



# Home Office

## Equality Impact Assessment



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| <b>EQUALITY IMPACT ASSESSMENT</b>        |
| Office of Security and Counter Terrorism |

### METHODOLOGY AND OVERVIEW

- We have written to over 100 organisations, we have received around 50 responses from members of the public and the organisations to which we wrote.
- Using Government Office’s in the regions to tap into local expertise we invited approximately 200 individuals to regional seminars of which around 120 attended. We met with representatives from the police, judiciary, civil liberties organisation and community representatives. (Edinburgh, Birmingham, Leeds, Manchester & Belfast). We organised a consultation meeting in London with representatives from the Muslim community.
- Consultation showed support for a majority of the policies.
- The powers within CT legislation are not aimed at a particular race, religion, or any other group. They are aimed at terrorists, whatever background or section of society they may come from. We are committed to improving and developing a close partnership with the Muslim community with the shared aim of combating terrorism. We will try to minimise this perception through improved communication, monitoring impact of the policies and a review of the policies within 3 years of commencement.

### PRELIMINARY SCREENING

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| <b>Counter Terrorism Bill</b>   | The Bill contains new policies and changes to existing policies. |
| <b>Policy Aims, Objectives &amp; Projected Outcomes</b>   |  |
| The counter-terrorism Bill will include new measures to strengthen terrorist prosecutions and deal with terrorists after they have been convicted.  |  |
| <ul style="list-style-type: none"> <li>• The Bill would ensure the police and CPS have fully up to date and effective tools for dealing with terrorist investigations and offences;</li> <li>• It would strengthen prosecutions by allowing post-charge questioning of</li> </ul> |  |

terrorist suspects and the drawing of adverse inferences from a refusal to say something that is later relied on in court;

- It would enhance the investigation of terrorists and their activities by ensuring the police and intelligence and security agencies have access to all the information they need by providing data sharing powers and making full use of DNA;
- It would ensure appropriate sentences for those convicted of general offences which are terrorist related.
- It would introduce a requirement for convicted terrorists to provide the police with personal information on their release from prison and to notify any changes to this information;
- It would introduce a foreign travel order that will enable convicted terrorists to be banned from travelling overseas where it was appropriate to do so.
- It would tighten up legislation on disclosure in relation to suspected terrorist financing by including those who are carrying out unpaid or voluntary work.
- It would introduce a measure to strengthen how we deal with those who we cannot prosecute by making changes to the control orders system in relation to powers of entry, search and seizure.
- It would put the funding of extra security at gas sites onto a legal footing.
- It would make it clear that eliciting information about Service personnel which is likely to be of use to terrorists is an offence.
- It would extend the power of the courts to make forfeiture orders to anyone convicted of a serious terrorist offence.
- It would allow police to remove documents as part of a search to ascertain whether they are documents which they may seize.
- It would amend the definition of terrorism to include racially motivated terrorism.
- It would transfer some powers to the Attorney General for Northern Ireland. Certain reserved or excepted will stay with the Attorney General for England and Wales.
- It would require the consent of the Attorney General for England and Wales to bring charges for offences committed outside the UK.
- The Government is also considering legislative options in relation to pre-charge detention in terrorist cases. The scale and nature of the current

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| terrorist threat and the increasing complexity of cases means it is right that we should look again at the time limit on pre-charge detention. Based on trends, we believe there is a case for going beyond 28 days in future. This will only be necessary in exceptional circumstances – where there are multiple plots, or links with multiple countries, or exceptional levels of complexity. |     |
| Will the policy have an impact on national or local people/staff?  | YES |
| Are particular communities or groups likely to have different needs, experiences and/or attitudes in relation to the policy  | YES |
| Are there any aspects of the policy that could contribute to equality or inequality?   | NO  |
| Could the aims of the policy be in conflict with equal opportunity, elimination of discrimination, promotion of good relations?  | NO  |
| If this is an amendment of an existing policy, was the original policy impact assessed?  | YES |

## FULL IMPACT ASSESSMENT

### STATISTICS & RESEARCH

What relevant quantitative & qualitative data do you have in relation to this policy?

