PEEL: Police legitimacy 2017

A national overview

Contents

Foreword

Public co-operation and support is a vital part of enabling the police to keep people safe and reduce crime, and questions of police legitimacy continue to affect public perceptions of policing. Discussions on the benefits and problems associated with stop and search, and the rights and wrongs of using restraint equipment such as spit-guards, play in the media.

Police forces must grapple with these problems, and show communities that they are treating people with fairness and respect, if they are to achieve trust and confidence. Police actions that are perceived to be unfair, disrespectful or corrupt are extremely damaging to public confidence. Where problems occur, forces must act quickly and appropriately, and must be seen to do so. That is why HM Inspectorate of Fire & Rescue Services (HMICFRS) undertakes an annual inspection of the legitimacy with which police forces operate.

While our inspection questions change from year to year, our overall focus remains the same: we assess the extent to which forces treat people with fairness and respect; the extent to which they ensure their workforces act ethically and lawfully; and the extent to which those workforces feel they have been treated with fairness and respect by forces. The results of this year's inspection have been largely positive; the police service continues to demonstrate its commitment to maintaining legitimacy in the eyes of the public.

However, we have found some significant areas where forces need to improve. Making improvements to the legitimacy with which forces operate requires time, effort and continuing commitment. It is vital that forces continue to focus on this as a crucial aspect of effective policing, including learning from those forces that we have identified as performing well.

Once again, I would like to thank all the forces that we inspected for welcoming and supporting our inspection teams again this year, particularly those forces that have been under more strain than usual because of the tragic terrorist attacks.

Michael Cunningham

HM Inspector of Constabulary

Summary of findings

HMICFRS[1] assesses the legitimacy of police forces across England and Wales as part of its annual police efficiency, effectiveness and legitimacy (PEEL) inspections. We define a legitimate force as one in which those working in it are seen by the public consistently to behave fairly, ethically and within the law.

This is our third national report on police legitimacy. The findings are based on inspections carried out between April and July 2017. It is published alongside individual reports on the legitimacy of each Home Office-funded police force in England and Wales.

Methodology

The main question we considered is the same one we asked in the last two years: How legitimate are the police at keeping people safe and reducing crime?

Each police force is given one of four grades for its overall legitimacy: outstanding, good, requires improvement, or inadequate. They are also graded on three core questions, the results of which are set out in the following pages. The grades and individual legitimacy reports for all police forces are available on the HMICFRS website: www.justiceinspectorates.gov.uk/hmicfrs/peel-assessments/peel-2017/

In writing this report, we have considered a range of data and documents that police forces have submitted, and have carried out fieldwork in each force, including interviews and focus groups with officers and staff. More information about how we inspect and grade as part of this wide-ranging inspection can also be found on the HMICFRS website (www.justiceinspectorates.gov.uk/hmicfrs/peel-assessments/how-we-inspect/).

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[1] These inspections began before 19 July 2017, when HMIC also took on responsibility for fire & rescue service inspections and was renamed HM Inspectorate of Constabulary and Fire & Rescue Services. The methodology underpinning our inspections' findings is unaffected by this change. References to HMICFRS in this report may relate to an event that happened before 19 July 2017, when HMICFRS was HMIC. Citations of documents which HMIC published before 19 July 2017 will still cite HMIC as the publisher.

Main findings

Overall, HMICFRS' assessment of how legitimate forces in England and Wales are at keeping people safe and reducing crime was positive. One force has been graded as outstanding, 35 as good, 6 forces as requires improvement, and no forces as inadequate.[2] This is largely consistent with the overall legitimacy judgments in 2016.

To what extent do forces treat all the people they serve with fairness and respect?

Overall, the police forces of England and Wales are good at treating all the people they serve with fairness and respect. HMICFRS assessed two forces as outstanding, 32 as good and eight as requiring improvement for this inspection question. None was graded as inadequate. This is a slight reduction in the number of forces being graded as good compared to last year's inspection (38 forces were graded as good and three as requiring improvement). This may be because we focused on different aspects of police legitimacy this year. As such, we cannot provide a direct comparison with last year's overall grades for this question, although where it is possible to indicate trends in findings between years, we do so in this report.

We were pleased to find that police leaders continue to have a clear understanding of the value of treating the public with fairness and respect, and are succeeding in establishing this approach throughout their workforces. Forces are increasingly providing training in unconscious bias and communication skills, to improve their interactions with the public and enhance the public's perception that they are treated fairly and with respect. Workforce understanding of how to use coercive powers fairly and with respect is generally good, and we have seen a sustained improvement in the recording of reasonable grounds for stop and search. However, how effective forces are at recording, monitoring and using external scrutiny to understand their use of these powers is variable across the country and, in some cases, must improve. We are particularly concerned about the over-representation of black people in stop and search figures, and the extent to which forces are able to explain this disparity.

Forces and the public would also benefit from further consideration of the efficacy, safety and legitimacy of use of spit-guards, with a view to providing national advice or guidance that encourages safe and proportionate use across all forces.

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[2] Following the terrorist attack at Manchester Arena on 22 May 2017, in which 22 people were killed by a suicide bomber, and after consulting Greater Manchester Police, HMICFRS decided not to undertake the scheduled early June inspection fieldwork. HMICFRS later completed a limited inspection, which included a series of interviews and visits to operational departments and police stations. Although we were unable to implement the full inspection methodology, our inspection was sufficient to allow us to report on the legitimacy of Greater Manchester Police and to provide a descriptive assessment, although not to make a graded judgment.

How well do forces ensure that their workforces behave ethically and lawfully?

Overall, the police forces of England and Wales are good at ensuring that their workforces behave ethically and lawfully. HMICFRS assessed 34 forces as good and eight as requiring improvement for this inspection question. None was graded as either outstanding or inadequate. Despite no forces being graded as outstanding, overall these grades are a notable improvement since last year, when 16 forces were graded as requiring improvement. This improvement is likely to be because we examined different aspects of police legitimacy in 2016: counter-corruption activity in place of complaints handling. As such, we cannot provide a direct comparison with last year's overall grades for this question, although where it is possible to indicate trends in findings between years, we do so in this report.

We were pleased to find that consideration of ethics as part of decision-making processes is becoming more widespread, featuring in training and guidance across police forces. By contrast, the shortcomings in compliance with national vetting policy that we found in our 2016 inspection have still not been remedied in some forces. This continues to be a cause of concern. Force handling of complaints presents a mixed picture, especially when it comes to providing appropriate follow-up to complainants and responding to discrimination complaints appropriately. Some forces need to do more to inspire public confidence in the complaints system.

To what extent do forces treat their workforces with fairness and respect?

