



HQ policy

Equality Impact Assessment – Annex A

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| Policy | Probation Qualifications Framework |
| Policy lead | Stacey Tasker |
| Group | Learning and Development |
| Directorate | NOMS HR |

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What is an Equality Impact Assessment (EIA)?

An EIA is a systematic appraisal of the (actual or potential) effects of a function or policy on different groups of people. It is conducted to ensure compliance with public duties on equality issues (which in some areas go beyond a requirement to eliminate discrimination and encompass a duty to promote equality), but more importantly to ensure effective policy making that meets the needs of all groups.

Like all other public bodies, the National Offender Management Service is required by law to conduct impact assessments of all functions and policies that are considered relevant to the public duties and to publish the results.

An Equality Impact Assessment must be completed when developing a new function, policy or practice, or when revising an existing one.

*In this context a **function** is any activity of the Prison Service, a **policy** is any prescription about how such a function is carried out, for instance an order, instruction or manual, and a **practice** is the way in which something is done, including key decisions and common practice in areas not covered by formal policy.*

If you are completing this document as part of the OPG process, you must complete and return it together with the final Business case for OPG approval and publication alongside the **PC/PSI/PSQ.**

Your Equalities team

It is important that all policies are informed by the knowledge of the impact of equalities issues accumulated across the organisation. Early in the policy development process, and before commencing the EIA, please contact the relevant equalities team to discuss the issues arising in your policy area.

- HR issues – Staff Diversity and Equality Team – 020 7217 6090 or frank.colyer@noms.gsi.gov.uk
- Service delivery issues relating to gender and younger offenders – Women and Young People's Group – 020 7217 5048 or matthew.armer@noms.gsi.gov.uk
- All other service delivery issues – Race and Equalities Action Group – 020 7217 2521 or REAG@noms.gsi.gov.uk

The EIA process

The EIA has been constructed as a two-stage process in order to reduce the amount of work involved where a policy proves not to be relevant to any of the equalities issues.

The initial screening tool should be completed in all cases, but duplication of material between it and the full EIA should be avoided. For instance, where relevance to an equalities issue is self-evident or quickly identified this can be briefly noted on the initial screening and detailed consideration of that issue reserved for the full EIA.

Further guidance on this will be given by the relevant equalities team.

Stage 1 – initial screening

The first stage of conducting an EIA is to screen the policy to determine its relevance to the various equalities issues. This will indicate whether or not a full impact assessment is required and which issues should be considered in it. The equalities issues that you should consider in completing this screening are:

- Race
- Gender
- Gender identity
- Disability
- Religion or belief
- Sexual orientation
- Age (including younger and older offenders).

Aims

What are the aims of the policy?

Aims

Arising from the publication of Lord Carter’s report – Managing Offenders, Reducing Crime 2003 (introducing the concept of contestability), and the Government’s response strategy paper, Improving Prison and Probation Service: Public Value Partnerships (setting out the strategic driver for change through the National Offender Management Service), it has been recognised that the approach adopted by the National Probation Service needed to change in order to meet the requirements of the new Offender Management Model. The amalgamation of the Prison and Probation Services and the implementation of the Offender Management Model now requires Offender Managers to adopt and administer a more flexible approach to the management and supervision of offenders as well as increasing partnership working with a variety of agencies to manage high risk offenders. To adopt a more holistic approach to end to end offender management it is seen as necessary to alter the current training and development of Probation Officers and Probation Services Officers. This is also in direct response to the approach adopted by different probation services in how they utilise the services of both Probation Officers and Probation Services Officers in the management of offenders at all levels.

The Offender Management Act 2007 aims to develop a more holistic approach to offender management and create a Probation Service that is able to attract, retain and

develop capable and motivated staff to manage offenders effectively in the community to protect the public and provide a framework within which offenders can reform, thus reducing their risk of re-offending.

The overall aim of the framework is to replace the Diploma in Probation Studies (DipPS) with a new qualification which meets the training needs of Probation Services Officers (PSOs) who are an increasing proportion of the workforce and need to be competent to manage the appropriate level of risk for the work that they undertake. The new framework also seeks to provide a new minimum qualification standard for all Probation Officers and Probation Services Officers but within a more flexible structure and to update the training in accordance with the requirements of the new Offender Management Act 2007.

The design of the new probation qualifications framework is underpinned by a number of key principles:

- The qualification for Probation Officers would remain at Honours Degree level;
- Provide a pathway for PSOs to progress according to their capability, career aspirations and business need;
- Introduce a minimum qualification for new PSOs;
- Include a new methodology of combined academic and experiential learning;
- Work based learning to be accredited through Vocational Qualification level 3 for PSOs and NVQ level 4 for POs;
- Both vocational and academic learning to be based on a model curriculum owned by NOMS and regularly updated to reflect development needs in research and practice.

Effects

What effects will the policy have on staff, offenders or other stakeholders?

On staff:

- Improve the career and development prospects of both Probation Officers and Probation Service Officers.
- Introduce a minimum standard and training structure for Probation Services Officers that is similar to that currently afforded to Probation Officers, thus ensuring greater consistency;
- Ensure an appropriate balance between academic and work based learning;
- provide a flexible recruitment and training process that local areas are able to determine with their contracted provider;
- increase the diversity of probation staff, taking into account their diverse needs and approach to training;
- enable local areas to assess and plan their recruitment requirements in accordance with business needs;

On Offenders:

- expect a consistent service from supervising officers irrespective of whether they are PSO or PO;
- greater understanding of their needs and how to meet these needs that will ensure they address their offending behaviour, thus reduce likelihood of reoffending and increase public protection;
- receive end to end management of their supervision whether in prison or probation;
- greater integration of the link between supervision by officers and in the community;
- better workforce planning linked to business need will ensure trainees are offered substantive appointments on conclusion of their training

Visitors (friends/ relatives of offenders):

- single point of contact regarding offender management

Other Stakeholders:

- greater flexibility and control afforded to probation areas to match workforce planning with business needs;
- create a link between NOMS and probation areas in the development of HR and learning strategies to meet the specific needs of their workforce;
- ensure value for money from the training infrastructure;
- greater clarity in accountabilities between NOMS (setting clear standards through mandatory qualification levels and local areas (making investment decisions));
- opportunity to review existing performance management practices to support staff to operate at the required level

Enable areas to review current training and development infrastructure and assess whether current provision through Regional Training Consortia continues to meet business need.