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| <b>Equality Target Areas</b> | <b>How does the data identify potential or known positive impacts?</b><br><br><b>How does the data identify any potential or known adverse impacts?</b>   |
| <b>Race</b>                  | <b>Qualitative Data</b> <ul style="list-style-type: none"><li>• No issues raised, although some of the points raised in relation to religion and belief may be applicable.</li></ul>  |
| <b>Disability</b>            | <ul style="list-style-type: none"><li>• No issues were raised.</li></ul>  |
| <b>Gender</b>                | <ul style="list-style-type: none"><li>• No issues were raised.</li></ul>  |
| <b>Gender Identity</b>       | <ul style="list-style-type: none"><li>• No issues were raised.</li></ul>  |
| <b>Religion and Belief</b>   | <b>Quantitative Data</b> <ul style="list-style-type: none"><li>• The Home Office does not hold statistics on Terrorism arrests. It continues to research with the police the future publication of Terrorism arrest statistics. Detention period statistics are included in this review.</li></ul> <b>Qualitative Data</b> <ul style="list-style-type: none"><li>• There is a perception that the majority of people arrested under s.41 of the Terrorism Act 2000 (TACT) are Muslim.</li><li>• There are strong concerns expressed by representatives of the Muslim community that they are being targeted as a religious group rather than individuals from that group.</li><li>• The police noted that there was concern in the Muslim community that they are being targeted as a group rather than individual suspects.</li></ul> <b>Pre Charge Detention</b> <ul style="list-style-type: none"><li>• Muslim groups said that pre charge detention may risk information being forthcoming from members of the community in the future.</li></ul> |

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|                           | <p><b>Measures in relation to DNA</b></p> <ul style="list-style-type: none"> <li>• Muslim groups were concerned that this would be used to retain and use DNA only of Muslims.</li> </ul> <p><b>Collecting information of use to terrorists</b></p> <ul style="list-style-type: none"> <li>• Muslim groups said there were concerns within the community that they were not sure what they were allowed to talk about any more. The offence of collecting information about service personnel of use to terrorists would compound this.</li> </ul> |
| <b>Sexual Orientation</b> | <ul style="list-style-type: none"> <li>• No issues were raised.</li> </ul>   |
| <b>Age</b>                | <ul style="list-style-type: none"> <li>• No issues were raised.</li> </ul>   |

**Stakeholders**

Faith Groups  
Civil Liberty Organisations  
Community Groups  
Department for Communities and Local Government  
Cabinet Office  
Attorney General's Office  
Northern Ireland Office  
Scottish Executive  
HMRC  
Crown Prosecution Service  
Police  
Prison Service  
Security and Intelligence Agencies  
Local Councils

**Qualitative data from consultation**

The qualitative data shows that there is a belief amongst the Muslim community that they are discriminated against by existing legislation and that there is a possibility for this to continue with the proposed legislation. To support this view references made to discriminatory media coverage and language used in regards to terrorism. Muslim community representatives expressed a concern that this may lead to an increased reluctance among these communities to provide vital co-operation and assistance to the police and security services.

There was an acceptance amongst all groups involved in the consultation that the UK faced a serious threat from international terrorism and that the Government must take action. Representatives from the Muslim community accepted that action was necessary but wanted to be certain that appropriate

safeguards were in place to avoid abuse of the power and that the use of powers was always proportionate.

A consultative approach was taken for this Bill with meetings being held across the country. We invited approximately 200 individuals to regional seminars of which around 120 attended. We met with representatives from the police, judiciary, civil liberties organisation and community representatives. We wrote to over 100 organisations asking for comments on our proposals. This consultative approach was welcomed and there was broad recognition of the new way of doing things.

The consultation showed that whilst the Government has made some improvements in the way it communicates policies around counter-terrorism. It was felt by many practitioners and community groups that the focus was too often placed on legislative powers and not enough action being taken to improve civic leadership and community cohesion.

### **Specific Equality Issues**

The specific equality issue raised during consultation was that counter terrorism legislation was anti-Muslim. The powers within CT legislation are not aimed at a particular race, religion, or any other group. They are aimed at terrorists, whatever background or section of society they may come from. We are committed to improving and developing a close partnership with the Muslim community with the shared aim of combating terrorism.

