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*Winner of the Council of Europe Human Rights Prize*

*CAJ's commentary on*

**Equality Impact Assessment of PSNI Recruitment**

**April 2007**

**Submission No. S.186  
Price £1.00**

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## *What is the CAJ?*

The Committee on the Administration of Justice (CAJ) was established in 1981 and is an independent non-governmental organisation affiliated to the International Federation of Human Rights. CAJ takes no position on the constitutional status of Northern Ireland and is firmly opposed to the use of violence for political ends. Its membership is drawn from across the community.

The Committee seeks to ensure the highest standards in the administration of justice in Northern Ireland by ensuring that the government complies with its responsibilities in international human rights law. The CAJ works closely with other domestic and international human rights groups such as Amnesty International, Human Rights First (formerly the Lawyers Committee for Human Rights) and Human Rights Watch and makes regular submissions to a number of United Nations and European bodies established to protect human rights.

CAJ's activities include - publishing reports, conducting research, holding conferences, campaigning locally and internationally, individual casework and providing legal advice. Its areas of work are extensive and include policing, emergency laws and the criminal justice system, equality and advocacy for a Bill of Rights.

CAJ however would not be in a position to do any of this work, without the financial help of its funders, individual donors and charitable trusts (since CAJ does not take government funding). We would like to take this opportunity to thank Atlantic Philanthropies, Barrow Cadbury Trust, Hilda Mullen Foundation, Joseph Rowntree Charitable Trust, Oak Foundation and UNISON.

The organisation has been awarded several international human rights prizes, including the Reebok Human Rights Award and the Council of Europe Human Rights Prize.

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***CAJ works for a just and peaceful society in Northern Ireland  
where the human rights of all are protected***

**Comments from the  
Committee on the Administration of Justice (CAJ)  
on the  
Equality Impact Assessment of  
PSNI Recruitment**

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**Executive Summary**

1. **Para 1.2:** CAJ welcomes the commitment to carrying out an EQIA once the PSNI had evidence to the effect that some groups might have particular needs in recruitment terms. It is however our practice to recommend an EQIA on recruitment procedures to most if not all public bodies, since we find it difficult to imagine that any large employer might not benefit from re-assessing such a major policy from an equality perspective. CAJ would encourage the PSNI to continue these efforts at equality impact assessment, and not necessarily await evidence of problems. As you will be aware, the purpose of equality impact assessment is not merely to counter direct or indirect discrimination but to positively promote equality, and regular assessments are the only way to do this.
  
2. **Para 2.2:** CAJ notes that people from ethnic minority backgrounds make up less than one per cent of the Northern Ireland population, and recognise the fact that a specific effort has been made to target this group. Given the outreach measures that have been taken to persuade ethnic minority candidates to apply to the PSNI, it is therefore particularly concerning that as the paper states "*when people from minority ethnic backgrounds apply they were much less successful on average than other groups*". Notwithstanding the relatively low numbers of applicants, it is in our view vital that particular focus be placed on trying to determine the reasons for this particular adverse impact. We comment on the issue of gender in some detail below, and it would be vital that the kind of very detailed analysis that exists now for gender should be similarly available for race, so that it becomes clearer what the recruitment obstacles might be, and how and if they can be overcome.
  
3. **Para 2.3:** The fact that candidates in the 30-34 age group are most likely to be successful, with the oldest and youngest candidates least likely to be successful, is also quite interesting. We wondered if any cross-sectoral analysis had been carried out. For example, if Catholics are disproportionately represented amongst the younger cohorts of the population – does this issue not have a relevance for the findings on both age and community background?

4. **Para 2.6:** The finding that women disproportionately fail the medical is particularly interesting and highlights the value of EQIAs. Burrowing down under the initial statistics to more and more detailed elements within the test have enabled the PSNI to detect serious (unintended) problems which can now be addressed (see on).

#### **APPENDIX 1 EQIA Report:**

It was not clear why there is a reference to "Original research June 2005", followed by "Updated to include equality data on Disability and Sexual Orientation Jan 2007". Surely this report includes information based on material over several recruitment phases, from before June 2005 until January 2007, and is not merely updated with regard to ethnicity and disability? If we have mis-understood the time parameters, please let us know.

3.6 **PSNI Vetting Procedures:** We note that the report states that the impact of the PSNI vetting procedures is not considered within the EQIA, even though in campaigns one to four a total of 71 candidates did not meet the requirements. CAJ is of the view that the EQIA should examine the impact of the vetting procedures in order to determine whether the procedures have a disproportionate impact on grounds of gender, religion, race etc.

