

EQUAL OPPORTUNITY COMMISSION

Submission by the Acting Commissioner for Equal Opportunity to the Community Development and Justice Standing Committee's Inquiry into the methods of evaluating police performance (management of personnel)

Thank you for the invitation to make a submission into the above inquiry. The Equal Opportunity Commission (EOC) considers it is only able to provide limited comment on the first term of reference: *"How recruitment practices are managed, in particular in relation to developing ethnic and cultural diversity within the force"*.

Historically, the EOC has liaised with WA Police through the EOC's major roles of community education and complaint handling. However, the last recorded request by WA Police for general equal opportunity law 'fee for service' training was in 2004.

In the period 2005-2013, the now defunct Substantive Equality Unit of the EOC (SEU) worked extensively with WA Police, primarily through its Diversity Unit. This was to assist WA Police to meet its obligations under the 'Policy Framework for Substantive Equality', released by the WA Government in 2005. The focus of the Framework at that point was on systemic racism in the delivery of public sector services. Initial assessments were undertaken for the service area of the Family Domestic Violence Court and on the issue of racial profiling.

As with many agencies, WA Police recognised through undertaking these assessments that the demographics of its officers was potentially impacting on the delivery of its services to a diverse community. This was a factor when, in 2011, an NIA of Recruiting and Retention in WA Police (NIA) was agreed to by the Commissioner of Police and the then Commissioner for Equal Opportunity, Yvonne Henderson.

The following is a summary for the rationale for undertaking the NIA.

Aims of the NIA

- To identify disparity in service delivery impacting on diverse and minority groups or Aboriginal people and women as a whole.
- Best practice solutions/ practise integrated through the agency in order to address the gaps identified.
- To identify the need for a more detailed assessment to be done.

Background to the NIA

In July 2011, the Commissioner of Police and Commissioner for Equal Opportunity agreed upon the need for a Needs Impact Assessment of WA Police recruitment practices incorporating standard, cadet and ancillary programs. Following this decision, a Project Proposal was developed and approved.

The need for such an assessment was supported by the findings of the Auditor General's 'Report into Police Recruiting' that highlighted potential for improvement of recruitment and/or practices, so as to better attract and service people from the groups affected, particularly Aboriginal, Culturally and Linguistically Diverse (CALD), and other minority groups.

Internal data showed a distinct lack of police officers of Aboriginal descent and culturally diverse backgrounds, highlighting areas for improvement, not only for those seeking to work for WA Police, but for the benefit of the WA community as a whole.

The intended scope of the NIA was as an initial screening to focus on internal WA Police processes, in order to determine if a 'full' assessment was warranted. Given this, external engagement and consultation was limited to verifying information on which policies or practices were based. If a 'full' assessment was warranted, a recommendation was to be made that policies and practices were to be further examined, and extensive engagement with relevant individuals and community organisations was to be included.

Benefits of the NIA

- The potential to increase opportunities for employment of Aboriginal and other social minority groups to increase the diversity of the WA Police workforce;
- Meeting the Government's Substantive Equality requirements;
- Long-term benefits in enhancing service delivery to diversity groups and engendering confidence in WA Police.

Impacts of the NIA

- Time required for consultation, data provision, and research by key stakeholder work units including Community Engagement, Professional Development Portfolio, Human Resource Directorate and Media & Public Affairs
- Possible changes to recruitment processes, marketing strategies and human resource, mentoring and professional development strategies.

NIA Method:

This was to involve the initial screening of policies, practices and procedures, including systems.

Initial screening constituted looking into recruitment practices, marketing, Human Resources, and Academy recruitment processes, including records, communication, monitoring and review, and assessment of standard, cadet, and ancillary recruitment rounds.

Consultation with key internal stakeholders was considered essential, including Community Engagement, Strategy and Performance, Professional Development Portfolio, Human Resources, and Media and Public Affairs.

The consultation phase was to establish a 'map' of service and procedures, the key focus areas being:

- Community relations;
- Diversity and social tensions;
- Attitudes internally and externally, clients needs and satisfaction;
- The equality impact of services, barriers (limitations), preventing client group engagement;
- Policy documents, ops manual, computer records, literature review, and other key documents

Data reviews of Indigenous, ethnic and minority group data was required. This was expected to reveal some gaps that might result in limited information due to limitations in current data collection within the agency.

NB: Records of the SEU show that the Assessment did not commence until at least to early 2013.

Outcome of the Assessment

The SEU Manager, Cathy Groves, was responsible for guiding the WA Police on the NIA. Ms Groves left the EOC with the closure of the SEU in 2014. While there are records of her dealings with WA Police, these primarily go to the proposed methodology of the project.

The EOC made a determination to close all SEU files in mid-2015.

There are records of regular communication between the SEU and the responsible officers at WA Police on the progress of the NIA up to SEU's closure in 2014. It is understood that WA Police have done a reasonable amount of work on the NIA since then, but the EOC cannot confirm that a draft or final NIA report has been produced. Attempts were made to garner an update on the progress of the NIA in mid-2015, but there has been no response.

Conclusion

The EOC considers that the first term of reference of this Inquiry is a pivotal matter in relation to the provision of a police service that aims to address systemic discrimination. It is with regret that we are unable to furnish the Committee with any further significant insight into this, other than the work the EOC has done with WA

Police when the SEU existed. The EOC cannot disclose the particulars of complaints it has received regarding alleged unlawful discrimination under the *Equal Opportunity Act 1984* (EOA) by the WA Police in the recruitment and retention of sworn and non-sworn officers. Certain practices and procedures the subject of those complaints may have been examined and improved, by agreement of the parties to the complaint.

Public authorities, as defined in s.139 of the EOA, are required to prepare and implement an Equal Employment Opportunity (EEO) Management Plan under s.145 (*Preparation and implementation of management plans*). A copy of a current EEO management plan must be forwarded to the Director of Equal Opportunity in Public Employment (DEOPE) in the Public Sector Commission. The Committee may wish to contact the DEOPE regarding recent data submitted by WA Police.

The EOC has encouraged public sector agencies to use the exceptions under the EOA of 'measures intended to achieve equality' and 'genuine occupational qualification' in order to achieve employee diversity as well as substantive equality in service delivery. There seems to be considerable uncertainty and lack of confidence in the sector as to how to use these exceptions, particularly 'measures intended to achieve equality', in assisting agencies to meet the objects of the EOA, and as such the exceptions remain under-utilised.