



Home Office

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SECRETARY OF STATE REPORT ON DISABILITY

Thank you for your letter of 15th July 2009, and the opportunity to give further detail on the work the Home Office to improve disability equality in our organisation and in service delivery.

I am aware that significant progress has been made within the department, but there are still some areas where we can improve. Discussions have already taken place between the department and the Commission with regards disabled people subject to Anti-Social Behaviour Orders, and we are working closely with colleagues in the Ministry of Justice as this work develops.

I am also pleased to advise the Commission of the formation of the Home Office Disability Advisory Group (DAG), which is an independent body of ten disabled people, many of whom have a lead role in a third sector organisation, social enterprise, specialist consultancy, and/or charitable body.

This body has a remit to provide insight, expertise and a constructive challenge function to the department, both in terms of how managers support and develop our disabled workforce (further building on our 'Gold' assessment from the Employers Forum on Disability), and in terms of advising on new policy and service delivery. The Group are due to meet for the first time on 12 November.

Specific comments on the key areas you raise in your report are attached at Annex A, and I hope this response provides further reassurances on our commitment to disability equality.

A handwritten signature in black ink that reads "Alan Johnson". The signature is written in a cursive style with a horizontal line above the "J" in Johnson.

ALAN JOHNSON

Home Office Secretary of State Report on Disability - Response to EHRC Report

Disability Hate crime

The Government is committed to tackling all hate crime, including disability hate crime. We are therefore pleased that the Commission and disabled people recognise the importance we attach to tackling disability hate crime.

Since the publication of the SoS Report in 2008, the Home Office has been developing a Cross-Government Hate Crime Action Plan (HCAP) in conjunction with other Government departments and criminal justice agencies.

Alan Campbell, Parliamentary Under-Secretary of State for Crime Reduction, launched HCAP on 14th September 2009. HCAP pushes forward our work on all hate crimes, including disability hate crime, and we are delighted that it goes a long way to meeting the concerns raised by disabled people in the Commission's involvement events.

Many of the actions in our cross-government action plan are being taken forward by other departments and criminal justice agencies and so are not applicable to the Home Office's report on disability equality. However, we are pleased that the Home Office has led on the development of this work and has committed itself in HCAP to an ambitious set of actions.

1. To ensure our efforts respond to the needs of local communities, all Crime and Disorder Reduction Partnerships / Community Safety Partnerships (CDRPs/CSPs) will develop local hate crime action plans, informed by new guidance. This guidance will draw upon new good practice on accessibility and involve disabled people in the development of policies and delivery strategies to be developed by the Office for Disability Issues (ODI). Our guidance will include:
 - common standards for the prevention and tackling of hate incidents and hate crimes;
 - guidance on recording and analysing data on hate incidents and hate crimes;
 - best practice guidance on how to establish, promote, operate, evaluate and ensure the sustainability of third-party reporting schemes; and
 - best practice on using anti-social behaviour measures to address hate incidents and hate crimes.

2. With the Office of the National Director: Learning Disabilities, we will develop guidance for Learning Disability Partnership Boards on hate incidents and hate crimes against people with learning disabilities. This will include guidance on preventing hate crime, empowering and supporting victims and working with other agencies to ensure multi-agency responses meet the needs of people with learning disabilities.

3. In conjunction with the Department for Communities and Local Government, we will develop best practice guidance on preventing hate crime. This will inform the guidance to CDRPs/CSPs noted above.
4. In conjunction with the Attorney General's Race for Justice programme and the Association of Chief Police Officers, we will commission a full training needs analysis for the police to effectively provide for future police training needs on hate crime.

We also note that the issue of recording data on hate crime was raised at your involvement events and are pleased that HCAP includes a specific objective to *"improve the evidence base on the nature and extent of hate crime so as to inform prevention and intervention."*

We have a number of actions to meet this objective including:

- a joint seminar with Race for Justice and relevant academics to map gaps in the evidence base, and establish how these might be filled, with a view to funding research projects;
- funding Cardiff University to examine the nature and context of violent hate crime experienced by those victims who present at A&E; and
- continuing to develop data collection and performance targets to effectively measure the incidence of hate crime and the performance of agencies.

Raising awareness of all hate crime is important. It is a task which will take time and it is for this reason that the Government's long-term vision for hate crime, expressed in HCAP, includes:

"an environment which discourages and condemns the prejudices, hostilities, discrimination, portrayals and other factors that enable and cause hate crime;

"broader awareness of the existence and nature of hate crime and the service that hate crime victims should expect from the criminal justice system."