Overall, the police forces of England and Wales are good at treating officers and staff with fairness and respect; however, improvement is still required in nearly a third of forces. HMICFRS assessed one force as outstanding, 27 as good and 14 as requiring improvement for this inspection question. None was graded as inadequate. These results are slightly lower than last year's inspection grades (three forces were graded as outstanding, 28 as good and 12 as requiring improvement). The reasons for this are likely to be because we examined different aspects of police legitimacy in 2016, but also because forces' ability to manage and develop the performance of their officers and staff continues to be a problem. Where it is possible to indicate trends in findings between years, we do so in this report.

Forces continue to seek challenge and feedback from their workforce, and monitor workforce data and information to identify workforce concerns. We found that forces are making improvements in response to concerns, and grievances are generally handled well, although forces need to do more to demonstrate to their workforce that effective action has been taken to address their concerns and improve fairness at work. We were pleased to find that forces have continued to make progress on improving the extent to which their workforces reflect the diversity of local communities, and recognising the importance of workforce wellbeing. However, provision of – and access to – wellbeing support remain variable, and many supervisors continue to lack confidence in identifying and supporting people with

wellbeing concerns. Also, we were disappointed to find little improvement in the management of individual performance of officers and staff, albeit some forces are introducing new ways to monitor workforce performance and identify talent.

Conclusion and next steps

The public can have confidence that police forces are committed to sustaining and improving their legitimacy in the eyes of the public, including acting ethically and lawfully and treating all the people they serve with fairness and respect so they can keep people safe and reduce crime.

We continue to find positive examples of forces that are investing in the knowledge and skills of their workforces, monitoring disparities and acting to improve the wellbeing of their workforces. However, there is more to do to ensure that all forces are able to demonstrate that they are doing these things, particularly when they use force and stop and search powers.

It is imperative that all forces monitor a comprehensive set of data and information so they are able to understand, explain and act on their findings. The same is true for our concerns regarding force vetting, and individual performance management. Effort spent now in these areas is an investment in retaining the public trust and confidence in the police that is so vital in enabling police effectiveness.

We will continue to assess progress on causes of concern and areas for improvement identified within this and our force-level reports in a number of ways. We receive updates on progress through our regular dealings with forces, re-assess progress as part of our annual PEEL programme and, in the most serious cases, revisit forces.

Findings and judgments from this and last year's PEEL legitimacy inspections will also be used to direct the design of the next cycle of PEEL legitimacy assessments. The specific areas for assessment, based on further consultation, are yet to be confirmed, but we will continue to assess procedural and organisational justice aspects of police legitimacy to ensure that our findings are comparable year on year.

Legitimacy in numbers

Workforce

Total workforce (full time equivalents) as of 31 March 2017

198,367

Total workforce breakdown (full time equivalents) as of 31 March 2017

officers	staff (including section 38)	PCSOs
123,142	**65,012**	**10,213**
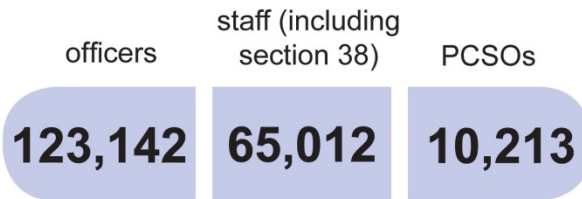
Ethnic diversity

Percentage of BAME in workforce 31 March 2017

overall

7%

officers	staff	PCSOs
6%	**7%**	**9%**
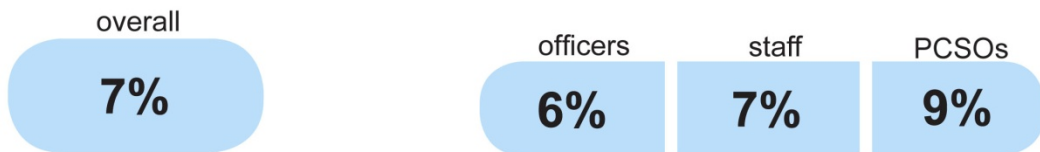
Percentage of BAME in England and Wales, 2011 Census

14%

Gender diversity

Percentage of females in overall workforce 31 March 2017

England and Wales workforce	England and Wales population, 2016 estimate
40%	**51%**
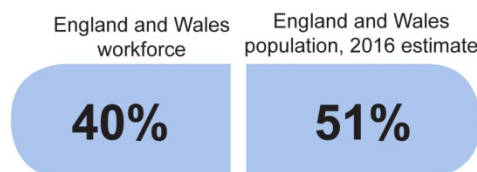
Percentage of females by role 31 March 2017

officers	staff	PCSOs
29%	**61%**	**45%**
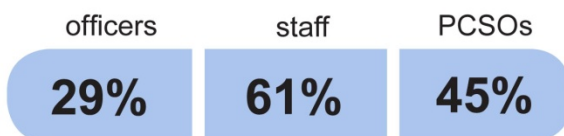
Grievances

Number of grievances per 1,000 workforce raised and finalised 10 months to 31 March 2017

England and Wales force average

Officers	**4.1**
PCSOs	**4.4**
Staff	**6.2**

Stop and search

Number of stops and searches carried out in 2016/17 (excluding 'vehicle only' searches)

England and Wales figures

295,662

Number of stop and searches per 1,000 population in 2016/17

5.1

Note: All figures exclude section 38 staff unless stated otherwise. Stop and search data is for 2016/17. In legitimacy 2017 force reports, stop and search data for 2015/16 was the most recent available at the time of inspection. For further information about the data used, including information about section 38 staff, please see annex A.

About police legitimacy

> "The police are meant to be the fair ones, they're meant to be the moral compass, so when they're not acting right or protecting people that makes me want to not have any contact with them at all."[3]

Police legitimacy – a concept that is well established in the UK as 'policing by consent' – is crucial in a democratic society. The police have powers to act in ways that would be considered illegal by any other member of the public (for example, by using force or depriving people of their liberty). Therefore, it is vital that they use these powers fairly, and that they treat people with respect in the course of their duties.

Police legitimacy is also required for the police to be effective and efficient: as well as motivating the public to co-operate with the police and respect the law, it encourages them to become more socially responsible. The more the public supports the police by providing information or becoming more involved in policing activities (such as Neighbourhood Watch, or other voluntary activity), the greater the potential for reduction in demand on police forces.

To achieve this support – or 'consent' – the public needs to believe that the police will treat them with respect and make fair decisions, taking the time to explain those decisions, as well as being friendly and approachable.[4] This is often referred to as 'procedural justice'. Police actions that are perceived to be unfair or disrespectful can have extremely negative results for police legitimacy in the eyes of the public.

