume the new power would be more likely to positively affect black and Asian groups if their stolen property was found. This could potentially assist in eliminating indirect discrimination against this group. Where individuals with the protected characteristic of race might be indirectly disadvantaged as a result of this policy, we consider it can be objectively justified as a proportionate means of achieving the legitimate aims of preventing and investigating crime.

Sex

Indirect discrimination

Victims

Women are more likely than men to be victims of theft from the person and vehicle theft. Regarding theft from the person, the CSEW 2022 indicates that 0.6% of women were victims as compared with 0.4% of males. Similarly, 2.8% of women and 2.5% of men were victims of vehicle crime.¹

However, men are slightly more likely than female mobile phone owners to experience theft of a mobile phone (0.7% and 0.6%, respectively).³

Offenders

Across some acquisitive crime types (domestic burglary, robbery, personal theft, other-household theft), men are more likely to be offenders than women. For example, in relation to personal theft, 75% of offenders are estimated to be male compared to 17% of females⁴.



Men are far more likely to be convicted against handling stolen goods (92%), than women (8%), where sex is known (year ending December 2022).⁵

Furthermore, females are more likely to experience and be affected by domestic abuse. Perpetrators of domestic abuse very often use electronic tracking as a tactic for exerting control over a victim, particularly in the context of coercive or controlling behaviour. Technology and the internet enable abuse to be perpetrated both within the home and from a distance, undermining a victim's capacity to transition into safe and settled life. There is a risk that perpetrators could use this power to make vexatious reports to the police by claiming goods that they previously had access to are now on the victim's premises. This could harm victims who have fled their abuser, who are already at particular risk.

This legislation will affect both males and females. The Department assumes it would be more likely to positively affect females, who are more likely to be victims, if their stolen property was found. However, it is possible women will be disproportionately impacted as victims of domestic abuse if the power is used as a tool for harassment by abusers.

As males are more likely to commit acquisitive crime they would be more likely to be subject to the new power. However, we consider this can be objectively justified as a proportionate means of achieving the legitimate aims of preventing and investigating crime.

vii. Power to suspend domain names and IP addresses.

We do not expect that the power to suspend domain names and IP addresses will directly or indirectly discriminate against any people based on any protected characteristics. There is no evidence to suggest that any one protected characteristic makes disproportionate use of the technology targeted by this measure.

viii. Access to driver licence records

As set out in section 2, this measure seeks to provide *de jure* access to organisations which already have *de facto* access to the DVLA data set. It is not seeking of itself to change the purposes for which data may be used, but instead allowing conditions to be met should any change go ahead through secondary legislation. Therefore, this measure is not expected to discriminate against any people based on having a protected characteristic.

ix. Confiscation of the proceeds of crime

We do not expect that the proposed amendments to the Proceeds of Crime Act 2002, will directly or indirectly discriminate against any people based on having a protected characteristic.

x. Scheme to recover suspected criminal funds from customer accounts held in the financial sector.

We do not expect that the proposed Suspended Accounts Scheme measures will directly or indirectly discriminate against any people based on having a protected characteristic.

xi. Strengthening Serious Crime Prevention Orders (SCPOs)

Race

Indirect discrimination:

Evidence collated in section 2 above suggests that the majority of individuals who may be impacted by these proposals are white. Across each of the offender cohorts identified in



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section 2 above, around 50% of the individuals are white. However, there is an over-representation of black people across all cohorts, as they constitute around 12% of each cohort, whereas black people constitute 3% of the population of England and Wales. This data shows that the proposals could have a differential impact on black people compared to people of other races.

Furthermore, the data in section 2 suggests that those of Albanian, Romanian and Chinese nationality are over-represented in the population of people involved in serious crime and/or serious and organised crime. The over-representation of these nationalities within the cohort potentially impacted by the proposals may mean that individuals of these nationalities may experience a differential impact.

To the extent that these proposals lead to any disproportionate negative criminal justice outcomes for individuals on the basis of the protected characteristic of race, any indirect discrimination in terms of SCPO restrictions is considered to be objectively justifiable as these proposals are a proportionate means of achieving a legitimate aim. Namely, these proposals will target individuals where they are involved in the commission or facilitation of serious crime and will have the positive effect of tackling serious crime and preventing serious harm inflicted on individuals and communities.