In the short to medium term, dissemination of HCAP and implementation of the actions it contains (particularly new guidance and training) will go a long way to embedding awareness of hate crime throughout the public sector.

The possibility of conducting a public awareness campaign on hate crime has been considered. It is not yet clear what form such a campaign might take if it were to be effective and efficient in discouraging offending behaviour and/or increase the reporting of hate crime. We would not want to commit the level of resource required to support a campaign of this level without understanding more about the potential benefits in each of these areas. We are certainly not excluding it as a possibility, but need to be very clear that it is not something we would commit to lightly. This is why HCAP commits us to commission research into how the form, content and targeting of public awareness campaigns has increased, or might increase, the reporting of hate crime. The results of this research will allow us, and any public bodies that wish to conduct their own campaigns, to be more informed in considering how such a campaign might be run.

Your report on your involvement events with disabled people states that there has been “absolutely no consideration given to the need to tackle abuse/hate crimes in institutions.” As you are probably aware, a review of *No Secrets* is being conducted by the Home Office, Department of Health, Ministry of Justice and Attorney General’s Office. The Government’s response to the public consultation on this review is still being prepared and it is not possible to pre-empt this. However, HCAP commits us to looking at the inter-relationship of disability hate crime policy and practice, and the safeguarding of vulnerable adults policy and practice through the reviews of *No Secrets* and *In Safe Hands*.

It is important to note the distinctions and overlap between our work on hate crime, domestic abuse, abuse in institutions and sexual abuse. Our definition of hate crime means that it is conceivable for any crime to be a hate crime. In addition, s.146 of the Criminal Justice Act 2003 provides for hostility or prejudice based on disability (or presumed disability) to be an aggravating factor in sentencing. Domestic violence and abuse, crime and abuse in institutions and sexual violence and abuse can therefore be dealt with as disability hate crime if motivated by hostility or prejudice based on disability. Where this is not applicable, we seek to address each of these types of crime through dedicated work strands.

On 14th September, we also announced the ten organisations that had been awarded funding through the Victims’ Fund hate crime section. You may be interested to note that four of these are disabled people’s organisations.

Government and criminal justice agencies have come along way in a short time in tackling disability hate crime. However, we accept that we must continue to improve our efforts to address hate crime against disabled people. HCAP makes clear that this is a challenge all of Government and all criminal justice agencies must face. We are developing new work to meet this challenge, but this work builds upon good foundations. Tackling disability hate crime is not an easy task, but it is one that we are committed to and will work with disabled people to ensure we do well.

Anti-Social Behaviour Orders (ASBO’s)

The Home Office had a meeting with colleagues from the Commission on this subject. The Commission were reasonably satisfied with the proactive approach the Department is taking on individual cases. We have agreed to consider how we can get more information from Crime and Disorder Reduction Partnerships on examples of how they test their policies on disability.

Her Majesty’s Inspectorate of Constabulary (HMIC)

Her Majesty’s Inspectorate of Constabulary (HMIC) derives its independence from the Home Office by virtue of the Inspectors of Constabulary being appointed by the Crown. HMIC has a fresh mandate from Government, requiring it to be a fierce advocate and more explicit guarantor of the public interest.

Work already under way where disability equalities issues are relevant, include our looking (in our Rounded assessment exercise in all forces) at trends in female and BME officer employment, balance of gender and BME issues in police staff, and accessibility of policing services to disabled members of the public. In addition, we are engaged in a review of forces' implementation of the Policing Pledge, the results of which we intend to publish in October. Point one in the Pledge is particularly relevant here - *Always treat you fairly, with dignity and respect, ensuring you have fair access to our services at a time that is reasonable and suitable for you.* To assess delivery of this Pledge point, two aspects we are looking for relate to diversity issues.

- All departments to which the public have access have assessed the access requirements of their customers; consultations have been carried out with customers to assess when police stations need to be open; and the diverse needs of individuals and communities have been taken into account in the Pledge action plan and development work.
- Furthermore, the Green Paper committed HMIC to carry out a major inspection of the workforce in 2010. The inspection will test forces and authorities with regards to whether the workforce is led, organised and developed to be productive in working for the public. Equality and diversity (including disability equality) is one of the six elements to be assessed and reported.