Police officers and staff are more likely to treat the public with fairness and respect if they feel that they themselves are being treated fairly and respectfully, particularly by their own police force. It is therefore important that the decisions made about the things that affect them are perceived to be fair.[5] This principle is described as 'organisational justice', and HMICFRS considers that, alongside the principle of procedural justice, it makes up a vital aspect of any assessment of police legitimacy.

One of the most important areas in which organisational justice and procedural justice principles come together is the way in which police forces ensure that their

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[3] Quote from a young black female during a focus group on police legitimacy conducted by HMICFRS with members of Voyage Youth in July 2017. For information on Voyage Youth visit: www.voyageyouth.com

[4] *It's a fair cop? Police legitimacy, public cooperation, and crime reduction*, NPIA, 2011. Briefing available at: whatworks.college.police.uk/Research/Documents/Fair_Cop_Briefing_Note.pdf

[5] *Fair Cop 2: Organisational justice, behaviour and ethical policing*, College of Policing, 2015. Available at: whatworks.college.police.uk/Research/Documents/150317_Fair_cop%202_FINAL_REPORT.pdf

workforce behaves ethically and lawfully. This year we continued our assessment of how well forces develop and maintain an ethical culture, and we re-examined how forces deal with public complaints against the police. We also integrated aspects of leadership into our assessment of legitimacy, as the two areas are closely linked.

To what extent do forces treat all the people they serve with fairness and respect?

In 2016, we graded nearly all forces as good or outstanding in the extent to which they treat all the people they serve with fairness and respect. However, an Ipsos MORI survey of the public in the same year found that only 49 percent of respondents agreed that the police in their local area treated everyone fairly all or most of the time, and only 48 percent of respondents agreed that the police in their local area used their powers fairly all or most of the time.[6] Assessing the extent to which forces treat all the people they serve with fairness and respect therefore remains a central aspect of our inspection.

This year, we have included within this broad assessment a more focused look at how forces deploy two coercive powers: use of force, and stop and search. Last year we found that few forces routinely recorded and monitored data on use of force, and we committed to returning to examine grounds for use of stop and search powers. This year's inspection focused on monitoring and scrutiny of these coercive powers, as well as leaders' and the wider workforce's understanding of how to use them fairly and with respect.

Understanding the importance of fair and respectful treatment

Leaders

During our inspection, we found that most forces' leaders demonstrated a strong understanding of the value of treating the people they serve with fairness and respect. Almost all had established a clear understanding of this through their force's vision or values, underpinned by the policing Code of Ethics.[7] In better-performing forces these values had been developed in collaboration with members of the workforce, and as a result they were widely recognised, and understood. More detail on HMICFRS' findings in this area will be discussed in our forthcoming leadership report.

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[6] In 2016, HMICFRS commissioned Ipsos MORI to survey members of the public throughout England and Wales to seek their views on policing. The results of the survey are available at: www.justiceinspectorates.gov.uk/hmicfrs/publications/public-views-of-policing-in-england-and-wales-201617/

[7] *Code of Ethics: A Code of Practice for the Principles and Standards of Professional Behaviour for the Policing Profession of England and Wales*, College of Policing, 2014. Available at: www.college.police.uk/What-we-do/Ethics/Pages/Code-of-Ethics.aspx

Wider workforce

To assess the extent to which leaders are translating this strong strategic understanding of the importance of fair and respectful treatment into operational practice on the front line, we examined what training forces had in place to address two barriers to effective engagement with the public: unconscious bias and poor communications skills. Also, we spoke to officers and staff to assess whether this training had resulted in improved understanding and practice.

Addressing unconscious bias

Personal biases are influenced by factors including people's background, personal experiences and occupational culture, and these can affect our decision-making. When people have to make quick decisions these biases can, without them realising, cause them to put particular groups of people at a disadvantage. It is vital that police officers and staff understand their own biases and how to overcome them, so that the decisions they make are fair.

We were pleased to find that most forces had embarked on training some or all of their officers and staff on unconscious bias. However, levels of training varied across England and Wales:

- some forces had provided extensive guidance or training (including, in a small number of forces, bespoke face-to-face training sessions)

- many forces only offered online guidance, with no means of ensuring that all officers and staff had viewed or understood it; and

- some forces were only training certain groups, such as frontline officers or those leading recruitment exercises.

Despite this variation, most officers and staff we spoke to understood the concept of unconscious bias, and many were able to give compelling practical examples of how they had used this understanding to overcome personal bias in a range of situations. Most forces, however, still have more work to do to ensure their entire workforce is equipped to make fair decisions and to treat the public and their colleagues in a way that does not lead to unfair treatment of particular individuals or groups.

Avon and Somerset Constabulary

Avon and Somerset Constabulary has introduced an unconscious bias steering group, chaired by a chief officer, which raises awareness of unconscious bias across the workforce, to help officers and staff to make fair decisions. The group focuses on recruitment, selection, promotion, induction, training and continuous professional development.

<u>Improving communication skills</u>

Communication skills – such as active listening, showing empathy, building rapport, using positive and supportive language, and explaining actions and decisions in a friendly manner – can improve the quality of interactions between the police and the public, and so help to build positive and respectful relationships and perceptions.[8] We assessed the training and guidance provided to those in frontline roles, and asked the officers and staff we spoke to for examples of when and how they had applied these skills in their everyday interactions with the public.

We found that the most forces provided some form of training or guidance on communication skills to frontline officers and staff. However, this was often in the form of conflict management and de-escalation techniques provided during personal safety training, rather than specifically on the kinds of communication skills set out above. Considering the potential for application of these skills to have a positive effect on the quality of interactions between the police and the public in a variety of situations, including avoiding confrontation and conflict, broader training on this topic would be valuable for all frontline officers and staff.

Most of the officers and staff we spoke to demonstrated a good understanding of the importance of using effective communication skills in everyday interactions with the public. We were encouraged to find that many of these officers and staff could identify how their interactions had improved as a result of these skills.

Durham Constabulary

Durham Constabulary provides all new recruits and police community support officers (PCSOs) with training on communication skills in local towns and villages. The force involves local college students and community volunteers in role-play, sometimes in their own homes, to provide more realism.

Cumbria Constabulary

In Cumbria Constabulary, new recruits spend a week in the area in which they will be posted, working alongside local organisations that manage a diverse range of social and community problems. The close relationship that the recruits build with these groups develops their communication skills, increases their community awareness and establishes a foundation for future co-operation.