Furthermore, any imposition of an SCPO can only be carried out by a court following a proper process, with the usual safeguards.

Sex

Indirect discrimination:

Evidence collated in section 2 suggests that these proposals will mainly impact males. Across each cohort analysed above, over 80% were male.

These figures demonstrate that there is currently an over-representation of men (who make up 80% of the indicative target population) compared to the overall population of England and Wales (of which 49% are male⁷⁹). We therefore note that there may be a differential impact on males.

To the extent that these proposals lead to any disproportionate negative criminal justice outcomes for individuals on the basis of the protected characteristic of sex, any indirect discrimination in terms of SCPO restrictions is considered to be objectively justifiable, as these proposals are a proportionate means of achieving a legitimate aim. Namely, these proposals will target individuals where they are involved in the commission or facilitation of serious crime and will have the positive effect of tackling serious crime and preventing harm inflicted on individuals and communities.

Furthermore, any imposition of an SCPO can only be carried out by a Court following a proper process, with the usual safeguards.

Age:

Direct discrimination:

Amendments to SCPOs will directly discriminate on the basis of the protected characteristic of age. All the proposals relating to SCPOs will, as now, only impact individuals 18 years and over as SCPOs cannot be imposed on an individual under the age of 18 (as per section 6 of the Serious Crime Act 2007).

⁷⁹ HMG, Population of England and Wales, August 2018: <https://www.ethnicity-facts-figures.service.gov.uk/uk-population-by-ethnicity/demographics/male-and-female-populations/latest>



As per section 13(2) of the Equality Act 2010⁸⁰, direct discrimination on the basis of age can be justified if it is a proportionate means of achieving a legitimate aim. SCPOs can impose stringent conditions on individuals, and it is considered that children who commit serious offences have different needs to adults, and therefore a different criminal justice response is more appropriate. Furthermore, as shown in section 2, less than 7% of the population of offenders who commit serious offences under schedule 1 of the Serious Crime Act 2007 (which can trigger the imposition of an SCPO) are under 18. The Department does not consider it proportionate to impose SCPOs on under 18s, therefore we consider this direct discrimination is justified.

Indirect discrimination:

To the extent that these proposals lead to any disproportionate impacts on the basis of protected characteristics, any indirect discrimination in terms of SCPO restrictions is considered to be objectively justifiable, as these proposals are a proportionate means of achieving a legitimate aim. Namely, these proposals will target individuals where they are involved in the commission or facilitation of serious crime and will have the positive effect of tackling serious crime and preventing harm inflicted on individuals and communities.

xii. Nuisance begging and rough sleeping

Direct discrimination:

Age:

The replacement offences, civil prevention notices and orders, and move on power will only apply to those aged 18 and over. The Government considers this to be justified as Instances of nuisance begging and rough sleeping by those under the age of 18 is in the jurisdiction of social services, specifically child protection or child in need services, not the police. It is unlikely that any further discrimination of one age group will take place due to the nature of the proposals lacking targeting on any groups. However, to note that a 2020 DLUHC paper suggests the average age of rough sleepers to be 40 and the survey responses showed an age range of 17 to 77 years old.

Indirect discrimination:

Disability:

The provisions will not have an indirect negative impact on individuals with a disability. It is known that the longer a person is sleeping rough the greater an impact this will have on their physical and mental health. It is also known that some people rough sleeping have alcohol or drug addictions. DLUHC's rough sleeping questionnaire found that approximately half of the respondents had a long-term physical impairment, illness or disability compared with 21% of the population of England. This is not broken down into specific numbers for disability alone. However, it seems reasonable to conclude that at the very least a substantial proportion of rough sleepers could be classified as disabled. It is therefore possible that these new provisions will disproportionately affect disabled people, but it is anticipated that the powers will result in more rough sleepers being offered access to support and so the impact is expected to be positive. Further, this is in line with statistics on the demographics of the cohort and does not mean that disabled people will be treated more negatively than anyone else captured within these policies.