Evidence

Is there any existing evidence of this policy area being relevant to any equalities issue?

Identify existing sources of information about the operation and outcomes of the policy, such as operational feedback (including local monitoring and impact assessments)/Inspectorate and other relevant reports/complaints and litigation/relevant research publications etc. Does any of this evidence point towards relevance to any of the equalities issues?

Offender Management Act 2007

Offender Management Model

Change Management Programme

The aim of the policy is also to introduce flexibility in the way existing staff with work related experience are able to qualify as POs without the need to resign from current roles and become TPOs, thus experience a reduction in pay and a sense that they are taking a backward step. Again evidence needs to be provided to support this view.

Further research needs to be undertaken to extract specific equality and diversity data to support the introduction of the new probation qualification framework.

Stakeholders and feedback

Describe the target group for the policy and list any other interested parties. What contact have you had with these groups?

The groups that have been approached and involved in the consultation process as part of the preparation of this initial assessment include staff representation through:

National Association of Probation Officers (Napo)

National Approved Premises Association (NAPA)

UNISON

Association of Black Probation Officers (ABPO)

National Disability Staff Network (NDSN)

Probation Trusts, Boards, Chief Officers through the Probation Association (PA).

The comments of individuals and associations across the Service have also been considered.

Do you have any feedback from stakeholders, particularly from groups representative of the various issues, that this policy is relevant to them?

All the above have indicated that this is relevant to them as the recruitment and training of staff reaches most aspects of the business.

Impact

Could the policy have a differential impact on staff, prisoners, visitors or other stakeholders on the basis of any of the equalities issues?

The consultation process for this assessment involved seeking comments of staff through the staff associations and unions, and other stakeholders who will be directly affected by the aims of the framework. The consultation process included meetings with staff representatives, telephone discussions, gathering consultation material drafted in response to the Ministry of Justice consultation process on the framework.

All groups consultation generally approved of the aims and objectives of the framework, i.e that it set out to harmonise the qualification of PSOs with that of POs,

set a minimum standard for the end to end management of offenders, introduce greater local control and discretion in how the new qualifying arrangements will be applied, thus creating greater diversity in its administration. However, there are concerns about:

- how the qualification scheme will be applied by areas,
- how, given that funding will be part of Trusts/ Boards training allocation, will NOMS ensure local discretion encourages and promotes equality, diversity and inclusion and the process that NOMS will put in place to monitor and intervene where necessary if Trusts/ Boards are not doing enough to encourage the development and promotion of diverse groups (i.e. that there remains no change in the type of diverse groups qualifying as PSOs and POs that the new proposals seeks to address
- how those on the current scheme will be assimilated across to the new scheme and whether funding will be available for this
- the budget allocation to implement the new proposals should be ring-fenced for the implementation of the new framework in each area and not incorporated into current training and development budgets.

The staff associations and Napo in particular were concerned about the procurement process and how NOMS will ensure that equality and diversity is a main feature of the tender, contract award and monitoring process. There was concern that without specific attention being paid to asking tendering parties to identify how they will ensure and encourage diversity in the administration and delivery of the training qualification, this could be overlooked or even ignored due to tight local budgetary pressures. Also without inclusion in contract terms, staff representatives were concerned that inclusion of equality and diversity requirements after contracts were awarded would be costly and therefore ignored. They wanted to seek assurance from NOMS that such considerations are addressed within the procurement/ contract awarding process.

Details regarding specific impact on diverse groups are provided under specific headings below.

Local discretion

Does the policy allow local discretion in the way in which it is implemented? If so, what safeguards are there to prevent inconsistent outcomes and/or differential treatment of different groups of people?

Yes, local Boards and Trusts are expected to work on conjunction with contracted providers to determine the number of POs and PSOs to be trained. Local Trusts and Boards to ensure staff training requirements and the recruitment and development of POs and PSOs reflect local business need and are incorporated into business planning process and corporate plans.

Summary of relevance to equalities issues

| Strand | Yes/No | Rationale |
|-------------|--------|--|
| Race | Y | <p>Many comments in this area agreed with the rationale and intent of the framework to aim to redress the balance in training between PSO and POs as well as provide a platform that will enable providers, Trusts and Boards to increase the diversity of their workforce in accordance with business and local needs.</p> <p>While the core principles of the framework were agreed, concerns focussed on its logistical application and how it will be implemented in each area. General concern was for consistency in application (where consistency is required) and who will be charged with the responsibility to review, monitor and enforce good practice.</p> <p>There was also concern as to whether the staff associations and other stakeholders will be consulted in the rollout across areas and they have the knowledge and experience of how it will impact on their members at local level.</p> <p>Other concerns:</p> <p>The consultation document mentions the need for greater flexibility in the training of POs and PSOs in accordance with changing legislative requirements to respond to public demands for greater offender management, public protection and high risk. However, given the current situation with all areas operating with reducing resources, how will NOMS ensure local areas are able to offer sufficient flexibility in the new training programme to ensure greater diversity of trainee POs and PSOs that reflect local need?</p> <p>There is also concern from the Association of Black Probation Officers, that the funding allocation for areas/regions to administer their own training of PSOs and POs should be ring-fenced. They hold the view that NOMS as well</p> |