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[8] *The Greater Manchester Police Procedural Justice Training Experiment: technical report*, Wheller et al, NPIA, 2013. Available at: http://whatworks.college.police.uk/Research/Research-Map/Pages/ResearchProject.aspx?projectid=305

Use of force

The use of force by police on members of the public is extremely intrusive, and has the potential to cause physical or psychological harm, as well as damaging public trust and confidence in the police. It is therefore important that police forces and the public are confident that force is used fairly and appropriately in all cases. However, as we highlighted in our 2016 legitimacy report, with the exception of data on the use of Taser[9] and firearms, there have previously been no consistent, comparable data on the different types of force used by the police. As a result, it has been difficult for police forces to compare the efficacy of one type of force with another, or to identify exactly what type of force has been used against which people and under what circumstances. Without this information it is impossible for forces to understand the extent to which force is being used proportionately and appropriately, particularly in relation to specific groups, and it limits the ability of the public to scrutinise and hold forces to account for their use of force.[10] We therefore assessed police recording and monitoring of the use of force as part this year's inspection.

Recording the use of force: compliance with the national recording requirement

In April 2017, the National Police Chiefs' Council (NPCC) introduced a national recording requirement for the use of force, including the use of firearms, Taser, baton, handcuffs, leg restraints, spit-guards, incapacitant spray, and control and restraint techniques. The new requirement aims to bring about consistent monitoring and analysis of use of force at force and national levels and to identify any unfair or inappropriate use and to highlight good practice to help protect officers.[11]

We found that 35 forces were complying with the new requirement. Of the remaining eight forces, six were not yet fully compliant, because of IT problems, but were in the process of resolving these issues. However, two forces were choosing not to comply with the recording requirement. These forces are less able to understand how, why and what type of force is used and to what effect. As a result, they are less able either to demonstrate to the public that their use of force is fair and appropriate, or to

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[9] A device designed to incapacitate a person temporarily through use of an electrical current.

[10] A 2016 IPCC report on police use of force drew out matters relating to specific groups: those with mental health concerns, children and young people, people from black and minority ethnic communities, and those held in custody. See *Police use of force: evidence from complaints, investigations and public perception*, IPCC, March 2016. Available at: www.ipcc.gov.uk/sites/default/files/Documents/IPCC_Use_Of_Force_Report.pdf

[11] From April 2017, all forces are required by the NPCC to collect a minimum (but comprehensive) data set in respect of the use of force to allow analysis and monitoring of the fair and appropriate use of force. The David Shaw review which led to the requirement is available at: www.npcc.police.uk/documents/uniformed/2016/Use%20of%20Force%20Data%20Report%20to%20Home%20Sec.pdf

improve fair and respectful treatment by tackling potentially unfair or inappropriate use of force at an individual, organisational and national level. HMICFRS urges those forces that are not already complying with the requirement to do so.

Monitoring the use of force

We found that most forces either monitored the use of force by their officers and staff or had advanced plans to do so. Where monitoring was already taking place it included all types of force.

While most forces' monitoring processes were still new, we found a few forces with well-established and comprehensive processes in place, which enabled them to understand how and why force is used, on whom and with what effect. We encourage all forces to continue to improve the extent to which they monitor comprehensive data on the use of force so they can identify and deal with any inappropriate or unfair use and improve the way people are treated at an individual and force level.

> **Bedfordshire Police, Cambridgeshire Constabulary and Hertfordshire Constabulary**
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> As part of their strategic alliance, the three forces introduced the national recording standard for the use of force in October 2016, six months ahead of the deadline. The strategic alliance is working to increase recording and ensure readiness for the publication of data earlier this year. Hertfordshire Constabulary is currently developing a technical solution to allow supervisors, across the strategic alliance, access to 'use of force' forms to improve local scrutiny. The strategic alliance's tactical health and safety meeting is developing management information to assist with scrutiny, and is starting to explore trends and patterns. For example, looking at use of force by individuals and teams, as well as force used in custody blocks.

Body-worn video cameras

Police use of body-worn video cameras has been shown to improve both the behaviour of the subject and also of the police officer or staff member.[12] The use of body-worn video cameras can provide a rich source of information to help forces see what happens during interactions between the police and the public, including the extent to which they are appropriate, fair and respectful. This sort of scrutiny can help inform complaints resolution and post-incident reviews, as well as identifying valuable lessons to improve police treatment of the public.

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[12] *Guidance for the Police Use of Body-worn Video Devices,* Police and Crime Standards Directorate, Home Office, July 2007; *Picture This: Body-worn video devices ('headcams') as tools for ensuring fourth amendment compliance by police*, Harris, D, April 2010; and others.

During our inspection we found that 35 forces are either using or piloting the use of body-worn video cameras to record their interactions with the public. Some forces mandate the use of body-worn video cameras for specific activities, such as when using force or when stopping and searching people. HMICFRS supports this approach, on the basis that it enables effective scrutiny of these interactions.

<u>Spit-guards</u>

A spit-guard is a device used to mitigate the effects of a person spitting and biting and such equipment has been in use in some forces since the mid-2000s. Different types of spit-guard are available for purchase by forces: some involve a guard placed over the person's mouth and others a hood placed over the head. The introduction of the NPCC's recording requirements on the use of force provides a means of determining how many times, and in what circumstances, spit-guards are used across the country.

Monitoring use of spit-guards is an important step forward, but we still have a limited understanding of the types being used in different forces, and the circumstances under which they are used. As such, this year we asked forces to tell us whether or not they used spit-guards, and if they did, to provide us with their policy on its use. We found that 19 forces had spit-guards in use as of 31 January 2017, and that policies on their use varied considerably between forces. For example, some forces authorise the use of spit-guards only in police custody suites, while others authorise their use in any situation where an officer believes it is necessary to mitigate the effects of a person spitting or biting.

We recognise there is already positive work going on nationally to develop training and support procurement decisions. However, forces and the public would benefit from further national consideration of the efficacy, safety and legitimacy of spit-guards. This should involve the Home Office's Centre for Applied Science and Technology, the NPCC, the College of Policing, ourselves and other interested parties, with a view to providing national advice or guidance that encourages safe and proportionate use of the equipment across all forces. We will continue to assess progress in this important work during future inspections.

External scrutiny of use of force

External scrutiny of the service police forces provide to the people they serve, including the extent to which they treat them with fairness and respect, is important to demonstrate effective and legitimate policing. External scrutiny offers forces an independent view of the issues that affect communities most, and enables those communities to scrutinise, challenge and influence how the police approach those concerns in future. Openly involving community representatives in this way is likely to reassure communities that forces are treating people well, and that where they are not, forces are listening and learning from those circumstances to improve the way they treat people. While forces are free to determine how their external scrutiny

groups are set up, we used the College of Policing's advice on independent advisory groups (IAGs)[13] as the basis for our assessment of force arrangements for external scrutiny.

We found that the vast majority of forces had one or more forms of external scrutiny to provide independent advice and challenge to the force. The effectiveness of scrutiny arrangements varied from force to force, but we found evidence of good practice.