The inspection framework and methodology is being developed with the aim of embedding equality assessments, rather than adopting a silo approach. NPIA has developed (following consultation with a number of organisations) a Police Equality Standard designed to support forces in being proactive and seeks to ensure that equality, diversity and human rights are fully integrated into day-to-day policing activities, so that they contribute to overall improvements in service delivery and in building confidence. HMIC are working closely with NPIA to ensure that priority areas are identified from the Equality Standard and incorporated into the inspection model.

UN Convention on the Rights of Persons with Disabilities (UNCRPD)

You raised concerns around our current reservation under Article 18 on Liberty of Movement. The overriding purpose of the Home Office is to protect the public, and the reservation was sought because it is concerned to ensure the Convention does not inadvertently create new rights which might hamper its ability to do so. The reservation is now in place and the Home Office considers the most appropriate course of action would be to proceed as planned and conduct a transparent review of the continued need for such a reservation. As part of this review it will consider all options, including whether the UK should adopt a declaration similar to that of the Australian government.

Non-Departmental Public Bodies (NDPB's)

While we do acknowledge the 'arms length' status of NDPB's, we are conscious of our responsibilities as sponsor to ensure alignment of approach across the sector. In keeping with this, the department's Strategic Diversity Action Team (SDAT) are working closely with colleagues in the departments NDPB Sponsor team to extend the department's 3-Year Diversity Strategy, so that the department's sponsored bodies are better able to embed equality and diversity into their respective business areas.

Disability and offenders

The Home Office is working with its key delivery partners across the criminal justice system to implement the recommendations set out in Lord Bradley's review of people with mental health problems or learning disabilities in the criminal justice system. In particular we are represented at senior official level on the Health and Criminal Justice National Programme Board, and have also established a Policing Healthcare Group, involving the police, Department of Health and wider NHS as a subcommittee of the Board. Work is under way to consider transferring commissioning and budgetary responsibility for healthcare services in police custody suites to the NHS, aiming for the previously published target of April 2010.

Domestic violence

In March 2005 the Home Office published its first National Report on Domestic Violence. In June 2006, March 2007 and October 2008, the Home Office published further updates on the Government's progress on its national work, setting out further objectives for each year. We published our latest update in August 2009. The report provided an overview of our achievements and contained the framework of the National Delivery Plan, which identified five key outcomes and seven work objectives that would be pursued over the coming years.

Some of the key successes at the heart of the National Domestic Violence Delivery Plan (NDVDP) are the developments that have been made within the criminal justice system. Victims of domestic violence are now better supported through the criminal justice process due to the Government's programme of setting up Specialist Domestic Violence Court (SDVC) systems in England and Wales. There are currently 122 SDVC systems supported by the programme and we are on track to achieve our aim of having 128 by 2011.

Attached to the SDVCs are Independent Domestic Violence Advisers (IDVA). These are trained specialists who provide a service to victims who are at high risk of harm. IDVA involvement with victims of domestic violence has been shown to decrease victimisation and reduce victim withdrawal. IDVAs are trained to provide a sound foundation in supporting the full range of high risk victims of domestic abuse. The training covers many aspects of working with victims who have significant barriers to accessing support including those with a disability, and this is included in the learning outcomes, in the training and in the assessments. There are specific learning outcomes about the legislation related to safeguarding adults

and the role of the IDVA in working with such clients. There is also a focus on making links with specialist services who are experts in this field.

IDVAs are also heavily involved with Multi-Agency Risk Assessment Conferences (MARAC) which are made up of statutory and voluntary representatives including social services, victim support services, health representatives, housing services, probation services and education services. By sharing information, agencies get a better picture of victims' situations and so develop responses that are tailored to the needs and goals of individual victims and their children.

Members of the MARAC jointly construct and implement a risk management plan that provides professional support to all those at risk, thus reducing harm. A specialist MARAC toolkit for adult services has been developed to support victims with a disability. In addition, the revised Risk Identification Checklist that has been produced in partnership with the Association of Chief Police Officers (ACPO), Cafcass (Children and Family Court Advisory Support Service) and Respect, pays particular attention to identifying additional issues such as disability.

Our Delivery Plan is supported by a Stakeholder Advisory Group on Domestic Violence and the Black, Asian and Minority Ethnic Domestic Violence and Sexual Violence Advisory Group. These groups act as consultative bodies on the development of Government policies on domestic violence in relation to prevention, provision of services and protection. The groups also ensure that the delivery plan addresses the needs of all people affected by domestic violence.