The Government will consider all of the issues raised in the consultation period. Consultation with stakeholders shall continue throughout the passage of the Bill and during implementation.

We continue to engage with communities as part of the Prevent strand of the counter terrorism strategy.

## GATHERING EVIDENCE THROUGH COMMUNITY ENGAGEMENT

**INTERNAL STAKEHOLDER ENGAGEMENT:** Consulting & involving Other Government Departments, Staff, Agencies & NDPBs

The measures we are proposing in the Bill result from a cross-Whitehall review of existing CT legislation. That review highlighted two key areas where our legislation might be strengthened. During consultation we spoke to other Government departments.

The legislation team is part of the wider work being carried forward by the Government on counter terrorism. The strategy, of which legislation is a part, provides the forum in which to discuss the effects of proposals on other public policies.

The cross-Government counter terrorism strategy comprises 4 strands; Prevent, Pursue, Protect and Prepare. Legislation is just one part of this expansive strategy. As part of the structure of the counter terrorism strategy there are several opportunities for internal consultation at all levels. There are various cross-Government workstreams that relate to counter-terrorism, including the development of a National Security Strategy, agreeing a Public Service Agreement for counter-terrorism, and taking forward the work of the Research, Information and Communications Unit (RICU) that is located in the Home Office but reports jointly to the Home Office, FCO and DCLG.

Furthermore, the Prime Minister's announcements about Machinery of Government changes on 29 March 2007 introduced a new Cabinet committee structure to oversee security and counter terrorism work, a key recommendation of the previous Home Secretary's review of Autumn 2006 that there should be greater ministerial oversight. As part of the drive to improve ministerial oversight of security and counter-terrorism work, the Home Secretary chairs a weekly security meeting, bringing together senior representatives from the police, intelligence agencies and key government departments.

Consultation specifically on the Bill has involved stakeholders from within the Home Office and across Whitehall. The Department for Communities and Local Government have been involved in the consultation seminars organised around the country. We have consulted colleagues during policy formulation, on draft clauses of the Bill and impact assessments. We will continue to consult colleagues throughout the parliamentary process of the Bill and on into the implementation phase.

The four strands of the cross-Government counter terrorism strategy are below:

### **Prevent**

The Prevent strand is concerned with tackling the radicalisation of individuals, both in the UK and elsewhere, which sustains the international terrorist threat.

The Government seek to do this by:

- tackling disadvantage and supporting reform by addressing structural problems in the UK and overseas that may contribute to radicalisation, such as inequalities and discrimination.
- deterring those who facilitate terrorism and those who encourage others to become terrorists by changing the environment in which the extremists and those radicalising others can operate.
- engaging in the battle of ideas by challenging the ideologies that extremists believe can justify the use of violence, primarily by helping Muslims who wish to dispute these ideas to do so.

### **Pursue**

The Pursue strand is concerned with reducing the terrorist threat to the UK and to UK interests overseas by disrupting terrorists and their operations. It has a number of aspects:

- gathering intelligence and improving our ability to identify and understand the terrorist threat.
- disrupting terrorist activity and taking action to frustrate terrorist attacks and to bring terrorists to justice through prosecution and other means, including strengthening the legal framework against terrorism.
- international co-operation by working with partners and allies overseas to strengthen our intelligence effort and achieve disruption of terrorists outside the UK.

### **Protect**

The Protect strand is concerned with reducing the vulnerability of the UK and UK interests overseas to a terrorist attack. This covers a range of issues including:

- strengthening border security, so that terrorists and those who inspire them can be prevented from travelling here and we can get better intelligence about suspects who travel, including improving our identity management.
- protecting key utilities by working with the private sector.
- transport; reducing the risk and impact of attacks through security and technological advances.
- crowded places; protecting people going about their daily lives.

### **Prepare**

The Prepare strand is concerned with ensuring that the UK is as ready as it can be for the consequences of a terrorist attack. The key elements are:

- identifying the potential risks the UK faces from terrorism and assessing their impact.
- building the necessary capabilities to respond to attacks.
- continually evaluating and testing our preparedness, including through identifying lessons from exercises and real-life events.