Kent Police

Kent Police has a range of well-established force-level and local independent advisory groups, made up of a diverse range of well-trained members – including young people and local students, all with independent chairs. Senior officers, including the chief constable, work regularly with the groups, and members are given a handbook that includes a code of conduct declaration and membership terms and conditions. Independent Police Advisory Group (IPAG) chairs have observed training in protecting vulnerable people, and they have received training on a range of issues, from domestic abuse to modern-day slavery and child sexual exploitation. The force regularly reviews membership of these groups and its community liaison officers are proactive in seeking new members at community events. The force's website includes a link to the IPAG webpage, which includes a clear and accessible application process for becoming involved.

Humberside Police

Humberside Police has introduced an independent diversity panel, whose members conduct 'mystery shopping' exercises to test the way that the force treats people and to provide feedback to the force. Members have attended police stations and telephoned the control room to report incidents so that they can provide feedback on their experiences, including vulnerable people, or people with protected characteristics.

However, we were disappointed to find that too many forces have external scrutiny arrangements that do not sufficiently represent the diversity of their local communities, including a lack of young people or other groups who are likely to have lower levels of confidence in the police. Further, some force scrutiny groups are

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[13] This advice recommends that advisory groups have memberships which represent diverse communities; that members are provided with training and guidance on the role; that senior police officers are engaged in the process, including following-up on actions; that actions are progressed and feedback provided to the group; and that the membership is refreshed regularly. *Independent Advisory Groups: Considerations and advice for the police service on the recruitment, role and value of IAGs*, College of Policing, 2015. Available at: www.college.police.uk/What-we-do/Support/Equality/Documents/Independent_advisory_groups_advice_2015.pdf

chaired by members of the force (and so could be seen as insufficiently independent), or have a membership that has not been refreshed for some time or has not been provided with the knowledge and skills required to provide confident and effective scrutiny and challenge. Other forces were unable to provide compelling evidence that they were responding to challenges raised through external scrutiny, or feeding back action taken in response, either to members or wider communities.

However, we were disappointed to find that too many forces have external scrutiny arrangements that do not sufficiently represent the diversity of their local communities (including a lack of young people, or other groups who are likely to have lower levels of confidence in the police). Further, some force scrutiny groups are chaired by members of the force (and so could be seen as insufficiently independent), or have a membership that has not been refreshed for some time or that has not been provided with the knowledge and skills required to provide confident and effective scrutiny and challenge. Other forces were unable to provide compelling evidence that they were responding to challenges raised through external scrutiny, or feeding back action taken in response to members or wider communities.

These factors are likely to limit the effectiveness of external scrutiny, by minimising opportunities for forces to understand, reassure and learn, and to improve the fairness and respect with which they treat the people they serve. These forces would benefit from refreshing their external scrutiny arrangements in line with the College of Policing advice.

Use of stop and search powers

The primary purpose of stop and search powers is to enable officers to either allay or confirm suspicions that individuals are in possession of stolen or prohibited items, including those that could be used to cause damage or injure people, without immediately exercising their power of arrest. An officer must have reasonable grounds for carrying out a search.

Stop and search is one of the most intrusive powers available to the police, and its disproportionate use on members of black, Asian and minority ethnic (BAME) communities continues to threaten trust and confidence in the police. HMICFRS therefore continues to assess the extent to which all forces are using these powers fairly, and are demonstrating to the public that they are doing so.

This year, as well as reviewing policies and training, and interviewing officers who use stop and search, we assessed a sample of approximately 200 stop and search records in each force: a total of 8,574 records. As well as assessing each record as to the reasonableness of the recorded grounds, we also examined a range of other information including the reason for the stop and search, the ethnicity of the person

stopped and searched, and whether the item searched for was found.[14] We have collated these findings to identify patterns.

National data on use of stop and search

The use of stop and search powers has been declining over recent years. The number of searches under section 1 of the Police and Criminal Evidence (PACE) Act 1984[15] (and associated legislation) in 2016/17 was about a quarter of that for 2011/12 (from 1.13 million in 2011/12 to 301,000 in 2016/17). However, this decrease has occurred at different rates for different ethnic groups. While stop and searches on white people have decreased by 78 percent, stop and searches on people from BAME communities decreased by 69 percent. The decrease for black people was even lower, at 66 percent. Figure 1 below shows that, in 2011/12, black people were five times more likely to be stopped and searched than white people in England and Wales. This rate dropped to four times more likely in 2013/14, but it has since risen again, and in 2016/17 black people were over eight times more likely to be stopped and searched than white people. This disparity has the potential to erode public trust and confidence in the police, particularly amongst black people, despite the reductions in the use of stop and search powers.

Figure 1: Likelihood of different ethnic groups experiencing a PACE stop and search in England and Wales compared with the white population
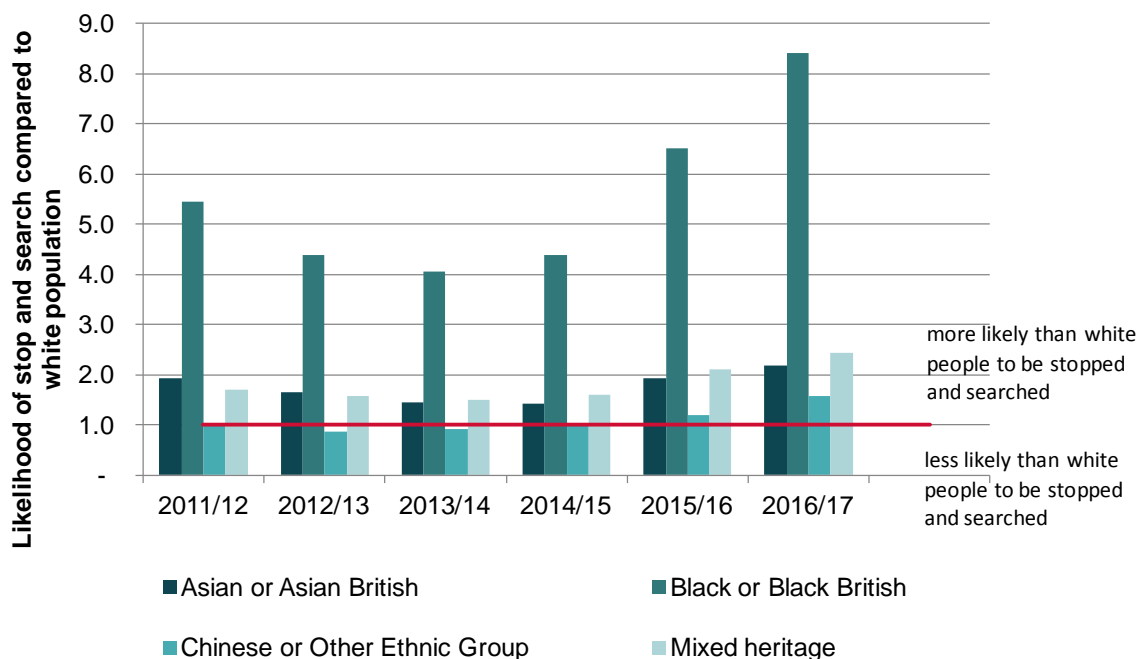
Source: Home Office 2017

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[14] See Annex A for more detail on the methodology.