| Strand | Yes/No | Rationale |
|--------|--------|--|
| | | <p>as Trusts and Boards have a duty to promote equality of opportunity. The flexibility offered in the framework creates an opportunity for areas to demonstrate how they intend to promote equality through the flexibility they can offer to diverse trainees. Their concern is that given areas current stretched resources, funding that would enable greater flexibility in how diverse trainees reach the required standard would be redirected elsewhere, thus offering limited flexibility. How will NOMS ensure that Trusts and Boards meet their legal duty with regard to promoting equality of opportunity in this training programme? How does it propose to hold Trusts/ Boards and providers to account to ensure NOMS intentions with regard to operating a fair training programme and process and that all staff wishing to have access to the training are provided with that opportunity?</p> <p>The Association is of the view that there are cultural barriers that exist which can hinder a BME trainee from developing to their full potential as a qualified PSO or PO. Similar to NOMS current Accelerate to programme, which recognises that cultural barriers exist and aims to assist participants to overcome these, similar focus should be directed at the new probation qualification programme. BME trainees should have access to mentors and assessors (qualified) who are able to assist them to overcome these barriers and encourage/empower them to make effective use of their life experiences in their new roles. Making links with the Accelerate to programme (currently aimed at senior BME managers with the potential to hold senior positions within the criminal justice system) at an earlier stage will bring benefit to the organisation as a whole. 'Accelerate to' is aimed at BME managers and disabled middle and senior managers as current statistics have identified these as areas of under representation.</p> |

| Strand | Yes/No | Rationale |
|--|----------|--|
| | | <p>Concern was mentioned for the future of training consortia. It was suggested that those running PSO core development programmes should be allowed to continue and the learning integrated into the current probation qualification training framework.</p> <p>There was also concern for how Chief Officers would monitor the performance of their managers from an equality and diversity perspective. While it was recognised that many managers had equality and diversity targets integrated into their performance targets, the question is how NOMS could ensure, or hold Trusts and Boards to account, for managers promoting the development and training of their staff. Concern was expressed that in some cases staff were held back from developing where the relationship between manager and staff were strained, or had broken-down. Selection for training then becomes a subjective issue rather than an objective one. How then will NOMS ensure consistency and fairness is embedded in the selection process for the training programme? Will there be central (NOMS led) disputes panel, or will this still be down to local discretion?</p> |
| <p>Gender (including gender identity)</p> | <p>Y</p> | <p>There is a general view held across the National Probation Service that there is a greater proportion of female PO and PSOs than there are males. Here again hard data is required to support this generally held view.</p> <p>It is the intention of the framework to enable Trusts and Boards to address this issue by making closer links between workforce planning and meeting local business needs.</p> <p>Views regarding transgender were sought. Specialists confirmed that the framework did not impact adversely on transgendered people.</p> |

| Strand | Yes/No | Rationale |
|------------|--------|--|
| Disability | Y | <p>Probation's National Disability Staff Network raised concern regarding how NOMS intended to ensure Trusts, Boards and providers adhere to their responsibility to cater financially and practically for reasonable adjustments for trainees as required under the law. Particularly as no reference is made by NOMS to contractors/ providers or Trusts and Boards for meeting these requirements.</p> <p>NOMS needs to be clearer about the added benefits of this new framework, i.e. to increase the diversity of the workforce to meet local need. It needs to emphasize the significance of having a diverse workforce and impress upon Trusts and Boards the need to ensure they recruit, train and retain a diverse group of trainees, not just through the selection process.</p> <p>NOMS comments that the new framework will create 'a route from PSO to PO without detriment to the individual affords the opportunity for Areas to recruit from existing staff who will be partially qualified, experienced and have proven ability in areas of delivery. This would allow for a more diverse workforce with differing backgrounds and a variety of experience. It is our view that this will only be realised if effective equal rights policies are put in place and enforced. How will NOMS ensure this happens?</p> <p>While we welcome the view that the new framework will enable NOMS and individual employers to review their relationships and responsibilities in respect of developing HR and learning strategies to meet the specific needs of their workforce, and to ensure value for money from the training infrastructure, a key reminder needs to be realised. The Government has expressed in its own documents on equality that value for money</p> |

| Strand | Yes/No | Rationale |
|--------|--------|--|
| | | <p>does not mean cheapest and that equality legislation, particularly on procurement contracts, must be embedded. Given this view there is a concern as to how this message will be interpreted given that it does not appear in the framework. On what basis will contracts be awarded and what role will the equality legislation play to ensure value for money is interpreted to mean the best possible service that provides for diverse groups and meets local need? The framework needs to avoid Probation Areas feeling that NOMS has power but without the responsibility of ensuring that the fragmentation that will arise with Trusts does not result in post code lottery with regards to training arrangements.</p> <p>While we agree that local HR should be involved in the development of PSOs and POs as with all other staff, there is some concern as to the potential risk of differential treatment and unfairness of diverse staff where they have not been able to achieve the required standard and are then subject to performance management in the normal way. Particularly in relation to disabled staff, HR must focus on the reasons behind this inability and aim to address it. The framework emphasises a more flexible qualification timescale and this should be the focus for disabled staff who are not able to meet the required standard. To ensure consistency NOMS should provide strong central guidance on how to assess students who do not meet the required standard and the performance management procedure to follow.</p> <p>There is also concern that given current budgetary and operational pressures, there is a danger that this may prevent staff, particularly those with specific requirements and needs, from being selected for this internal selection. How will the implementation of the framework</p> |

