



THE CHIEF CONSTABLE OF CLEVELAND

Equality, Diversity and Inclusion

Internal audit report 8.21/22

Final

11 February 2022

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1. EXECUTIVE SUMMARY

Why we completed this audit

A review of Equality, Diversity and Inclusion at the Force has been completed to enable the Force to take assurance that the Force has adequate and effective systems and procedures in place to ensure that it complies with the requirements of the Public Sector Equality Duty (PSED).

The PSED came into force in England on 10 September 2011 and introduced a general duty for all public bodies to give 'due regard' to the need to:

- Stop unlawful discrimination, harassment and victimisation.
- Promote equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

The PSED also introduced specific duties for public bodies to:

- Publish information to demonstrate compliance with the general equality duty.
- Publish its objectives to further the aims of the general equality duty.

As a public body, the Force have a responsibility to abide by these principals and duties and this review has been completed with regards to this. The Equality, Diversity and Inclusion (EDI) team has been established to help ensure the Force complies with their legal responsibilities with the Strategic EDI Board having also been established to monitor both the EDI team workstreams and 'Forces' legal responsibilities under the 'Equality Act' of 2010 duties and the PSED requirements. The team was first initially formed in 2019 with the full team (five members of staff), currently the team is carrying one vacancy.

Conclusion

As a result of our review, we have agreed **one medium** and **one low** priority management action.

Our review identified there is no set policy which covers the requirements of the PSED and how the Force will adhere to these responsibilities and duties. The audit also identified that the EDI Strategic Board action and decision log do not contain an estimated completion date for all actions agreed.

We have confirmed that there are several PSED action plans which are used to help guide business as usual in the EDI team. The action plans are created each year and are designed around the long-term goals and objectives contained in the four-year EDI Strategy to help ensure these can be achieved. From review of the action plans and the work completed around each, we can see that these are monitored with a target date and summary update included for each. For example, from review of the action plan for the Equality Impact Assessment Process we have noted seven out of 15 actions have been completed, with an update provided against each. The remaining eight actions also have comments to ensure staff are aware of the current position of the action.

The Force are required to meet the five duties noted in the introduction and we have confirmed that consideration has been given to each duty. We verified that a number of actions have been completed for each of the five duties and these have been documented and published. The Force has also published both an Annual Equality Monitoring report and a Gender Pay Gap to highlight its compliance with the general equality duty.

We have given the Force an assurance opinion of reasonable despite only agreeing two management actions as many of the target dates in the EDI action plans have not been hit.

Internal audit opinion:

Taking account of the issues identified, the Chief Constable of Cleveland can take **reasonable** assurance that the controls upon which the organisation relies to manage this area are suitably designed, consistently applied and effective.

However, we have identified issues that need to be addressed in order to ensure that the control framework is effective in managing the identified area.



Key findings

Our audit identified the following exception with the Force's established control framework resulting in one medium priority action being raised:



An EDI Strategic Board is in place to monitor the EDI team workstreams and overall EDI actions of the Force. We reviewed the action and decision log for the Board's meetings and noted that an estimated completion date had been included for some actions but not all. If an estimated completion date is not recorded for all actions, staff may be unaware of when the action needs to be completed by, which may result in untimely completion of agreed tasks. **(Medium)**

For details of the remaining **one low** priority action, please see section two of this report.

Our audit review also identified that the following controls are suitably designed, consistently applied, and are operating effectively:



The Force has a strategic vision which is covered within the Towards 2025 programme and this vision directly aligns with the general duty of the PSED. We reviewed this document and verified that the strategic vision is clear and aligns with the PSED.



EDI action plans have been created which helps the Force to monitor compliance with the PSED and outlines how the Force will achieve the objectives and goals set out for the next 12 months that are contained in the EDI Strategy. We have confirmed that the delivery of the EDI plans and compliance with the PSED is monitored through the EDI Strategic Board.



New starters to the Force are provided with induction training which includes the Equality Act, duties and the Code of Ethics. All staff are also required to sign the standards of behaviour as part of their contract (and as such they cannot be an officer or staff member without signing this). We noted that whilst staff are not directly informed about the PSED during training or their induction, there is a clear and significant overlap in principles, values and standards between the PSED and the training and induction process for new starters. Officers are required to sign the Chief Constable's 'pledge' before they can be promoted within the Force. The pledge contains a number of values and behaviours which also overlap with the PSED.



The Force incorporates the PSED into a number of processes and procedures such as the recruitment process and the internal reporting process and we have verified that these are clear and adequately documented. All job postings by the Force include a reference to disabilities and that they should be disclosed to ensure equality when hiring. All reports that will be presented to a governing committee or board use a template which references EDI and questions whether equality, diversity and inclusion has been appropriately considered.