[15] Under section 1 of PACE, a police officer may search a person or vehicle in public for stolen or prohibited articles. Prohibited articles may include offensive weapons, or articles that may be used in order to commit a crime. PACE Code A was revised in March 2015.

In response to the publication of the government's race disparity audit in October 2017, the Prime Minister said: "if the disparities can't be explained, they must be changed".[16] This principle reflects our approach to inspecting stop and search; continuing national disparities in the use of stop and search led us to ask forces to explain the reasons for any disparities in their own force area, as part of our 2017 assessment of police legitimacy.

Training on and understanding of national guidance

In November 2016, the College of Policing introduced new authorised professional practice (APP)[17] on stop and search, accompanied by a new learning standard. The training included an emphasis on fair and respectful treatment and overcoming bias. Forces were expected to provide the training in two parts: online learning followed by face-to-face classroom training.

During our inspection we were pleased to find that the vast majority of forces were either training officers using the College of Policing learning standard, or something sufficiently similar. Most forces had begun to train frontline officers, although some were still in the early stages of doing so. We were disappointed to find that a small number of forces had not yet introduced the online aspect of the learning standard. In these forces we found that some officers (aside from new recruits) had not received training on stop and search for a considerable period of time.

Fortunately, officers we spoke to in most forces across England and Wales had an adequate understanding of the importance of using stop and search powers fairly and with respect, and how to do so. In many cases this included reference to the NDM and the Code of Ethics, and the College of Policing APP.

However, there was one area of the stop and search APP where we found particularly inconsistent awareness among frontline officers. The APP sets out that the smell of cannabis on its own, with no other contributory factors, will not normally justify a search. More recent research[18] has shown that the inclusion of the smell of cannabis in officers' grounds for search did not increase the likelihood that a search for cannabis resulted in a criminal justice outcome. It concluded that a suspect's behaviour should be more important than the smell of cannabis when deciding to conduct a search, because behaviour linked directly or indirectly to drugs increased the likelihood of a positive outcome.

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[16] Race Disparity Audit launch, 10 October 2017. Available at: www.gov.uk/government/speeches/pm-words-at-race-disparity-audit-launch-10-october-2017

[17] *Authorised Professional Practice on Stop and Search*, College of Policing, February 2017. Available at: www.app.college.police.uk/app-content/stop-and-search/

[18] *Searching for cannabis: Do the grounds for search make a difference to outcomes?* Quinton et al, College of Policing, December 2017. Available at: whatworks.college.police.uk/Research/Documents/Stop_and_search_cannabis_Final_report.pdf

In a few forces, guidance on the smell of cannabis had been provided to officers as part of wider training on the APP, and they understood it. In many forces, however, officers were unaware of the guidance. Our assessment of reasonable grounds found that 596 (7 percent) of the 8,574 records assessed included only the smell of cannabis as the recorded grounds, suggesting inconsistency in the way the APP is being understood and applied. As domestic law currently stands, the smell of cannabis can (depending on the circumstances) give reasonable grounds for suspicion so as to justify the use of stop and search powers, so we assessed these records as reasonable for the purposes of our assessment of grounds this year. However, in accordance with the APP, we encourage forces to guide their officers towards considering multiple strong grounds, including behavioural factors rather than situational factors, when deciding whether to stop and search someone. Forces also need to build on the good work already underway, by making sure all officers are aware of the effect that each search can have on individual – and the wider community's – perceptions of police legitimacy, and work to overcome potential bias.

Recording 'reasonable grounds' for stop and search

The Police and Criminal Evidence Act 1984 requires that, to stop and search a person, the grounds to suspect that person of being in possession of a stolen or prohibited article must be reasonable, and that the grounds must be recorded on the stop and search record.

Over recent years, forces have improved the way they record grounds on stop and search records. In our 2013 inspection into the police use of stop and search powers,[19] we were concerned to find that 27 percent of records we examined did not contain sufficient reasonable grounds to justify the lawful use of the power. In 2015, as part of our first PEEL legitimacy inspection,[20] we found that 15 percent of records we examined did not have reasonable grounds recorded.

During our 2017 inspection, we assessed a total of 8,574 records – approximately 200 in each force in England and Wales. We found that 504 (6 percent) did not have reasonable grounds recorded. While the records we assessed may not have been representative of all stop and search records completed by the force, it is encouraging that our findings indicate that the hard work carried out across the police service has resulted in sustained improvement; almost all forces have seen improved recording of reasonable grounds.

However, we were disappointed to find that in eight forces, the records assessed included more than 20 records without reasonable grounds recorded, so despite

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[19] *Stop and Search Powers: Are the police using them effectively and fairly?* HMIC, 2013. Available at: www.justiceinspectorates.gov.uk/hmicfrs/publications/stop-and-search-powers-20130709/

[20] *PEEL: Police Legitimacy 2015*, HMIC, 2016. Available at: www.justiceinspectorates.gov.uk/hmicfrs/publications/police-legitimacy-2015/

these improvements, there is still more work to be done. Officers and supervisors in these forces need to understand fully what constitutes reasonable grounds, and how to record them properly. We expect to see reasonable grounds recorded in all stop and search records, and effective review and scrutiny arrangements in place in all forces to ensure that this is happening in all cases.

Northamptonshire Police

Northamptonshire Police was the only force to have reasonable grounds recorded in all of the 199 records we assessed. It has introduced an impressive independent panel looking at reasonable grounds, made up of members of the public who have received comprehensive training from the force on what constitutes reasonable grounds. The panel regularly reviews stop and search records and the force takes appropriate action on feedback, including retraining individual officers if applicable.

Measuring the effectiveness of the use of stop and search powers

In our 2013[21] and 2015[22] reports we highlighted that the number of arrests and other criminal justice outcomes[23] arising from stop and search encounters can be a misleading measure of success, because they fail to take into account some important points. Firstly, the purpose of stop and search powers is to allay as well as confirm officers' suspicions without exercising their power of arrest, and to provide safeguards for those who are searched.[24] Secondly, recorded arrests and other criminal justice outcomes also include those where the item that was searched for is not found. For example, where nothing is found but a computer check reveals that the person is already wanted for an offence, or where nothing is found but the encounter itself triggers an angry reaction by the person searched, which results in them being arrested or cautioned for disorderly behaviour. Therefore, we looked at the extent to which stop and search resulted in allaying suspicions and therefore avoided arrest, and also the extent to which it was used to confirm suspicions: the rate at which the item searched for was found (the find rate). These factors are more reliable measures of effectiveness than the rate of arrest or other criminal justice outcomes.