The Stakeholder Advisory Group on Domestic Violence meets every 4 months and is chaired by Home Office Minister, Alan Campbell. The Black, Asian and Minority Ethnic Domestic Violence and Sexual Violence Advisory Group meets twice a year and is chaired by the Head of the Interpersonal Violence team. Membership of these groups comprise a range of voluntary sector organisations such as Women's Aid, Southall Black Sisters, The Judith Trust and POWERHOUSE.

As part of the *'Together We Can End Violence Against Women and Girls'* public consultation, the Women's National Commission organised and co-facilitated twenty-four women-only focus groups across England, one of which was held with women who identified as disabled women. Recommendations and key messages from focus groups will inform the integrated, cross-government strategy addressing violence against women and girls, including domestic violence.

There were a number of key themes that came out of the focus group which we will consider as part of the Strategy development. One example is to ensure that the needs of all forms of disability are catered for within victim services, i.e. deaf women can be excluded from services accessed by phone or helplines and often have to wait for an interpreter to access a service.

Stakeholder Engagement

Following the commitment made by the then Home Secretary in the Secretary of State report on Disability, we have formed a Disability Advisory Group (DAG). This is an independent body of ten disabled people, many of whom have a lead role in a third sector organisation, social enterprise, specialist consultancy, and/or charitable body. This body has a remit to provide insight, expertise and a constructive challenge function to the department, both in terms of how managers support and develop our disabled workforce (further building on our 'Gold' assessment from the Employers Forum on Disability), and in terms of advising on new policy and service delivery.

In February 2009, the Strategic Diversity Action Team,(SDAT) on behalf of the department, hosted a corporate workshop for equality and diversity stakeholders important to the department, entitled, 'Creating a Framework for the Future'. This informed the Progress Review on the department's equality schemes. Its intention was also to build relationships with stakeholders which (in the case of disability) can then lead to greater opportunities for informal and formal involvement in policy development, and so to supplement the work of the DAG.

Given the onus on stakeholders to be involved and support 26 government departments, we are keen to allow stakeholders an exploratory (annual) dialogue with policy leads representing all business areas, from which stakeholders can then select the policy areas on which they would like to work with us to improve. As a result of this approach, this corporate engagement event resulted in offers of help and support from the Employers Forum on Disability (EFD), the National Autism Society, Minty & Friend, Radar, Freeny-Williams and the Terrence Higgins Trust. The question is how to involve disabled people without duplicating stakeholders' work or existing forums. For example, the EFD host a Police & Law Enforcement Network, which the department will seek to engage, as opposed to replicate. Further stakeholder mapping and open discussion with the relevant stakeholders continues.

Since the publication of the SoS Report, the department has engaged an 'Equality and Diversity Stakeholder Manager' who works closely with staff networks (e.g. HODS) and the Partnership Working Network of stakeholder manager teams in each business area, in order to improve business areas' engagement with equality and diversity stakeholders and improve the quality of EIAs.

A recent example of the benefit of this approach to increase the department's understanding of access requirements was a workshop on the National Identity Scheme (NIS) roll-out, led by the Identity & Passport Service for third sector organisations. Four disability organisations attended, and gave detailed input to IPS policy leads, which we feel did give a better 'social model' perspective on how disabled people might experience the application process. The event will be replicated in Manchester and the North East, as and when the NIS is rolled out to these regions.

Similarly, SDAT supported a round of Hate Crime Stakeholder Engagement which informed the new Hate Crime Action Plan; the resulting EIA was of a high quality and well informed. Again, this policy area was highlighted at our corporate event

as being a very vital concern to those disability stakeholders we engaged. An opportunity to review the first six months of the multi-agency work in this area will be provided in Spring 2010.

A request that the department canvass the needs of disabled individuals (as individuals, as opposed to 'communities of disability') was made at the 'Creating a Framework for the Future' event. It comes at a challenging time when all departments are looking to operate more efficiently. The Department is looking to explore further the benefits of online engagement with a view to publishing a Digital Engagement Strategy later this year. It is our hope that the department can build on engagement through online forums, to enable more disabled people to influence the department's services and policy affecting disabled people.

Disabled applicants

The Home Office and its Agencies are involved in the Ministerial PSA16 initiative, which is where government departments are supporting disabled people (those with a learning or mental health disability) who have been unemployed for a long time and are also recent graduates. As a part of the working group work streams, EFD reviewed and critiqued the Home Office application form which is used for internal and external vacancies in order to ensure that it was accessible. EFD provided positive feedback and changes have been made as to elements of the form.