3.7 **Involvement of Lay Assessors and Independent Community Observers – CAJ notes, and indeed welcomes the involvement of both these elements in the recruitment process.** Again however, more information by way of a "Section 75" breakdown of both these groups would be worthwhile.

4.2.2 CAJ is pleased to note that **sexual orientation and disability** are now being recorded but are not quite clear why these were not included from the outset?

4.2.3/4.2.4 **The anonymous feedback forms** (see also 3.103 and 3.10.4) are excellent, but we see no reason why candidates cannot be asked to include equality-related information. Some may choose not to provide such information, but others will do so, and *any* information on the equality breakdown of the responses could be helpful.

5.4.1 See earlier comment about age, and value of doing some **cross-sectoral** number crunching.

5.5.1 As the report points out, the **proportion of women applying to the PSNI (35%)** is still disappointingly low given that this is (14%) below the proportion of women who make up the Northern Ireland working age population overall (49%). We presume, however, that this is a much

better statistic than is achieved in police recruitment programmes in neighbouring jurisdictions – is this correct?

5.5.2CAJ also notes that there is a clear difference in **success rates at IST** between women and men - 66% to 57%. We believe that the EQIA would benefit from further information on this higher female success rate at IST, particularly given the lower success rates of women in the later stages of the process.

5.5.3As the EQIA notes, the discrepancy between **male and female rates of failure of the medical** is quite marked, with 81% of men succeeding at this stage compared with 74% of women. We also note that more men than women actually failed to meet the requirements of the medical in relation to all but two medical criteria, but still out-performed women on average. This may raise questions about the overall weighting of the different elements. It is also noteworthy that the two 'exceptions' where women failed disproportionately in comparison to men related to the criteria of "nervous system" and "mental health". CAJ believes that it is vital that a full exploration of this difference should take place. In particular it would be useful to have details provided on how both "mental health" and "nervous system" are assessed, given that both criteria might be seen as more "subjective" than the other criteria in the medical such as eyesight or cardiovascular.

5.6.1While correct that the **census records** 44% of the NI population are Roman Catholic, the more obvious comparator would surely be the proportion of the population between the ages of 18 and 52 which is the age profile sought amongst potential recruits?

5.6.2/5.6.4 We note that of those candidates sitting the **IST in Campaign Seven**, those from a non-Catholic community background were more likely to pass the test (63%) than those from a Catholic community background (55%) – an (8%) difference in success rates between the two groups. In the same campaign (Campaign Seven), pass rates at the **Assessment Centre** were higher for those from a non-Catholic community background (56% compared with 48% for those from a Catholic background). This represents a difference again of (8%) between the success rates of the two groups. And with regard to the **medical assessment**, there is a (5%) difference between the success rate of those from a non Catholic (80%) and Catholic background (75%). These all seem to be quite marked differentials.

5.6.3Overall, we note that in relation to Campaign Seven, when all applicants are considered, 18 per cent of those from a non-RC community background entered the **merit pool** compared with 11 per cent of those from a Catholic community background. In other words, the success rate at Campaign 7 for non-Catholics was almost one in five, while the success rate for their Catholic counterparts, was just over one in ten – ie almost half. This differential should in our view be explored more fully.

5.6.4 In relation to **Inter-Campaign trends** we note that the report states that “Applicants from non-RC community backgrounds have, on average, had higher success rates at IST than applicants from RC backgrounds”. The report goes on to state that “The difference in success rates for applicants from RC and non-RC community backgrounds is significantly less at AC than IST. The largest difference in success rates between the two groups was in Campaign Three (success rate of 70 per cent for non-RC candidates compared with 62 per cent for RC candidates)”. However this seems to be contradicted by the information provided, which shows that there was also an (8%) gap between the performance of the two groups in Campaign Seven, the most recent campaign of all. Indeed the information presented in the paper (Page 39) indicates that there was an (8%) gap between the two communities for campaigns 3 and 7, a (4%) gap for campaign 4, (3%) gap for campaigns 1 and 6, a (1%) gap for campaign 5, and according to the paper the success rate at Campaign 2 was “broadly similar for both groups”. So, early campaigns seemed to have relatively little difference across the two communities, so the question is surely - was this last campaign resulting in a large community differential a temporary aberration, or part of a more wider trend? In either instance, what is the learning?

6.1.1 In relation to the **summary of impacts**, there is clearly a typo in Table 6.1 which states that “People from non-RC backgrounds are more likely to pass the IST than those from non-RC community backgrounds”. The sentence should of course say that “People from non-RC backgrounds are more likely to pass the IST than those from RC community backgrounds”.