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[21] *Stop and Search Powers: Are the police using them effectively and fairly?* HMIC, 2013. Available at: www.justiceinspectorates.gov.uk/hmicfrs/publications/stop-and-search-powers-20130709/

[22] *PEEL: Police Legitimacy 2015*, HMIC, 2016. Available at: www.justiceinspectorates.gov.uk/hmicfrs/publications/police-legitimacy-2015/

[23] The potential criminal justice 'outcomes' of stop and search include arrest, summons, caution, drug warning, penalty notice for disorder, community resolution and no further action.

[24] *Code A, Police and Criminal Evidence Act 1984.* Available at: www.legislation.gov.uk/ukpga/1984/60/contents

<u>Allaying suspicion: preventing arrest</u>

Prior to the introduction of stop and search powers, someone suspected of being in possession of stolen or prohibited items was likely to be arrested. Being arrested can be a traumatic, frightening and often embarrassing experience for many people, and where an arrest is made unnecessarily, it can represent a significant waste of time, for both the police and the person arrested. It can also have a negative effect on public perceptions of the police. As such, allaying an officer's suspicion and preventing an unnecessary arrest (thus allowing the officer to quickly return to his or her duties), can represent a good use of stop and search powers, in certain situations.

This year we made an assessment, for each of the 8,574 records we reviewed, of whether the circumstances of the stop and search as recorded on the form, were likely to have resulted in an arrest had the stop and search power not been available. While this was a subjective assessment, the analysis provides an insight into the extent to which stop and search is being used to eliminate people from suspicion, and consequently prevent an unnecessary arrest. For example, an officer who sees a person closely resembling the description of someone suspected of committing a recent crime nearby and who suspects that that person has stolen or prohibited items on them, can stop and search instead of making an immediate arrest. If nothing is found in these circumstances, the use of the stop and search power has successfully allayed the officer's suspicion and prevented an unnecessary arrest. Of the 8,574 records in our sample, we assessed that on 1,058 occasions (12 percent) an arrest had been prevented in circumstances where the person was liable to immediate arrest but was instead eliminated from suspicion, demonstrating an effective use of the powers. As this year was the first time we have assessed this aspect of stop and search, we are not able to provide a comparison with previous years. Instead, it establishes a baseline for further assessment in future inspections.

<u>Confirming suspicion: 'find rates'</u>

Finding the item searched for is one of the best measures of effectiveness and indicates that the grounds for the officer's suspicions are likely to have been strong, particularly as recorded arrests and other criminal justice outcomes of stop and search also include those where the item that was searched for was not found. As such, our assessment of how fairly stop and search was being used examined the rate at which the item searched for was found.

In 23 percent of the 8,574 records we assessed the item searched for was found. This ranged in forces from 2.5 percent to 38.5 percent. Only 16 forces achieved a find rate in excess of 25 percent, and none in excess of 40 percent. Forces should monitor the rate at which items searched for are found, to understand how effectively the power is being used, and identify any inappropriate use. For example, where an officer has carried out several searches but found nothing, a force may wish to assess, and where necessary improve, the officer's understanding of reasonable grounds.

Forces should also be monitoring find rates for different types of stop and search. Our own analysis of stop and search records shows that find rates can vary considerably depending on the item searched for (see Figure 2 below). For example, of our assessment of 8,574 records, 787 were carried out to search for weapons or firearms. In those 787 records, a weapon or firearm was found on 109 occasions (14 percent) – lower than the overall 24 percent find rate of the total records we assessed.

Figure 2: Percentage of stop and search records reviewed with reasonable grounds recorded or during which the object of search was found, January 2017

Object of search*	Total stop search records	Ground of search were reasonable		Object of search found	
		Records	%	Records	%
Criminal damage	76	64	84%	6	8%
Drugs	5272	5060	96%	1514	29%
Possession with intent to supply type offences	1114	1073	96%	246	22%
Possession only	3698	3623	98%	1149	31%
Firearm	69	65	94%	9	13%
Going equipped	874	785	90%	79	9%
Offensive weapon	718	690	96%	100	14%
Stolen goods	1109	1009	91%	213	19%
Other	73	63	86%	18	25%
Grand total	8,191	7,736	94%	1,939	24%

Source: HMICFRS review of stop and search records
Note: excludes where the item searched for was unknown or associated with terrorism-related legislation

Monitoring and understanding use of stop and search powers

Effective monitoring and understanding of data and information on the use of stop and search powers are crucial for forces to demonstrate to the public that they are being used fairly and lawfully. Effective monitoring is also necessary to enable forces to identify and tackle any unfair or unlawful use identified, in order to improve fair and respectful treatment. For forces to achieve this, they must monitor closely a comprehensive set of data and information from a variety of sources,[25] and understand:

- data on the use of the powers on young people and BAME people (including volume, outcomes, item found rate, and connection between the outcome and the object searched for);

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[25] In 2016, as part of our revisit of 13 forces that were not compliant with the Home Office's Best Use of Stop and Search scheme, we recommended that the Home Office and College of Policing should consider, as part of their current review of the scheme, including minimum monitoring requirements for stop and search. The revised scheme is expected to be published in 2018.

- data on the frequency of use of the powers;[26]

- data and information on the effectiveness of the use of the powers;[27]

- data and information on the reasonableness of recorded grounds;

- scrutiny of body-worn video camera footage to understand the extent to which people stopped and searched are treated fairly and with respect; and

- feedback and challenge from the public, including from complaints, surveys, social media, independent scrutiny groups and those taking part in schemes in which members of the public patrol with, and observe, the police.

Many forces are improving their monitoring of the use of these powers, including regularly examining data on ethnicity and age, but few have adopted all of the elements listed above as part of monitoring arrangements. As a result, too few forces were able to demonstrate to us that they have an adequate understanding of how they are using the powers, and how this use might be affecting local people and communities.

Understanding drug searches

In our 2013 report on stop and search we raised a concern about the fact that almost half of searches nationally were for drugs, and of those searches, most were for low-level street possession.[28] Our concern was that this crime did not feature highly, if at all, in force priorities, which suggested that the use of stop and search powers was not always being targeted effectively in response to force priorities – whereas, for example, stopping and searching on suspicion of knife possession could be linked to a force priority to reduce violent crime.

