



Public Sector Equality Duty January 2017

1. Introduction

This document outlines how the Independent Chief Inspector of Borders and Immigration has complied with the duty to publish equality information.

The Equality Duty, introduced by the Equality Act 2010, is a duty on public bodies and others carrying out public functions. The aim of the Equality Duty is to embed equality considerations into the day-to-day work of public authorities, so that they tackle discrimination and inequality and contribute to making society fairer.

The Equality Duty covers a list of protected characteristics:

- Age
- Disability
- Gender
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race – this includes ethnic or national origins, colour or nationality
- Religion or belief – this includes lack of belief
- Sex
- Sexual orientation

The general Equality Duty requires public bodies to have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation;
- advance equality of opportunity; and
- foster good relations between people from different groups

2. Equality as a 'golden thread'

General

Equality (and diversity) principles are integral to the way the ICIBI conducts inspections and pursues its day-to-day relations internally and with stakeholders, partners and others.

At the planning stage, the criteria for each inspection are agreed. The ICIBI uses 10 criteria, grouped under three headings:



- Operational Delivery
- Safeguarding Individuals
- Continuous Improvement

An inspection may use all 10 criteria or fewer, depending on their relevance. The published inspection report lists the criteria used. Criterion 4 - All people should be treated with dignity and respect and without discrimination in accordance with the law – is particularly relevant to the Equality Duty, and is likely to be included as a criterion in all inspections.

During the course of an inspection, evidence collected may include:

Documentation

ICIBI reviews and assesses:

- Previous inspection findings and recommendations
- Ministerial authorisations, statements and impact assessments
- Legislation
- Relevant Home Office policies, procedures, local guidance, and how often these have been reviewed and updated
- Quality assurance frameworks
- Business plans
- Relevant complaints, Parliamentary Questions, MPs' correspondence and judicial views and timescales for outcomes, including timescales

File sampling and observations

ICIBI reviews and assesses:

- Consistency of approach and treatment (such as level and type of evidence required from particular nationalities, including selection for further examination)
- Compliance with guidance and statutory obligations

Staff interviews and focus groups

ICIBI reviews and assesses:

- Understanding of anti-discriminatory law, policy and practice, including knowledge of Ministerial authorisations permitting discrimination on grounds of nationality or national or ethnic origin
- How Ministerial authorisations are communicated to staff
- Extent of training in anti-discriminatory policy and procedure and/or operational functions



- Processes for feeding back frontline consequences of policy and guidance and influence on policy and practice
- Understanding and experience of mechanisms to remedy unfair or unlawful treatment – actions taken following a complaint and speed of resolution

Stakeholders and users of services

ICIBI obtains:

- Stakeholder perspectives of Home Office treatment of individuals, the quality of its policies and guidance in reflecting anti-discriminatory laws and the extent to which this is followed in practice
- Views on how far the Home Office promotes dignity and respect in all its borders and immigration functions, and examples of how this is achieved
- Any 'live' or historic cases or data where legislation or policy has been breached

The full list of inspection criteria is available on our website:

<http://icinspector.independent.gov.uk/wp-content/uploads/2010/03/Inspection-Criteria.pdf>

Annual report

The ICIBI produces an annual report based on his inspection findings for a specific reporting period, and covering issues of equality and diversity. Previous annual reports can be accessed here, along with all published inspection reports:

<http://icinspector.independent.gov.uk/inspections/inspection-reports/>

Inspection plan

The annual plan includes a three-year inspection plan. The plan takes account of identified or perceived areas of risk and of the views and priorities of stakeholders, including within the Home Office.

Previous inspection plans can be accessed here:

<http://icinspector.independent.gov.uk/inspections/inspection-programmes/>

Stakeholder engagement

The ICIBI is committed to regular engagement with the widest range of stakeholders, in order to ensure that the inspection plan and individual inspections are focused in the most relevant and useful way..

As at January 2017, there were three principal fora for stakeholders, each meeting two or three times a year:

- Refugee and Asylum Forum
- Aviation Stakeholders Forum
- Seaports Stakeholders Forum



Members of the public and stakeholders not represented on these fora are encouraged to contact the inspectorate directly via our website, email or phone.

Recruitment

The ICIBI adheres to all Home Office (and wider Civil Service) policies and guidance in relation to recruitment, including in relation to disability and flexible working. ICIBI is committed to recruiting on merit after fair and open competition. Applications are welcomed from a diverse range of candidates, not exclusively from those with prior experience of borders and immigration work.

ICIBI also actively supports the Cabinet Office Summer Diversity Internship Programme, and has created work placements for eligible undergraduates.

3. Equality Champion

The purpose of the role is to ensure ICIBI adherence to Home Office values while promoting the ethos and benefits that an inclusive culture provides. The role was established to foster and embed equality for a designated specific protected characteristic across the Civil Service and their department, to improve performance as an employer and in the service we deliver to our customers.

An effective champion will:

1. Be a role model, widely recognised as a supporter and champion of diversity and inclusion.
2. Actively promote and implement the principles of diversity and equality as outlined in the Civil Service Diversity and Equality Strategy.
3. Highlight and address perceived barriers to encourage the embedding of equality within the protected characteristic across their department and the wider Civil Service.
4. Influence and mobilise other senior members of staff to become involved, by plugging into department leadership values and where appropriate, initiating and supporting Task and Finish Groups to address specific issues.



5. Take a strong position to tackle inappropriate behaviours and actions towards staff with the protected characteristic.
6. Identify and challenge “resisters” to justify inaction and retention of the status quo. This will include confronting ‘equal opportunities dogma’ and entrenched beliefs that every member of every group should be treated exactly the same, championing the need to remove barriers for groups of people and to treat individuals differently in order to treat them fairly.
7. Play an active role in presenting the department’s achievements on diversity to external audiences, and facilitate two-way sharing of best practice
8. Be aware of and support the wider diversity agenda and its links to wider corporate responsibility; ensuring that diversity and equality issues are considered in all aspects of the business
9. Ensure diversity and equality is considered upfront in policy making, service delivery, procurement and contract management

4. Workforce equality information

The Annual Report contains data in relation to workforce equality. This is necessarily high-level as the Inspectorate has only 30 staff and a more detailed breakdown would risk identifying individuals.