| Strand | Yes/No | Rationale |
|--------|--------|--|
| | | <p>ensure that the selection process will be fair and not wholly down to local management discretion who will be more focussed on operational needs.</p> <p>Mention is made of a Standing Panel to assess prior learning. Will this be local panels? In our view a central body needs to be formed; drawn from Regional Training Consortia to ensure consistency and quality assurance across areas.</p> <p>Under the heading of Funding, the consultation document comments that 'blurring of accountabilities, plus the current length of the DipPS programme, also increases the chances of current TPOs not being offered employment at the end of their training period which wastes the substantial investment in their development.'(page 18). Why should the length of a training period increase a risk of unemployment? It is more logical to argue an adequate training period should increase employability as it reflects difference, i.e. pace at which different people learn and develop. What is probably being said here is a longer training period allows more time for economic downturns and short term thinking.</p> <p>It is proposed that top slicing funding for PSO and PO training is ended. We are of the view that this is an error as it will have an impact overall on public protection as funds intended for PSO and PO training are redirected elsewhere.</p> <p>We also hold the view that the devolution of the training budget for PSO and POs will result in the erosion of standards over time as the mandatory qualifications alone will not ensure good public protection if there are not adequate numbers of staff and adequate time to do the work. Public protection should have central</p> |

| Strand | Yes/No | Rationale |
|---------------------------|--------|---|
| | | oversight and responsibility and that includes funding. How will NOMS ensure this occurs and that the minimum standard set is reached? |
| Religion or belief | | <p>Views sought from staff associations regarding how the new qualification framework will affect POs and PSOs religion or belief, have been sought. No comments specific to this equality strand have been received.</p> <p>However, Trusts and Boards, as individual employers are required to comply with the requirements of the Employment Equality (Religion and/ or belief) Regulations 2003 and have due regard for the religion and/or belief of their employees. Similarly, there is an expectation that contractors and Trusts/ Boards, will take into account the religious or belief requirements of TPOs, POs and PSOs on an individual or collective basis, e.g. ensure materials and nature of programmes reflect and respect equality and diversity of the trainees and local areas; avoid religious festivals for planned training events as necessary.</p> |
| Sexual orientation | | Views as to how the framework will impact on LGB people to be obtained. However, Trusts and Boards, as individual employers are required to comply with the requirements of the Employment Equality (Sexual Orientation) Regulations 2003 and other mandatory requirements to have due regard for the sexual orientation of their employees. Similarly, there is an expectation that contractors and Trusts/ Boards, will take into account how the delivery of the training programme will impact on trainees of different sexual orientation, in particular in vocational training. |
| Age | | <p>The probation qualification framework applies to all staff of all ages within the legal minimum requirement as set out in statute.</p> <p>Similar to all other types of employment, the Age</p> |

| Strand | Yes/No | Rationale |
|--------|--------|---|
| | | Discrimination Act 2006 provides guidance to employers regarding requests from staff due to retire at the age of 65, applies equally to PSOs and POs. |

If you have answered 'Yes' to any of the equalities issues, a full impact assessment must be completed. Please proceed to STAGE 2 of the document.

If you have answered 'No' to all of the equalities issues, a full impact assessment will not be required, and this assessment can be signed off at this stage. You will, however, need to put in place monitoring arrangements to ensure that any future impact on any of the equalities issues is identified.

Monitoring and review arrangements

Describe the systems that you are putting in place to manage the policy and to monitor its operation and outcomes in terms of the various equalities issues.

The onus is placed on Trusts and Boards to monitor, review and develop the training programmes in conjunction with the training provider/ contractor, through a Programme Management Board. The Board must ensure the contracted learning programmes satisfy the Regulatory Framework for the probation qualifying framework and that the programme content demonstrates how it compliments relevant parts of the framework of Community Justice National Occupational Standards. As a requirement of the contract, it is expected that contractors will provide reports about the provision of learning opportunity support for a diverse range of learning needs, e.g. disabled staff – those with dyslexia.

It is not clear the role NOMS will play in monitoring and reviewing the activities of contractors, Trusts and Boards and what penalties/ rewards exist for the fulfilment of contracts.

State when a review will take place and how it will be conducted.

A Full Assessment has been undertaken.

| Name and signature | Date |
|--------------------|------|
| Policy lead | |
| Head of group | |

Stage 2 – full Equality Impact Assessment

Where relevance to one or more equalities issues has been identified during the Initial Screening, a full equality impact assessment must be carried out.

This involves the collection of monitoring data and other relevant information and consultation with stakeholders with a view to producing a full account of the relevant equalities issues and an action plan to address them.

Summary of issues identified during initial screening

Briefly identify which equalities issues you will be considering and the results of the initial screening.

Diversity strands to be covered in more depth this section:

- Race
- Disability
- Gender.

Since the completion of the initial impact assessment, further information has been obtained from the staff association representing lesbian, gay and bisexual (LGB) staff. While their comments were not specific to LGB staff experiences, they expressed concern that the assessment did not mention the seventh equality strand, transgender. The staff association also pointed out that the framework seemed to be very offender biased and made no mention of PSOs who worked with victims and whether this group of staff would fall under this new framework.

The Initial Assessment identified a number of common issues raised by many of the groups/ stakeholders consulted. A summary of the comments and NOMS response is provided in this section:

General View:

All groups generally approved of the aims and objectives of the framework. There were some concerns regarding:

- How the framework will be implemented locally
- How NOMS will ensure that local discretion encourages diversity
- That there are mechanisms in place if diversity is not respected
- Whether funding will be available to assimilate existing staff onto the new framework
- Whether budgets will be ring-fenced to protect training
- Whether equality and diversity will be a main feature of the procurement process, including contract management.