## **EXTERNAL CONSULTATION & INVOLVEMENT EXTERNAL CONSULTATION & INVOLVEMENT**

### **ASSESSMENT & ANALYSIS**

The consultation and available data suggests that there is a potential for a differential impact on faith based communities should the proposals become law. The measures, when taken in isolation, may have an adverse impact on the faith based communities. This impact is being reduced through work being undertaken as part of the Prevent strand of the counter terrorism strategy, which includes:

#### Developing local solutions

- Preventing extremism on the ground through the provision of £6million of new allocations to around 70 local communities through the Preventing Violent Extremism Pathfinder Fund;
- Promoting community ownership and debate by expanding the number of local 'Forums Against Extremism' from 12 to 40 nationally by April 2008.

#### Promoting shared values.

- Ensure the most effective use of the education system in promoting faith understanding in schools, colleges and universities;
- Articulating a mainstream understanding of Islam through the continued support of the work of international clerics in the successful 'Radical Middle Way Roadshows' - with up to 100,000 participants by the end of 2007/8;
- Broadening the curriculum for Madrassahs and giving young people the tools to challenge extremist rhetoric, for example by building on the Nasiha Project in Bradford.

#### Building civic capacity and leadership

- Promoting civic responsibility and leadership in tackling extremism by re-balancing Government engagement towards Muslim organisations which uphold these values;
- Building the capacity of key strategic partners and community leaders through a number of initiatives, such as media and leadership training;
- Empowering Muslim women and young people through local initiatives such as 'Journey of the Soul' in Birmingham, which enables mainstream imams to re-connect with young people as mentors, teachers and authoritative voices.

#### Strengthening the role of faith institutions and leaders

- Improving governance standards for mosques and other places of worship through the establishment of a new Faith and Social Cohesion Unit.
- Building the capacity of faith leaders to shape their communities by developing a Continuous Professional Development programme.
- Improve support into areas where individuals are susceptible to extremism such as prisons and universities by introducing a framework of minimum

standards for imams engaged by the state.

**Does this policy have the potential to cause unlawful direct or indirect discrimination? Does this policy have the potential to exclude certain group of people from obtaining services, or limit their participation in any aspect of public life?**

Whilst there is potential for measures in the Bill to cause discrimination there are safeguards which are in place and which will be in place to avoid any discrimination. The proper exercise of these powers would not result in discrimination since they can be applied to any individual. It is in the abuse of these powers that a risk of discrimination resides. Below are details of safeguards to avoid such abuse of the proposed powers in the Bill.

The Independent Reviewer of Terrorism Legislation produces an annual report which reviews the application of terrorism legislation. All the powers in this piece of legislation will be subject to review by the Independent Reviewer of Terrorism Legislation.

There are various channels that members of the public can bring concerns/complaints in relation to race, and sex discrimination. The concerns/complaints can be brought to the attention of:

- Chief Constable/ Police authority Chair (if the complaint is about them directly).
- The Diversity staff associations such as NBPA, BAWP, GPA and Federation and Unison can also help (internal cases only)
- The new body (Equality and Human Rights Commission) recently which replaced CRE, DRC and EOC may also be able to take on complaints from members for the public.
- Local voluntary organisations such as law centres, race equality councils and other campaign groups can also help and guide members of the public in relation to police complainants.

**Pre Charge Detention**

- We published on 6 December detailed proposals to allow an extension to the pre-charge detention limit in terrorist cases from the current 28 days to 42 days. The new proposal will not extend the pre-charge detention limit beyond 28 days now but will enable the limit to be extended in future – and only then if there is a clear and exceptional need to do so.
- If the higher limit of 42 days was required it would be temporary power which could remain in force for a maximum of 60 days. The Home Secretary's decision to make the higher limit available would need to be debated and approved by both Houses of Parliament within 30 days

of it coming into force and the higher limit would be accompanied by strong judicial safeguards.