In addition to this, IPS are currently reviewing their recruitment processes and the guaranteed interview scheme for disabled applicants both internally and externally – the review will analyse current data in this area and look at the strengths of other government departments as well as that of other organisations.

Equality Impact Assessments

Where the Home Office refers to "minimum standards" these have been developed on the basis of recent cases and the codes of practice of the former Commissions as well as EHRC's recent template. To clarify, and at the Commissions request, we will re-title this and would suggest 'criteria for quality assuring your EIAs'. The "minimum standards" table published in the SoS Report, when read in isolation from the overall training, does not do justice to the comprehensive treatment of the EIA process and outcomes, which are integral to the Home Office Diversity Strategy. We would welcome the Commission's participation in one of our training days to witness first hand how EIAs are addressed.

The EIA training stresses the importance that the Home Office attaches to the EIA process as a vehicle for delivering equality of outcomes in all aspects of its work. EIAs assist the Home Office in identifying and taking steps to mitigate and/or reduce negative impact and also identify opportunities for strengthening equality of outcomes and good relations between different groups. We refer participants to the table entitled "minimum standards" as a way of quality assuring their EIAs.

When discussing these standards, we stress the importance of working to ensure EIAs are in fact in the third column, i.e. exceed minimum compliance. Throughout the training, participants are encouraged to involve and engage with internal and external stakeholders at the earliest possible stage in the development of policies, initiatives or programmes. Considerable time is spent examining how to identify and involve stakeholders as well as ensuring stakeholders are given feedback on the results of their involvement.

Youth Crime Action Plan

We welcome the Commission's enthusiasm for the Youth Crime Action Plan.

The Youth Crime Action Plan was intended as a high level document and therefore did not go into detail on disability issues. Moreover, the following pieces of work were anticipated:

- Department for Children, Schools and Families & Department of Health review of Child and Adolescent Mental Health Services (the report was published in November 2008), which made recommendations around meeting children and young people's mental health needs where they were in contact with a youth offending team or in custody.
- Ministry of Justice commissioned an independent review of people with mental health/learning disability problems in the criminal justice system (the "Bradley Review" published in April 2009) which, although focused on adults, made recommendations which can apply equally in the youth context.

The Government is now acting on these reports and is due to publish in December 2009 a health and well-being strategy. This strategy will look at improving the health and well-being of children and young people in contact with the youth justice system.

The strategy is being developed to address the following objectives:

- To secure the engagement of young people and their families and support their use of the appropriate mainstream services.
- To ensure that needs are addressed and responded to with appropriate and timely services.
- To secure co-ordinated, multifaceted care, tailored to individual needs, and negotiate a safe and effective transition to appropriate adult provision.

The strategy will focus on promoting health and wellbeing generally, rather than just within the youth justice system. It will focus on prevention and early intervention in relation to health and well-being, including physical health problems, mental health, learning disabilities and difficulties, speech, language and communication needs and substance misuse - all important for both reducing offending and improving children's life chances. It will highlight the need for early intervention, and access to a holistic assessment of need and integrated support right across the youth justice system pathway.

Procurement

The Home Office, as a large government Department, has many thousands of suppliers on its databases. We have identified our top 60 large spend suppliers, particularly those who have public-facing responsibilities. In the example we gave in the SoS Report you will see that £2bn of our expenditure was on work around the Identity and Passports Service (IPS) helping contractual arrangements expectations around equality on disability.

Further to this, we have a partnership with an organisation that has developed a corporate assessment of environmental and social and economic resources (CESAR) who have 95 equality questions to ask of our suppliers, which includes specific questions around disability. Further to this we have developed 15 core questions built around our own diversity strategy that will help drive greater understanding and awareness around outcomes, particularly around goods and services. We ran a workshop earlier in October with key suppliers to explore how they can use these more effectively to drive up good practice within supplier organisations on equality and diversity.

Our lawyers are in the process of amending numerous contracts we currently hold with supplier organisations to include clauses on equality and diversity. Overall we would have achieved appropriate amendments to contracts with a change of clauses; and an assessment tool that measures the level of good equality practice in organisations that provide our services through contractual arrangements. Ultimately through CESAR we will have an index on which we can compare supplier standards based on equality.