NOMS has responded by indicating that it will expect to see that the standards and requirements set are reached but that it will be left to the discretion of local employers to determine how they will achieve this through their business processes. NOMS proposes to monitor the contract through its Learning and Development to ensure that all aspects, which include diversity issues, are being delivered. Delivery of diversity issues by the local employer will be managed through existing processes. It has been emphasized that there will be no additional funding for the assimilation of existing staff onto the framework and that it would expect the existing element of the budget allocated for training to be available for local employers to implement a plan as to how it proposes to assimilate staff. There will be an expectation that this will occur within 5 years from implementation of the framework and that local employers will take advantage of anticipated low levels of recruitment, to assimilate existing staff. Equally, allocated budgets will not be ring-fenced as local employers will be given responsibility to manage the delivery of what is required through the management of their business.

Race:

There was general concern for consistency in application across probation employers and who will take responsibility for reviewing, monitoring and enforcing good practice. Staff associations were concerned that they may not be involved appropriately in the implementation of the new framework. They also expressed an opinion that if funding was not ring-fenced that resources may be directed elsewhere and that employers would need monitoring to ensure they met their legal obligation to promote a diverse workforce. Mentors and Assessors should have specific knowledge and skills to support staff through cultural barriers. Concern was expressed that employers may not operate in a fair and transparent manner with regard to selection procedures and there should be a national level of dispute resolution.

NOMS view on the issue of consistency in the application and management of the framework has already been mentioned in the General View above. Trades Unions have been involved at a national level during all stages of design, development and now implementation of the framework and NOMS would encourage local branches and staff associations to engage at a local level to ensure the best interests of their membership are represented. NOMS is implementing a panel called the Probation Qualifications Assurance Board, which will replace the Standing Panel that supported the DipPS, to take responsibility for ensuring quality and fairness in the delivery of the framework.

Even though this response has been provided by NOMS, the staff associations are still concerned to learn how NOMS proposes to hold Trusts/ Boards and providers to account to ensure that diverse staff who wish to gain access to the training, are provided with that opportunity. They are also keen to learn what assurances have been put in place to monitor the selection process?

Gender:

At the time of the initial assessment relevant data on the balance of males/females going through the selection, recruitment and qualifying process was not provided to support the commonly held view that more female candidates than males were qualifying as probation officers. Data obtained from the Training Consortia can be found in the section on further consultation where the data proves the case that more females than males apply, are shortlisted and appointed as trainee probation officers, thus reinforcing the view that staff within the service are predominantly female.

Disability:

Further assurance is sought to ensure that local employers adhere to their responsibility to cater financially and practically for reasonable adjustments where needed. It was also raised that the opportunity for career progression would only result in a more diverse workforce if effective equal rights policies were put in place. It was felt that HR policies should give sufficient focus to those individuals unable to complete within specified timescales and that local decisions would be too focussed on operational needs. A question was raised on whether the replacement for the Standing Panel would be local as it was considered more suitable for there to be a national panel to ensure consistency. A view was expressed that a shorter term of training before qualification would not protect against not being appointed in a permanent post once qualified.

NOMS has responded that Equal Opportunity policies are already in place and will not be affected by the implementation of the new structure. The new framework has been designed to give employers and employees flexibility, albeit within certain boundaries. This is to accommodate both business need and the individual needs of the employee. A shorter term taken to qualify does not mean encouraging short term thinking but will allow employers the opportunity to make a reasonable assessment of employment needs in relation to expected graduation time. With regard to the Standing Panel, the same response applies as provided under Race above.

While the National Disability Staff Network (NDSN) acknowledged NOMS intention to provide a more flexible platform for the new training qualification, further concerns have been raised as follows:

- What role will the equality legislation play to ensure that value for money is interpreted to mean the best possible service is provided to meet disabled learner needs? This will become even more apparent in view of the implications of the Equality Bill.
- How will NOMS ensure that providers will be able to practically meet specific learner needs, i.e. materials are provided in good time and via the most appropriate communication method for easy access?

Management and monitoring

Describe the systems in place to manage the policy and to monitor its operation and outcomes.

Comment on the adequacy of the systems and note any improvements that you will make to them. Include a description of and/or extracts from recent monitoring results and provide analysis of them.

Current management of the framework, prior to the establishment of more permanent structures, is through the NOMS PQF Project Board which is responsible for overseeing the implementation of the framework, tender and selection process in the first instance of HE providers, establishing quality assurance mechanisms through NOMS HR and DOMS.

Going forward, the management of the Probation Qualification Framework will be the responsibility of a number of organisations, bodies and individuals as set out in the NOMS Regulatory Framework which also sets out their roles, responsibilities and obligations. The partners involved in the management of the Framework are:

NOMS HR Directorate (key responsibilities):

- Manage the relationship with HE providers;
- create and own the 'fit for purpose' curriculum for HE qualifications;
- joint ownership of vocational qualifications;
- ensure uniform consistency (quality assurance) amongst HE and Assessment Centre providers;
- commission services from Skills for Justice and other bodies
- convenor of the Probation Qualifications Assurance Board

Providers of Probation Services Commissioned by the Director of Offender Management (key responsibilities):

- forward planning of qualified workforce requirements;
- provide Gateway to Practice to new staff;
- commission and pay for vocational qualifications
- manage provision of direct learning and development programmes
- establish learning agreements with staff

HE & Vocational Qualification providers:

- deliver the HE qualification as required by contract
- contribute to the client's mechanism for assuring quality and 'fit for purpose' curriculum

Learners:

- abide by the employment terms and conditions of their employer;
- work in accordance with NOMS stated vision and values, national priorities and standards;
- in working with offenders, abide by the commitment to uphold the law, equality and to confidentiality;

Probation Qualifications Assurance Board:

At the time of writing the role of this Board was still being determined.