- It is right and proper to legislate now to ensure that we have the ability to activate the necessary powers when there is a clear operational need for them. It is the responsibility of Government to ensure that the police have the tools they need to tackle terrorism - we would be failing in our responsibility to protect national security if we waited until we needed more than 28 days before legislating.
- We have listened to the concerns of community groups and others and have come up with a proposal which will ensure the higher limit can only be made available when there is an exceptional need (for example where there are multiple plots, or links with multiple countries, or exceptional levels of complexity) and that it will be temporary and subject to strong oversight from Parliament and stringent judicial safeguards
- We believe that this proposal balances the need to protect individual human rights against providing the police with the powers they need, when they need them, to deal with terrorism.
- The applications are usually strenuously contested and consideration can last many hours. The officer may be questioned by the defence solicitor about all aspects of the case.
- The higher limit could only be made available if there was a joint report from a Chief Constable and the Director of Public Prosecutions / Lord Advocate setting out reasonable grounds for believing that more than 28 days would be required to obtain, preserve or examine relevant evidence and stating that the investigation was being carried out diligently and expeditiously. The Home Secretary would then decide whether to bring into force the higher limit of 42 days and would need to provide a statement to Parliament within 2 days or as soon as practicable where this happens.
- The Home Secretary's decision to make the higher limit available would need to be debated and approved by both Houses of Parliament within 30 days of it becoming available and it would fall automatically after 60 days.
- The holding of individual suspects beyond 28 days would remain a matter for judges to decide and this could not be done for more than 7 days at a time. The DPP's consent will be required for all applications to hold a suspect beyond 28 days. Parliament would be informed each time the courts agreed to detain a suspect beyond 28 days.
- As now, judges will need to be persuaded that there are reasonable grounds to believe that the further detention is necessary to obtain or preserve relevant evidence and that the investigation is being conducted

diligently and expeditiously.

- Judges can of course grant less than the full 7 days extension requested and can refuse further detention where they feel this is not justified.
- In addition to these judicial and Parliamentary safeguards, Lord Carlile, the independent reviewer of terrorism legislation, would be required to report on each case where detention went beyond 28 days and on the Home Secretary's decision to bring the higher limit into force. This report would be debated in Parliament.
- Detainees held under terrorism legislation also receive visits from Independent Custody Visitors who, in addition to normal expectations, would need to be satisfied that the detainees had seen the forensic medical expert and been offered a shower and some outdoor exercise each day; that detainees who wish to have them have been provided with the necessary books or equipment to enable them to carry out religious observances; and that detainees are being given food which accords with their religion or medical needs. The usual checks and inspections carried out when visiting PACE detainees should also apply to high security detainees.
- Individuals held pre charged usually get transferred to prison after 14 days, these are the safeguards against discrimination whilst being held in prison.
- The Race Relations Act 1976 as amended by the Race Relations Amendment Act 2000 makes it illegal for any public authority to act in a way which constitutes discrimination. To try to monitor impact of functions or policies of the Prison Service race equality impact assessments are conducted.
- Given the number of areas that require assessment, priority was given to areas identified as failing by the Commission for Racial Equality in the report of their investigation into the Prison Service (published 2003). There was a central mandate to establishments to conduct impact assessments on 10 function or policy areas (see Annex 3 of PSO 2800) by September 2006.
- To better ensure local accountability and risk management establishments are now required to produce individual impact assessment programmes. The programme will set out when each of the areas relevant to race will be impact assessed, by whom and how often each area will be reviewed. Programmes are agreed with the Area Manager annually and a national record is maintained.
- Programmes are based on a risk assessment, prioritising the areas of most relevance to race equality and/or importance to the running of the establishment. For example, areas that are particularly important to the type of prison, those in which ethnic monitoring data is showing a

persistent imbalance in outcomes, or those in which large numbers of complaints are being received from prisoners of a particular racial group will be prioritised.