Equality Impact Assessments (EIA) have been introduced by the EDI team to ensure all policies, reviews or guidance that have been produced by the Force comply with both the PSED and make reference to either equality, inclusion or diversity. We selected a sample of six policies or guidance documents and confirmed that all six had a completed EIA on file, had been signed by an EDI Manager and had appropriately considered equality, diversity and inclusion.



Focused Staff Networks have been developed to cover specific areas and allow for greater discussion, inclusion and debate for certain topics. Examples include the Women's Network, the Disability Support Network and the Support Association for Minority Ethnic Staff. We reviewed the terms of reference and minutes/action and decision logs for some of these groups and confirmed that the Staff Networks allow for greater discussion and challenge of the Force, its policies, and its compliance with the PSED.



We confirmed that a weekly EDI team meeting has been established to discuss issues regarding their weekly workload, EDI issues in the Force and to discuss any issue or problem relating to equality, diversity or inclusion that may be relevant to the Force's responsibilities and the PSED. This is a more informal meeting and is not minuted, however actions are recorded through a 'Side Deck'.



An Annual Equality Monitoring report is produced each year to highlight the Force's actions over the past 12 months and demonstrate compliance with the PSED. We have been provided with a copy of the most recent report (dated 2020-21) and confirmed that a section (section four) has been created to highlight the Force's achievements and compliance with the PSED. Seven separate accomplishments have been included as evidence of the Force fulfilling their PSED requirements. This includes focused staff networks, equality impact assessments and policy development.



The Force publish a Gender Pay Gap Report on an annual basis to outline their performance for paying staff an equal wage. This is available to the general public and can be found on both the Force's website and the Government's website. We confirmed that the report had been completed for the 2019-20 financial year however due to Covid the Government has relaxed the reporting dates for one year. As such, the 2020-21 report will be released later this year.

2. DETAILED FINDINGS AND ACTIONS

This report has been prepared by exception. Therefore, we have included in this section, only those areas of weakness in control or examples of lapses in control identified from our testing and not the outcome of all internal audit testing undertaken.

Area: Equality, Diversity and Inclusion				
Control	Missing control The Force does not have a set policy which outlines the requirements of the PSED.	Assessment:		
		Design		x
		Compliance		-
Findings / Implications	<p>The Head of HR confirmed that there is no set policy which covers the requirements of the PSED in line with the Force's objectives. However, there are processes and procedures to suggest that the Force and the EDI Team do publish and provide evidence that they are in compliance with the PSED and that the requirements are met.</p> <p>There is a risk that if a set policy is not created to set out how the Force will meet its requirements, elements of the PSED could be missed and could cause the Force to fail to meet their statutory duties.</p>			
Management Action 1	The Force should develop a policy that uses the Force's strategic objectives to set out the requirements of the PSED.	Responsible Owner: Head of HR	Date: 31 March 2022	Priority: Low
Area: Equality, Diversity and Inclusion				
Control	<p>The EDI Strategic Board meets on a bi-monthly basis to review the progress of the strategy and is responsible for monitoring the EDI action plan and ensuring that the delivery is on track.</p> <p>A update reports are produced for every EDI Board meetings and project leads are held to task.</p>	Assessment:		
		Design		✓
		Compliance		x
Findings / Implications	<p>From a discussion with the EDI Manager for the Force, we found that the EDI Strategic Board meets on a bi-monthly basis with an additional pre-meeting beforehand to discuss any areas for consideration. We have been provided with a copy of the Terms of Reference for the EDI Board and confirmed that their purpose is to ensure the Force are adhering to their duties under the Public Sector Equality Duty. This is particularly in the final sentence of the 'purpose' section which states that the objective of the Board is to "provide governance and scrutiny of the development and delivery of Cleveland Police's equality, diversity and inclusion agenda".</p>			

Area: Equality, Diversity and Inclusion

Under the 'core activities' section we noted that the Board has a responsibility to "develop and maintain the Force's EDI strategy and key objectives, holding leaders to account for its delivery and progression."

We reviewed the membership included in the Terms of Reference and noted a number of senior officers and key individuals including the Deputy Chief Constable (Chair of the EDI Board), the Chief Finance Officer, the Chief Executive and Monitoring Officer (OPCC) and Equality, Diversity and Inclusion Managers. We confirmed that the Terms of Reference were last updated in March 2021 and saw a number of updates pertaining to feedback by the Deputy Chief Constable.

We reviewed the action log and an example agenda for the EDI Board and have confirmed that the Board is monitoring the Force's EDI Strategy and the EDI plan. We noted that 28 separate actions have been raised during these meetings (since January 2021) with all 28 actions relating to EDI, ethics or PSED. We did however notice that an expected completion date had not been recorded on every action raised in the action log. There is a risk that if the action log is not fully completed and an estimated completion date is not added, staff may be unaware of when the action must be completed by.