While it is indicated that NOMS HR Directorate will be responsible for ensuring consistency of provision (where necessary), there is a genuine concern that the assurance function should also include the requirements laid down in the specific equality duties within the equality legislation and Equality Bill 2009. In particular, an equality impact assessment should be part of this process to determine the extent to which HE Institutions are providing for diverse groups of probation staff and demonstrate examples of good practice to flexibly meet the needs of different learners.

Many of the concerns raised by the staff associations regarding consistency, ensuring the diverse needs of individuals are met, promoting equality and the demonstration of a fair and objective selection processes should be addressed in the quality assurance function of the client with the HE and vocational qualification providers. It is clear from the discussions with the staff associations and other stakeholders that an assurance is being sought that promoting equality and demonstrating best diversity practices will be a prominent feature of all monitoring, review and evaluation processes. Indeed, the rationale of equality impact assessments is to ensure the principles of these assessments become part of good quality assurance practice.

Evidence

If you have not already done so in Stage 1, identify other sources of information about the operation and outcomes of the policy, such as operational feedback (including local monitoring and impact assessments)/inspectorate and other relevant reports/complaints and litigation/relevant research publications etc.

Summarise and discuss recent relevant evidence from these sources.

At this stage, no further sources of information can be provided as the operation of the framework will be governed by the NOMS Regulatory Framework.

Consultation

If you have not already done so in Stage 1, identify the target group and other interested parties.

Explain how you have involved stakeholders, both generally in the development of the policy and specifically how groups representative of the relevant equalities issues (including 'hard-to-reach groups') have been engaged as part of the EIA process.

Capture main points of feedback from them.

The initial assessment included stakeholders from across the key equality strands, specifically including transgender. However, while the views on all of the equality strands were sought, not all stakeholders have provided a response as indicated in the initial assessment.

As part of the EIA process, staff groups representing race, disability, transgender, sexual orientation and faith have been canvassed. Views were also sought from trades unions within probation as well as the Probation Association and the Regional Consortia Director's Forum, representing regional consortia across England and Wales.

While it is important for this assessment to canvass the views of stakeholders who have a specific focus on equality and diversity, it is equally important to focus on stakeholders whose areas of work include ensuring equality and diversity is embedded in the operation of the current training arrangements. Further comments were sought from the Regional Consortia Director's Forum on:

- Equality strands
- Recruitment and selection
- Continuity of best practice
- Quality assurance and accountability
- Independent arbiter role
- BME learners
- Integrity of assessor training and development

Equality strands:

The consortia have acknowledged that while it works to promote equality and diversity and encourage a diverse mix of applicants through a number of advertising sources (internet, graduate/career service, national and local press, jobs newspapers, telephone, probation service) it still has some way to go towards redressing the balance in the number of BME recruits, males/females and disabled people across regions.

Data for the collection of statistics on equality commenced in 1998 at the start of Cohort 1 thorough to the present day, Cohort 11. However, data has only been collected consistently across four of the six equality strands on the basis of gender (male/female), age (under 25, 25-34, 34-44, 45-54, over 54), race (black/white) and disability. The data collected on disability is based only on those that have been disclosed rather than undertaking a survey on the range of disabilities that exist.

It has been difficult to draw meaningful comparisons with the data due to the suspension of staff recruitment in some regions over the years. While this is the case the Consortia have acknowledged that further work still needs to be undertaken to improve the balance between males and females in the Service. In 1998 of the 8800 national applications received, 3068 (35%) were from male applicants and 4757 (54%) from females. A total of 11% were non disclosures. Following the short-listing stage, the percentage of males decreased to 29.6% and the females increased to 67.6%. Despite extensive advertising campaigns, the ratio between male and female applications and male and female TPOs has remained the same over the years. In 2008 of the 8656 applications received, 35.4% were from males, 63.3% from females and 1.3%

undisclosed. Again, the percentage of male recruits decreased to 25.1% with an increase to 74.9% for females. This clearly shows that there is still some work to be done to redress the balance of males to females entering the service through the trainee probation officer route, which it is hoped the new framework will address.

Disability

Although a good balance has been achieved with regard to age, more needs to be done to encourage more disabled people to take up places for TPOs. Even though the Consortia have built up good practice in assessing and meeting the needs of disabled students on a one to one basis, the statistics indicate that more needs to be done to encourage disabled people to apply for the probation training qualification. The percentage of disabled people applying to become TPOs has remained relatively constant since 1998 (5.11% in 1998, 5.22% in 2008). However there has been a small rise in the number of disabled people successfully appointed as TPOs, 5.3% in 1998 rising to 8.3% in 2008. Despite this slight increase the numbers remain small given the number of applications received 8800 in 1998 and 8656 in 2008.

Race

While the number of BME applications has almost doubled since 1998 to 2008 (964(11%) to 1579(18%) respectively) the rise in the percentage of those appointed as TPOs has not followed this trend. In 1998 7% of those who applied were appointed as TPOs compared to 9.7% in 2008. However, it is difficult to make a proper assessment as to whether these figures are truly representative of local populations as the data has not been collected using the 2001 Census classifications.

It will become more important for local areas to collect data using categories which are nationally recognised in order for more accurate and effective monitoring to take place. Equally it will also become more important for areas to undertake more targeted monitoring in relation to the different equality strands in order to comply with current equality legislation and to demonstrate how they meet the requirements of the new Equality Bill due to become law in 2010.