6.3.2 CAJ is of the view that one the most important aspects of any EQIA is the “*Consideration of measures which might mitigate any adverse impact; and alternative policies which might better achieve the promotion of equality*”. Clearly the ECNI agree with this analysis by stating that this is at the “*heart of the EQIA process*” (EQIA Guidance, ECNI, P. 29). In essence, this is the section of the EQIA that seeks to rectify any problems identified previously, and examine any ways of doing things differently that will better promote equality of opportunity.

Unfortunately, the **mitigation element** is the weakest section of the EQIA, since it fails to build on the good work that has taken place in gathering the data and identifying clear problems.

For example, the EQIA states in **relation to the IST**, quite correctly that “*Assessment of the impacts of the IST indicate that women, people from non RC community backgrounds, younger people and single people are more likely to be successful than other groups*”. Significantly however, the document then goes on to state that “*The IST is based on an assessment of the required levels of numeracy, literacy and logical reasoning required to effectively perform the duties of a PSNI officer and it would therefore not seem possible or desirable to mitigate any impacts by amending the standard test*”. The question however is whether the

test – for example the test which at Campaign 7 produced an (8%) difference in success rates between those from a non-RC and a RC community background – is fair, or if there is some unintended bias in the test itself. In our view, the test should itself be examined in order to determine whether for example there is a cultural/community bias to the test that produces such a differential success rate.

6.3.3In relation to the **Assessment Centre**, the EQIA states “Assessment of the impacts of the AC indicate that women are slightly more likely to be successful than men and that there are broadly similar success rates across other groups” (P. 53). This however contradicts the information presented earlier in the EQIA, (see above), which stated “candidates from a non RC background are more likely to be successful” (P. 51). Moreover, at Campaign 7, (and also Campaign 3), the gap in terms of the success rate of the two groups was as high as 8% (see above). The EQIA goes on to state that “The AC is built around a National Competency Framework, which aims to assess the skills and qualities of applicants, and the extent to which they are suited to perform the duties of a PSNI officer. In ensuring that all applicants enter the merit pool based on merit it would not seem possible or desirable to amend this standard as a result of any identified impacts”. Again however, the question arises as to whether given the differentials between the success rates of the two communities for example, whether the AC is objectively measuring “merit”, or whether there is a bias in the procedure itself in favour of certain candidates. Again, CAJ would recommend that more examination of the AC procedure take place, in order to test whether both groups are being afforded equality of opportunity.

6.3.4In relation to **medical assessment**, the EQIA states that based on data from Campaign 7, women and people from an RC community background are “less likely to meet the medical requirements than others”. The EQIA then states that “it is not possible to identify any trends in relation to the reasons why higher proportions of these groups failed”. As CAJ has pointed out above, there are serious questions we believe regarding the disproportionate number of women failing the mental health or nervous system test, which at the very least requires further analysis and we welcome the commitment to further consider the position of women in relation to the medical (Para. 7.1 below).

6.3.5In relation to **candidate satisfaction surveys**, CAJ is of the view that the process should be amended to allow for an opportunity for analysis by Section 75 group.

7.1In relation to the **summary of EQIA findings**, again we are disappointed at the conclusions reached, particularly in light of the good work that was carried out at the earliest stages of the EQIA in terms of presenting data. We do however welcome and concur entirely with the fact that in relation to gender, the document concludes that “the lower success rates of women at medical should be further considered” (P. 56).

However, we note with some concern the conclusions in relation to religion which states that "*While Roman Catholics are still less likely to apply than non Roman Catholics and are slightly less likely to be successful, the overall impact of the policy has been to promote equality of opportunity for Roman Catholics.*" CAJ accepts that the trend of more Catholics applying to work with the police is indeed a positive one, but believes that this conclusion contradicts the data presented earlier (Para. 5.6.5) and in Appendix II, which states that "*When all applicants are considered, 18 per cent of those from a non-RC community background entered the merit pool compared with 11 per cent of those from a RC community background*". In effect this means the success rate for those from a non RC background is almost one in five, while the success rate for those from a RC background is close to one in ten. In our view, this represents something other than the conclusion that Catholics are only "slightly less likely to be successful".

Given the importance accorded to recruiting a more representative police service in terms of community background, and the statistics about the retention of Catholic recruits (a matter for separate correspondence between the PSNI and CAJ), we are of the view that this data represents clear evidence of a need for a more detailed analysis of the differential success rates of the two groups.

#### **Final Remarks**

In the separate questionnaire, advice was sought about forms of effective outreach and how best to encourage applications from under-represented groups. In the event that it is of some value, we enclose herewith an extract from a fairly old report produced by CAJ entitled Human Rights on Duty which comments in some detail on the kinds of outreach efforts used at that time in other jurisdictions. There is also one section of the report that focuses particularly on issues of gender and that is also enclosed.