Upon review of the Terms of Reference and the "purpose" section, we noted that SIAG have a responsibility to "advise the police on issues of culture", "advise the police on how to communicate effectively with their communities" and "to provide community reassurance and relay key messages".

We reviewed a copy of minutes that have been provided (19 May 2021) and noted that whilst EDI is not directly mentioned, almost all of the items discussed relate to equality, diversity and inclusion in some form. For example, two of the six items included in the 19 May 2021 minutes are areas that are important EDI topics – these being hate crime and stop and search.

Management Action 2	The EDI Board will ensure the action log is fully updated and contains an estimated completion date for all actions	Responsible Owner: EDI Manager	Date: 31 December 2022	Priority: Medium
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APPENDIX A: CATEGORISATION OF FINDINGS

Categorisation of internal audit findings

Priority	Definition
Low	There is scope for enhancing control or improving efficiency and quality.
Medium	Timely management attention is necessary. This is an internal control risk management issue that could lead to: Financial losses which could affect the effective function of a department, loss of controls or process being audited or possible reputational damage, negative publicity in local or regional media.
High	Immediate management attention is necessary. This is a serious internal control or risk management issue that may lead to: Substantial losses, violation of corporate strategies, policies or values, reputational damage, negative publicity in national or international media or adverse regulatory impact, such as loss of operating licences or material fines.

The following table highlights the number and categories of management actions made as a result of this audit.

Area	Control design not effective*		Non Compliance with controls*		Agreed management actions		
					Low	Medium	High
Equality, Diversity and Inclusion	1	(10)	1	(10)	1	1	0
Total					1	1	0

* Shows the number of controls not adequately designed or not complied with. The number in brackets represents the total number of controls reviewed in this area.

APPENDIX B: SCOPE

The scope below is a copy of the original document issued.

Scope of the review

The internal audit assignment has been scoped to provide assurance on how the Force manages the following area.

Objective of the area under review

The Force has adequate and effective systems and procedures in place to ensure that it complies with the requirements of the Public Sector Equality Duty (PSED).

Scope of the review

The Public Sector Equality Duty (PSED) came into force in England on 10 September 2011. The PSED introduced a general duty for all public bodies to give “due regard” to the need to:

- Stop unlawful discrimination, harassment and victimisation.
- Promote equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

In addition, the PSED introduced specific duties for public bodies to:

- Publish information to demonstrate compliance with the general equality duty.
- Publish its objectives to further the aims of the general equality duty.

Our review will focus on the following areas:

- Whether the force’s strategic vision is aligned to the general duty imposed by the Public Sector Equality Duty (PSED)
- How the force publishes those objectives.
- Whether the force has assessed its current level of compliance with the requirements of the PSED and has a clear action plan or “direction of travel” to ensure full compliance.
- What governance mechanisms are in place to monitor delivery of that action plan.

- All officers and staff are aware of the requirements of the PSED, both in regard to their obligations under it, as well as the protections offered by it.
- How the Force's strategic objectives are translated into policies which set out the requirements of the PSED and are available to all relevant staff.
- How the Force's obligations under the PSED are set out in relevant procedures, including (but not exhaustive):
 - Recruitment and selection.
 - Training and development.
 - Staff supervision, and Communications (internal and external).
- What governance mechanisms the Force has in place to monitor day to day compliance with the requirements of the PSED.
- What processes are in place to demonstrate compliance with the requirements of the PSED.
- There is sufficient reporting on compliance with the PSED to ensure that the organisation places an appropriate level of priority on compliance with the PSED.
- How the Force publishes information which demonstrates its compliance with the PSED.

The following limitations apply to the scope of our work:

- The scope of this audit is limited to those areas examined and reported upon in the key risks and control objectives in the context of the objective set out for this review.
- Any testing undertaken as part of this audit will be compliance based and sample testing only.
- We will not review or comment on the handling of specific cases as part of this review.
- Our review does not guarantee a particular outcome from any inspection by HMICFRS and nor is it intended to replace any such inspection.
- We will not audit the broader range of activities performed by the Force in areas such as recruitment, training and so on, other than in relation to their compliance with the PSED.
- We will not cover areas audited during our earlier review of Positive Action (report 15.20.21, issued 11 May 2021).
- Our work does not provide an absolute assurance that material errors, loss or fraud do not exist.

Debrief held	18 October 2021 (Additional evidence received 20 October 2021)
Draft report issued	17 November 2021
Revised draft report issued	10 February 2022
Responses received	11 February 2022
Final report issued	11 February 2022

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