Recruitment and selection:

A significant amount of work has been undertaken to encourage the diversity of applicants. Specific workshops and public seminars for BME people are held across the country in local communities. Best practice includes ensuring the application form is accessible to all diverse groups and the consistency of this practice is monitored nationally. The emphasis given by the Consortia is based on economies of scale. As a larger organisation they are able to achieve better value for money for larger national campaigns and are able to

control and ensure consistency in approach across England and Wales. The Consortia expressed concern that the extent to which local areas will invest in the new framework will depend on the funds available to them. They also expressed a concern that the larger probation areas are more likely to invest larger amounts on training which could not be matched by smaller areas. However, the smaller areas will benefit from this investment as they may be able to offer greater incentives to newly qualified staff based on their regional location, smaller workload, and better working environment. Such practices will encourage smaller areas not to invest in training but draw benefit from that offered by the larger probation areas.

Other concerns included:

- Lack of external recruitment limits the opportunity to redress current imbalances (e.g. gender, disability) and serves only to reinforce existing ones;
- Due to the lack of experience of newly qualified graduates, local areas are more likely to focus attention on PSO with probation experience rather than gamble on training graduates without practical probation knowledge and experience. The question they raised is how will the new process ensure that an effective balance is achieved between male and female trainees? (It has been acknowledged that many areas are not recruiting to vacancies at present.)

Continuity of best practice:

The Consortia have built up a wealth of knowledge and experience of managing the current qualification and are able to identify and implement best practice. There is a concern that this experience and knowledge will be lost as many areas have decided to manage the new qualification locally. Local areas should be encouraged to consider how it will make use of best practice actions and principles already in place and operated by the Consortia. Examples provided included the rigorous design, testing and piloting process of materials. In particular, the materials have also been road tested by specialist consultants on diversity to assess their impact on diverse groups. The main focus was to ensure that they were fit for purpose and relevant. Undertaking such a method was resource intensive, but necessary in order to produce quality products. Local areas should be encouraged to use existing diversity groups – such as the staff associations – to road test materials for relevance and appropriateness.

Quality assurance and accountability:

The Consortia expressed particular concern as to how data would be collected and used to identify particular needs and best practice. While many areas already operate this practice, there was concern that no mechanism currently exists to ensure collection of this data to measure the extent to which equality and diversity was being promoted and supported.

The Consortia acknowledged NOMS intention to create liaison through a Programme Management Board to ensure the framework is meeting the needs of trainees. It felt this was essential given that there was no central proposal for an independent broker to manage the provider and employer relationship. They felt this was important to ensure the needs of learners were represented.

Independent broker role:

The consortia expressed particular concern that as the new framework proposed that local areas take ownership of the new qualification on a local level; this effectively removed the need for a regional strategic structure. However, many areas have decided to retain the notion of a regional body through which the programme would be strategically managed. The consortia felt that each consortium acted as independent brokers between the employer and HE provider which was essential in terms of protecting agreed learner time. It could foresee difficulties and tensions arising between student study time and workload pressures. How could the employer act impartially in this situation?

BME learners:

Further concerns were expressed as to what will happen to BME mentors currently offered under the current qualification framework for BME students. The Consortia were aware that NOMS currently recognises the need to offer support to BME staff, as provided in the 'Accelerate to' Positive Action Programme, but that no such support would be offered for BME students on its probation qualification programme which it sees as a contradiction.

Integrity of assessor training and development:

Members of the Consortia commented that current training for assessors incorporates equality and diversity best practice as part of the core training and due to the experience and knowledge of key Consortia staff, they ensure that a consistent approach and delivery of training for assessors is maintained at both a regional and national level. Ensuring that equality and diversity underpins the training for assessors is critical and areas should be encouraged to ensure this standard is maintained. The members also felt that sufficient resources were required to train assessors properly. They had heard that work based assessors would be encouraged. However they questioned whether such assessors would have the time and space to undertake this role in addition to their daily workload. They emphasized that the duties of assessors are very demanding and expressed concern as to how their integrity will be maintained to ensure they are not acting and assessing in a discriminatory way.

The Consortia were particularly concerned that no view had been provided by

NOMS on the subject of assessor training. However, when addressed, it should emphasize the importance of equality and diversity being integrated into the core of the training and not treated as separate from it.

Discussion

Consider and compare results from previous sections.

Consider in particular issues of stakeholder confidence and local discretion.

Many of the issues and concerns raised by the staff associations have been addressed by NOMS. NOMS has indicated what action is proposed to be taken in each case. Where it does not share the same view as that advocated, the action it does propose to take has been given.

Additional views have been sought and provided by the Regional Consortia Director's Forum raising specific issues around selection and recruitment, quality assurance, assessor integrity, additional provision for BME learners, continuity of best practice and the independent broker role.

However, the main concern for the staff associations is their involvement in the decision making process and the extent to which they are kept informed and their views sought, on developments. This view is a constant theme identified in many equality impact assessments where staff associations and to some extent unions, have not been part of the decision making process.

This project acknowledges that these associations and groups will have a valuable part to play in supporting the implementation of the framework, which has been the main focus of their attention. There is a greater need for an effective communication strategy which would outline how these groups would be kept informed, thus allay some of their fears regarding local implementation.

Even though the contributions have been significant from diverse stakeholders, it is noticeable that many of the comments received were around process and consistency rather than the impact on diverse groups. This is not surprising given that this assessment is focused on a framework proposing new training arrangements rather than on the logistics of how it will be implemented. In that regard, Napo has expressed particular concern and request that a further equality impact assessment is carried out on the NOMS Regulatory Framework document which will govern the implementation of the Probation Qualification Framework. It is important that the process of implementation is assessed in order to support the finding that the framework has realised no discriminatory issues in its design.

In order to maintain stakeholder confidence it is important that NOMS responds to the issue of how it proposes to demonstrate its commitment to equality and diversity through this framework, local areas, providers and

DOMS. It will also need to be transparent on how it will harness the best practice principles operated by the regional training consortium and encourage local areas to consider these should they decide not to continue with a regional structure.