- Whilst an annual impact assessment programme must be set out and agreed as described above this process is not designed to limit establishments. Programmes should be flexible and responsive to changing needs and priorities
- The Prison Service will treat all prisoners with disabilities with decency and without discrimination and will offer them equality of opportunity in all aspects of prison life. All prisons must ensure an assessment of prisoners' needs is made during reception and induction. Prisoners with disabilities need to be given the opportunity to declare their disability at the earliest opportunity or otherwise as they wish. It is important to take into account that under the DDA declaration is voluntary, and it is important not to label prisoners who do not regard themselves as disabled. Any information given is subsequently recorded on a prisoner's record and on the Local Inmate Database System (LIDS). The Prison Service looks to meet the needs of all prisoners with disabilities by ensuring that adjustments are made to facilities on a 'case by case' basis as well as by satisfying individual needs by making adjustments to prison routines where necessary. During the induction process a prisoner with disabilities will need to have access to an induction programme adapted to meet their individual needs. Where possible information given on induction as well as other important information needs to be made available in alternative formats e.g. large print, pictorial, Braille and audio-tape.
- The Prison Service Order on prisoners with disabilities is being revised and is currently out for consultation. It is hoped that it will be with the Prison Service Operational Policy Group for agreement soon and that it will be published at the end of the year. The Prison Service Order will introduce a disability impact assessment for prisoners. Alongside this there will be a disability equality scheme for prisoners with a requirement to complete an [establishment](#) action plan. The action plan will highlight work [required](#) to improve the equality of opportunity for [disabled](#) prisoners. The Prison Service Order will make the action plan a mandatory requirement. Any prison where individuals will be detained pre charge will have to implement an action plan.

### **Control Orders**

- Control Orders can be made against individuals whom the Secretary of State has reasonable grounds for suspecting are or have been involved in terrorism-related activity, and where she considers it necessary for purposes connected with protecting members of the public from a risk of terrorism.
- The Secretary of State applies to the High Court for permission to make a non-derogating control order (in urgent cases, the Secretary of State

may make a non-derogating order without permission but it must be confirmed by courts within 7 days).

- The High Court makes derogating control orders, after application by the Secretary of State.
- Once made, all control orders are subject to mandatory review by the High Court at a hearing, applying judicial review principles.
- Control orders are subject to strict time limitations (12 months for non-derogating control orders and 6 months for derogating control orders, though both can be renewed).
- The Act is subject to an annual review by Lord Carlile, the independent reviewer of counter-terrorism legislation.
- The Home Secretary must report to Parliament every three months on the exercise of her powers during that time.
- The control order measures in the CT Bill are amendments to existing legislation, intended to ensure control orders are as effective as possible in addressing the risk posed by individuals subject to them. The proposals include giving police greater powers of entry, search and seizure in order to more effectively monitor and enforce compliance with obligations under a control order and enable DNA samples to be taken and retained for specific purposes from those persons who are the subject of a control order. These new powers have appropriate safeguards that mirror those already existing in legislation allowing for entry, search and seizure and the taking and retention of DNA samples. Pre-existing safeguards governing the control order regime will, of course, also continue to apply.

### **Data Sharing**

- The proposed changes will not affect the existing statutory safeguards in the Security Services Act 1989 as amended. The Service may only obtain information as far as necessary for the proper discharge of statutory functions. They may only disclose information for the same reasons, or for the prevention and detection of serious crime, or in connection with any criminal legal proceedings. Similar arrangements apply for SIS and GCHQ as set out in the Intelligence Services Act 1994.

### **DNA**

- It is vital that DNA samples (and fingerprints) obtained by the police are put to the best possible use in the protection of national security and the prevention, detection, investigation and prosecution of crime. The proposed measures provide a legal framework for the retention and use of DNA samples (and fingerprints) collected covertly by the police under existing powers, such as the Police Act and RIPA, but not covered by the provisions on retention and use set out in PACE. The measures

will ensure that relevant samples may be identified and used by the police and intelligence agencies and, in particular, that samples held on the NDNAD may be checked against covertly obtained samples

- Data will be reviewed on a regular basis to confirm that retention is still necessary.
- There are statutory restrictions on the use to which DNA samples can be put.
- The Information Commissioner will provide independent oversight of the DNA database.
- Access to the DNA database will be available only to those with a suitable level of vetting and will be subject to a full and comprehensive audit trail.

#### **Terrorist Asset Freezing**

- The proposed measures will ensure that court rules put in place clear procedures to be followed in the event of a challenge to an asset freezing decision. They will ensure that all the information and evidence on which a decision was lawfully taken can be considered in court, and that there are appropriate safeguards in place to protect closed material and the individual's rights in respect to decisions made in reliance on that material.