⁸⁰ Equality Act 2010: <https://www.legislation.gov.uk/ukpga/2010/15/section/13>



Sex:

While proposals will not target individuals based on their sex, DLUHC's questionnaire found that the majority of rough sleepers were white males and therefore male individuals might be more likely to be caught committing begging or being asked to move on for nuisance rough sleeping. However, this is in line with statistics on the demographics of the cohort and does not mean that men will be treated more negatively than anyone else captured within these policies.

xiii. Anti-Social Behaviour Powers

Age

Direct Discrimination

The Bill lowers the age limit on Community Protection Notices (CPNs) from 16 to 10 years. In implementing this provision, the Department will ensure that police forces and LAs have robust safeguarding measures in place as well as plans to facilitate appropriate engagement with the young persons and their parents/guardians.

Indirect Discrimination

Statistics from the ONS suggest that younger people tend to perceive high levels of ASB in their area at higher rates. 11% of those aged 16-34 and 10% of those aged 25-34 perceived high levels of ASB in their area as compared to just 5% of those aged 66-75. However, 78% of those aged 16-24 felt safe walking home alone in the dark which falls to 71% for those aged 75+. Overall, the effect of the proposed changes to powers is likely to be mixed depending on the change in question.

Additionally, of those who perceived high levels of ASB in their area in the year ending March 2023, 13% stated that there is a considerably big problem in their area with 'Teenagers hanging around on the streets'.

There is data to suggest that perpetrators of ASB could be impacted by these changes as, studies show 55% of ASB perpetrators were under 18 and nearly three-quarters were aged 25 or below. However, reducing the age of CPNs will provide a mechanism to intervene early to avoid young person going into the criminal justice system at a considerably early age.

Whilst there is no data to support this, reducing the age limit of Community Protection Notices (CPNs) has the potential to discriminate against younger persons. To mitigate this and ensure the powers are used proportionally and effectively we will be providing enforcers with the appropriate statutory guidance and safeguards to protect those of a young age.

Disability

Consideration has been given to the impacts of the proposed change and whether it will or will not be likely to lead to discrimination or disadvantage, based on the protected characteristic of disability as specified in the Equality Act 2010.

Direct Discrimination

We do not expect the proposed changes to directly discriminate against people with this protected characteristic as the changes are targeted at improving public safety for all according to public need; it does not treat persons, or proposals, differently on the grounds of disability.

Indirect Discrimination

We do not expect the proposed changes to indirectly discriminate against any people with this protected characteristic. However, it has been found that in the year ending March 2023 disabled people perceive higher levels of ASB in their area than non-disabled people, 10%



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and 7% respectively.⁸¹ The proposed changes are therefore likely to affect, and benefit disabled people. Any such benefits are expected to reflect the pre-existing disadvantages suffered by persons with this protected characteristic and are therefore justified.

Reasonable Adjustments

We will ensure that communications with stakeholders and members of the public will be made available in accessible formats.

xiv. Crime and Disorder Strategies

The Department does not expect that the proposed changes to accountability in Community Safety Partnerships will directly or indirectly discriminate against any people based on having a protected characteristic.

xv. Ethical Policing (including duty of candour)

The Department has not identified any evidence to suggest that direct or indirect discrimination will result from this provision. It is anticipated that this will engender a culture of greater transparency and openness in policing which, in turn, will facilitate increased police legitimacy and public confidence.

xvi. Appeals to the Police Appeals Tribunal (PAT).

Age:

Indirect Discrimination

Data collected by the Home Office as a part of the Dismissals Review shows that in the year ending March 2022, 0.41% of all officers aged 25 or under faced a misconduct hearing or accelerated hearing (equivalent to 41 in every 10,000 officers aged 25 or under). This compares with 33 in every 10,000 officers aged 26 to 40 and 27 in every 10,000 officers aged 41 to 55.

A similar rate was seen for officers aged over 55 (42 in 10,000), however this is based on a very small number of proceedings as this group only represent 2% of the workforce.

The proportion of officers aged 25 or under, or aged over 55, who have faced misconduct hearings has increased in recent years, whilst proportions of officers aged between 26 and 55 have remained more constant.

Given this data that shows that younger, or less experienced Police Officers are more likely to face misconduct hearings. It is possible that the changes to appeal routes for Chief Constables could result in indirect discrimination on the grounds of age, given the earlier disproportionality within the misconduct system, which may follow through to the appeals system. The Department considers this to be justified as a proportionate means of achieving a legitimate aim, because it is in the public interest for Chief Constables to have the means to challenge decisions made by misconduct panels.