NOMS have been invited to respond to the comments made in the initial assessment which form the responses to the summaries provided in the section titled Summary of Issues. Further consideration needs to be given by NOMS to the issue of quality assurance.

Stakeholder confidence:

There is significant support for the new framework and all stakeholders have provided encouraging responses to its aims, objectives and intended benefits. While NOMS has, in principle, the support of its stakeholders (unions, staff associations, training consortia, Probation Association) it now needs to be more transparent regarding the details of the Regulatory Framework if it is to retain that confidence. Clearer guidance is needed on the roles and responsibilities of the different agencies involved, what assurance processes will be put in place to safeguard the integrity of the programme and ensure learner needs are met, and demonstrate its commitment towards embedding equality and diversity best practice in the implementation process.

NOMS should encourage local areas/ regional structures to openly communicate with staff associations to maintain confidence in the new arrangements and disseminate this confidence to their members.

Local discretion:

The whole prospect of the training for probation practitioners being placed within the remit of local Trusts and Boards is causing concern amongst many stakeholders. In the absence of further clarity as to how the new programme will work in reality; how quality will be assured; how objectivity and equality of opportunity will be maintained throughout the selection, recruitment and operation stages of the programme; how consistency will be assured in the training and development of assessors in accordance with good equality and diversity practices, the growing concerns could serve to undermine the good intentions of the framework.

While stakeholders, such as the staff associations and unions, are not against local discretion, there is a concern that consistency and good practice must be transparent and demonstrable and where this is lacking, both from areas and HE providers, some mechanism should be in place on a national level to redress this imbalance.

Conclusion

Summarise and make an overall assessment of the impact of the policy or function on the relevant equalities issues. Identify any adverse impact on any group.

Highlight examples of success and good practice.

Describe the key issues that remain to be addressed.

While diverse stakeholders have been consulted in preparation of this equality impact assessment similar comments have been made with regard to consistency, ensuring best equality and diversity practice, transparency and involvement of stakeholders in the decision making process.

NOMS and its stakeholders are currently aware of the imbalance that exists in the proportion of males to females within the probation service, at all levels. All NOMS stakeholders support the proposals for a new framework that encourages greater diversity and flexibility in the way that diverse groups are able to engage with the training programme. Many see the intention to address the issue of PSO training in line with probation officer training as long overdue and welcome that aspect of the proposal.

However, what has become clear from this assessment is that many of the comments relate to how the framework will operate in practice rather than to the framework's proposal for a new qualifying probation training programme. There is no evidence to suggest that any aspect of the new framework is discriminatory but the issue of ensuring this is carried through to implementation remains. There is an air of wait and see, but at the same time many stakeholders, such as the staff associations are well aware that such an approach can prove detrimental. If any actions arise from the implementation of the framework and are not given due consideration the result may have an adverse impact on diverse individuals or groups. NOMS is keen to ensure that the risk of adverse impact is significantly reduced or removed and considers it vital that staff associations and other stakeholders engage with local areas regarding the The Regulatory Framework.

The body with oversight of the Regulatory Framework, The Probation Qualifications Assurance Board should ensure that provision of delivery from the Higher Education Institutions pays due regard to equality issues and any assessment and management of that provision should take account of the outcome of any equality issues raised during implementation and delivery.

At this stage there is no adverse impact on any particular diverse group as the Probation Qualifications Framework represents NOMS intention to replace the current framework with effect from April 2010 with one that offers greater inclusion and flexibility.

Current examples of good practice principles which should be considered as part of the implementation of the Regulatory Framework have been given in

this document. In relation to this framework, current good practice includes the method by which NOMS has created and instigated a Project Board to oversee this area of work which includes the active involvement of key stakeholders such as the unions and undertaken a consultation exercise inviting a variety of stakeholders to comment on the Framework.

Action plan

| Issue to be addressed | Action to be taken | Manager responsible | Target date |
|---|--|---|-------------|
| Local implementation of the framework will require assurance that any equality issues are identified and addressed. | Each probation area is required to undertake their own Equality Impact Assessment on their implementation plans ensuring appropriate consultation with stakeholders and staff associations | Local Area Chief Officer | Sept 2010 |
| Assurance is needed that all probation areas conduct their own Equality Impact Assessment | The Assurance Board will receive a copy of each assessment in order to ensure compliance and assess any issues raised and lessons learned. | The Probation Qualification Assurance Board | Sept 2010 |
| Assurance is needed that provision of services from Higher Education Institutions pay due regard to equality issues | The Probation Qualification Assurance Board should maintain oversight, through the Regulatory Framework of how equality issues are managed by service providers. | The Probation Qualification Assurance Board | Ongoing |

| Issue to be addressed | Action to be taken | Manager responsible | Target date |
|---|---|---|---------------------|
| NOMS will require assurance that implementation of the framework has not realised any equality issues when applied in practice | The Qualifications Assurance Board will commission an updated Equality Impact Assessment 18 months after implementation. | The Probation Qualifications Assurance Board | October 2011 |

Publication

Describe the arrangements for making the document available to the various stakeholders.

This document will be published to all probation areas via a Gateway Notice. It will be sent directly to DOMS offices, issued with the Regulatory Framework.

Review

Indicate method for reviewing progress on the action plan and proposed date for formal review of the EIA.

This document should be subject to a review against the action plan in September 2010. This will be conducted by NOMS Learning and Development and be a standing agenda item at The Probation Qualifications Assurance Board.

Formal review after 18 months.

| Name and signature | | Date |
|----------------------|---------------|------|
| Policy lead | Paula Cairney | |
| Head of group | Stacey Tasker | |