#### **Section 19 – Disclosure of suspicious financial activity**

- Once information has been disclosed it is at the discretion of the police to investigate or not. If an individual discloses information which he knows is untrue in an attempt to persecute another individual on the grounds of age, sex, race, religion, nationality, disability, gender, gender identity, sexual orientation they will be liable to be charged with wasting police time under section 5(2) Criminal Law Act 1967. The maximum penalty for this is 6 months imprisonment.

#### **Section 58 Terrorism Act 2000 – eliciting, publishing or communicating information about Service personnel**

- No equality issues.

#### **Post Charge Questioning**

- The proposed measures only allow an individual can only be questioned relating to the offence for which they have been charged. The Government is considering specifying a time limit on post-charge questioning and also requiring a suitable level of approval for post charge questioning to take place to act as a safeguard in its use.

#### **Terrorism Notification Requirement**

- The requirement to notify applies to individuals convicted of terrorist offences. The individual will be able to appeal his conviction and/or the determination of terrorist connection through the usual routes.

#### **Enhanced Sentencing**

- An individual subject to an enhanced sentence will have the usual routes of appeal against the sentence available.

#### **Gas Sites**

- No equality issues.

#### **Power to Examine Documents**

- The constable making the search will be required to make a written record of the examination as soon as is reasonably practicable. The Chief Constable will be asked to account for any data which implies a discriminatory application of the power.

#### **Amending the definition of terrorism**

- The current definition includes acts or threats which are done for religious, ideological or political purposes. Although racial causes are probably already covered by the existing definition there may be a case for making this explicit.

#### **How does the policy promote equality of opportunity?**

These measures will protect everyone from the dangers of terrorism.

#### **How does your policy promote good relations? How does this policy make it possible for different groups to work together, build bridges between parallel communities, or remove barriers that isolate groups and individuals from engaging in civic society more generally?**

It is vital to ensure that we have the legislative powers necessary to counter the threat of terrorism but it needs to be set in the wider context of what we are doing on counter terrorism more generally. The objectives of the measures in the Bill (to improve public protection, to get more successful prosecutions, to help the investigation of terrorism, to help deter involvement in terrorism and to ensure the police have sufficient time to charge terrorist suspects and the right tools to deal with terrorist suspects who we cannot prosecute) will increase the safety of UK citizens enabling them to engage in civic society with a lesser fear of terrorism.

**How can the policy be revised, or additional measures taken, in order for the policy to achieve its aims without risking any adverse impact?**

We are working with community leaders through the consultation process on how the effects of the measures can be limited to those individuals who are terrorist suspects.

We will build on the consultation seminars which took place throughout summer/autumn 2007 by working with stakeholders during the implementation of the Bill.

## ENSURING ACCESS TO INFORMATION

**How can you ensure that information used for this EIA is readily available in the future?**

(N.B. You will need to include this in your action plan)

The final document will be published and available on the Home Office, Office for Security and Counter Terrorism website. (<http://security.homeoffice.gov.uk/>).

**How will you ensure your stakeholders continue to be involved/ engaged in shaping the development/ delivery of this policy?**

(N.B. You will need to include this in your action plan)

The Government will continue to consult with stakeholders during implementation of the legislation. Also, work will continue on the ground as part of the counter terrorism strategy when stakeholders will have opportunities to feedback on the policies in the legislation.

**How will you monitor this policy to ensure that the policy delivers the equality commitments required?**

(N.B. You will need to include this in your action plan)

The Government will monitor the use of powers created in the legislation to ensure that they are not applied in a discriminatory fashion. With regard to police powers, this will be through recording requirements detailed above.

**Now submit your EIA and related evidence for clearance.**

## ACTION PLAN

| Recommendations                  | Responsibility   | Actions required  | Success Indicators | Target Date                         | What progress has been made? |
|----------------------------------|--|---|--------------------|-------------------------------------|------------------------------|
| Monitoring & Review Arrangements | Independent reviewer of terrorist legislation  | Annual review of the application of terrorism legislation |                    | Published annually in Spring/Summer |                              |
|                                  | Regular reviews of the use of pre charge detention by the independent reviewer of terrorist legislation. |   |                    |                                     |                              |