Race

Indirect Discrimination:

⁸¹ Crime in England and Wales: year ending March 2023. Crime in England and Wales: Annual supplementary tables - Office for National Statistics (ons.gov.uk)



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Evidence in the Police Officer Dismissals Review suggests that there is disparity within the dismissals system particularly pertaining to race, with Black and ethnic minority officers disproportionately more likely to be subject to some conduct processes.

Between 1 April 2015 and 31 March 2022, 325 ethnic minority officers have been referred to a hearing or accelerated hearing. This compares with 2,355 White officers, with 12.1% of all officers (where ethnicity is known) referred to a hearing identifying as ethnic minority.

As a proportion of all officers in post between 0.4% and 0.6% of the overall ethnic minority workforce (equivalent to 4 to 6 in every 1,000 ethnic minority officers) are referred to a hearing or accelerated hearing each year. This is consistently higher than amongst White officers, where between 0.2% and 0.3% of all officers are referred to hearings.

For example, in the latest year (ending 31 March 2022), there were 66 hearings or accelerated hearings involving an ethnic minority officer 15.0% of all officers attending a hearing, compared with 7.8% in the total workforce. This is equivalent to 63 officers in every 10,000 compared with 30 in 10,000 for White officers.

When considering officers dismissed, since the year ending 31 March 2016, 64% of White officers attending a hearing or accelerated hearing were dismissed, compared with 72% of ethnic minority officers. When looking at each year individually ethnic minority officers have seen a higher dismissal rate consistently, though due to the relatively small number of ethnic minority officers dismissed each year (generally between 25 and 50), comparisons should be made with caution.

Looking at the outcome of officers who received a finding of gross misconduct, 85% of ethnic minorities were dismissed, compared with 81% of White officers.

As a proportion of the workforce 49 in every 10,000 ethnic minority officers were dismissed in the year ending 31 March 2022 compared with 22 in every 10,000 White officers.

The Department considers this to be justified as a proportionate means of achieving a legitimate aim, because it is in the public interest for Chief Constables to have the means to challenge decisions made by misconduct panels.

Sex

Indirect discrimination

Data collected for the review suggests that whilst male officers are more likely to be referred to hearings (0.3% to 0.4% of all male officers compared to 0.15% to 0.2% of all female officers), data does not show a noticeable difference in outcomes between males and females post-hearing, with the same percentage being dismissed (62%) since the year ending March 2016. Therefore there is no evidence to suggest that male officers will be more likely to be taken through to appeal hearings and as a result be impacted by this change.

3b. Consideration of limb 2: Advance equality of opportunity between people who share a protected characteristic and people who do not share it



Race

The department does not assess that any of the measures in the bill will advance equality of opportunity between people who possess this protected characteristic and those who do not.

Age

The department does not assess that any of the measures in the bill will advance equality of opportunity between people who possess this protected characteristic and those who do not.

Sex

The department does not assess that any of the measures in the bill will advance equality of opportunity between people who possess this protected characteristic and those who do not.

Sexual Orientation

The department does not assess that any of the measures in the bill will advance equality of opportunity between people who possess this protected characteristic and those who do not.

Gender Reassignment

The department does not assess that any of the measures in the bill will advance equality of opportunity between people who possess this protected characteristic and those who do not.

Religion and Belief

The department does not assess that any of the measures in the bill will advance equality of opportunity between people who possess this protected characteristic and those who do not.

Maternity and Pregnancy

The department does not assess that any of the measures in the bill will advance equality of opportunity between people who possess this protected characteristic and those who do not.

The Department has not identified ways in which the measures in the Criminal Justice Bill could advance equality of opportunity between people who share protected characteristics and people who do not share them. However, it did find that those with protected characteristics are disproportionately affected by both crime and ASB, so overall they will indirectly benefit from the measures in the Bill that are designed to reduce these issues. The Department will keep its assessment under review and update this document if necessary.

3c. Consideration of limb 3: Foster good relations between people who share a protected characteristic and persons who do not share it.

Race

Evidence suggests that black people have lower confidence in the police than those from a white background – with 60 % of those from a Black/African/Caribbean/Black British background (and just 49% of those from a Caribbean background) saying they either 'strongly



agree' or 'tend to agree' that they have overall confidence in local police, in comparison to 68% of those from a White background.⁸²

There are several measures in this bill that directly or indirectly aim to increase public confidence in policing.

Knife Crime (including police powers to seize a bladed article)

There may be a negative impact on community and police relations if the policy is implemented or operationalised poorly. However, The Department will work with the police to ensure that adequate training is provided to mitigate this risk. Conversely, there may be an improvement in community and police relations where the police are better able to prevent criminals from carrying knives and other weapons on the streets.

The data for hospital admissions for assault by sharp object in England published by the NHS suggests that there may be significant disproportionality in the rate of hospital admissions for assault by sharp object amongst the black population. Black individuals and Asian or Asian British individuals are admitted at a higher rate compared to white individuals. There may therefore be a positive impact for the relations between people from ethnic minority backgrounds and the police, if as a result of the legislation and related activity, there are fewer victims of knife crime.

Code of Practice on Ethical Policing (including Duty of Candour)

While this measure is not expected to have a significant impact on fostering good relations between persons who share a relevant protected characteristic and persons who do not share it, it is anticipated that this legislation will engender a culture of greater transparency and openness in policing which, in turn, will facilitate increased police legitimacy and public confidence.

Chief Constables, as part of the draft guidance, are encouraged to take 'a proactive approach to eliminating discrimination within the organisation to provide a culture that embraces diversity with acceptance and understanding'. The Code of Practice will act as statutory guidance for Chief Constables and promote understanding in their role, to provide a culture that embraces diversity and therefore fosters good relations between different protected characteristics, improving organisational culture. A better culture could, in turn, invite a broader cross-section of society to enter the policing profession and participate in public life. This may have a positive impact on recruitment and retention of individuals from minority groups. This would benefit both the careers of those individuals, and also result in a more diverse workforce which can better represent the communities it serves.

Appeals to the Police Tribunal (PAT)

This provision will help chief officers to remove officers that do not meet the standards expected of them, indirectly promoting a positive professional police culture. In turn, the ability for PCCs to appeal decisions made about chief officers is likely to have a positive impact on public confidence, as it will ensure parity and greater oversight in the system.

Age

The Department does not assess that any of the measures in the bill will foster good relationships between people who share this protected characteristic and those who do not.

⁸² Office for National Statistics (2023). "Perceptions of the police" in Annual Supplementary Tables. Available at: [Crime in England and Wales: Annual supplementary tables - Office for National Statistics \(ons.gov.uk\)](https://www.ons.gov.uk/crime-in-england-and-wales/annual-supplementary-tables) (Accessed: 31/10/23)



Sex

The department does not assess that any of the measures in the Bill will foster good relationships between people who share this protected characteristic and those who do not

Sexual Orientation

The department does not assess that any of the measures in the bill will advance equality of opportunity between people who possess this protected characteristic and those who do not.

Gender Reassignment

The department does not assess that any of the measures in the bill will foster good relationships between people who share this protected characteristic and those who do not

Religion and Belief

The department does not assess that any of the measures in the bill will foster good relationships between people who share this protected characteristic and those who do not.

Maternity and Pregnancy

The department does not assess that any of the measures in the bill will foster good relationships between people who share this protected characteristic and those who do not.

The Department will keep its assessment under review and update this document if necessary.

4. Review date

The measures in the Bill considered in this document will be subject to the normal post-legislative review three to five years after Royal Assent.

5. Declaration

I have read the available evidence and I am satisfied that this demonstrates compliance, where relevant, with section 149 of the Equality Act and that due regard has been made to the need to: eliminate unlawful discrimination; advance equality of opportunity; and foster good relations.

Sign off: Charles Goldie

Name/Title: Bill Manager

Directorate/Unit: Public Safety Group

Lead contact: Crime and Justice Bill Team CrimeandJusticeBillTeam@homeoffice.gov.uk



Home Office

Date: January 2024

For monitoring purposes all completed EIA documents must be sent to psed@homeoffice.gov.uk

EIA enquires must also be sent to psed@homeoffice.gov.uk

Date sent to PSED Team: January 2024