This year, our assessment of 8,574 stop and search records found that 61 percent (5,272 records) of our sample were searches for drugs (ranging from 70 of 200 records in one force to 174 of 200 searches in another). Of these drugs searches, we assessed that 70 percent (3,698) involved a suspicion of possession only (ranging in forces from 44 of 200 records to 139), as opposed to a supply-type offence. This finding suggests that in many cases, stop and search is still not being targeted towards tackling priority crimes.

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[26] For example by subjects searched, officers searching, subjects searched by volume, subjects searched by rate of item found, subjects searched by rate at which other items are found (and what those items were).

[27] For example including the effect on crime rate, most prevalent locations, connection to force/local priorities, the rate at which the item searched for is found, the rate at which other items are found (and what those items are).

[28] *Stop and Search Powers: Are the police using them effectively and fairly?* HMIC, 2013. Available at: www.justiceinspectorates.gov.uk/hmicfrs/publications/stop-and-search-powers-20130709/

Forces tell us that part of the reason for this focus on searching on suspicion of possession of drugs as opposed to the more serious supply-type offences, results from responding to calls from the public or information from a third party, such as a CCTV operator, on which the public would expect them to act. In some cases, tackling low-level possession may also be a crime priority in a local area. In our own analysis of the 8,574 records, approximately half came about as a result of a call from the public or third-party information, and the other half from the officer acting on their own initiative. Either way, forces need to do more to demonstrate to the public that there is a link between use of stop and search and local and force priorities. This is particularly pertinent in the case of drugs searches because, as we discuss later on, these searches are contributing to disparities in use of stop and search across different ethnic groups.

<u>External scrutiny</u>

The effectiveness of external scrutiny of stop and search varied across forces. We were pleased to find that some forces had bespoke external scrutiny groups, at a force and local level, focused solely on stop and search. Other forces consider stop and search data as part of the wider external scrutiny of several different policing issues. In general, these groups are moderately effective. Given the sensitivities of this area of policing, we were surprised and disappointed to find that a small number of forces have no external scrutiny arrangements at all. Only a minority of forces had very effective and independent groups.

Cheshire Constabulary

Cheshire Constabulary has introduced an effective police and public encounters group, made up of members of the community who receive detailed information on how the constabulary uses stop and search. The stop and search data include a breakdown of age, ethnicity, rates of items found and any trends in officers' use. The group is well attended and includes a diverse membership, including one young person. The group is given clear explanations of police procedures, and members are confident to challenge where they think these have not been followed. At this meeting, the constabulary accepts questioning and carries out research on the concerns raised, providing an update at the next meeting.

Bedfordshire Police

Bedfordshire Police encourages all people who have been stopped and searched to join its external stop and search scrutiny panel, by providing them with details of the panel at the point of a stop and search. This approach has resulted in the force having a good representation of young BAME members of the community, particularly black men, as part of the scrutiny process.

Understanding the use of stop and search powers on black, Asian and minority ethnic people

Stop and search is used with disproportionate frequency on BAME people. This is not a new finding – therefore, we would expect forces to be monitoring data on this in their own areas carefully, so they can understand and explain the reasons for any disparity, and take action where necessary. While forces' monitoring in general has improved over recent years, we nevertheless found some areas for improvement and we have a cause of concern in respect of forces' understanding of disparity in the use of stop and search with regard to different ethnic groups.

Recording ethnicity

In order to monitor the use of stop and search powers on people of different ethnicities, that ethnicity needs to be recorded accurately at the start. In cases where the person does not state their ethnicity, the officer should record their own perception of the person's ethnic background. However, Home Office data on the rate at which 'not stated' is recorded by forces range from 1 percent to 31 percent.[29] In addition, some forces monitor only self-defined ethnicity, not officer-defined ethnicity. This means that those forces with high rates of records in which the ethnicity is not stated, and which do not monitor officer-defined ethnicity, have an incomplete picture of the extent to which stop and search is being used on different ethnic groups.

This lack of consistent ethnicity recording could mean that the disparity between the stop and search rates for BAME people and for white people may be even higher than published at force and national levels.[30] To be able to consider the full picture, forces should monitor both self-defined ethnicity and officer-defined ethnicity.

Monitoring ethnicity data

While most forces do monitor the ethnicity of the person being stopped and searched, we found that many forces were still failing to record and analyse a sufficiently comprehensive set of data to understand the reasons for disproportionate use of this power amongst different groups, particularly within BAME communities. For example, some of the forces we spoke to believed that the disproportionate use of the powers on different ethnic groups resulted from a large number of BAME people visiting from outside the force area, but they were unable to show us

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[29] *Police powers and procedures, England and Wales*, year ending 31 March 2017, second edition, Home Office, October 2017. Available at: www.gov.uk/government/statistics/police-powers-and-procedures-england-and-wales-year-ending-31-march-2017

[30] If all of the 'not stated' records relate to stop and search encounters involving white people, the disparity between rates of stop and search would be slightly lower than published.

evidence to verify this assumption. These forces need to improve their monitoring regimes so that they have a more sophisticated understanding of why disparity occurs and, where necessary, take action to reduce it.

Find rate for stop and searches across different ethnicities

As part of our assessment of stop and search, we examined the find rate across different ethnicities.[31] The find rate of our total sample of 8,574 searches (including drugs, weapons and stolen goods) was broadly similar across all ethnicities, although there was a higher find rate for the 'other' ethnicity category, of 29 percent.[32] However, when we examined the subset of drugs searches, we found that those involving black people were less likely to result in drugs being found compared with those involving white people or other ethnic groups. This was consistently the case with the find rate for:

- drug searches overall (33 percent white and 26 percent black);

- those where the suspicion was possession (36 percent white and 30 percent black); and

- those where the recorded grounds involved only the smell of cannabis (37 percent white and 29 percent black).

The disparity in find rates is troubling; it suggests that the use of stop and search on black people might be based on weaker grounds for suspicion than its use on white people, particularly in respect of drugs. There may be a number of reasons for these findings but, taken alongside the fact that black people are more than eight times more likely than white people to be stopped and searched, they require an explanation that the service is currently unable to provide.

The findings from our analysis of stop and search forms emphasise how important it is that forces record and monitor a broad set of data and other information, including whether drugs searches involve suspicion of possession or supply-type offences, what the find rates are for different ethnicities, and how the use of stop and search fits with force or local priorities. Forces must develop a sophisticated understanding of how the powers are being used – through effective monitoring and robust external scrutiny – so that they can explain the reasons for any disparity, and, where applicable, take action to reduce it. Our findings also underline the importance of forces ensuring that their officers understand their personal biases, know how to

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[31] Unfortunately, not all forces record whether or not an item is found. This was the case in 10 percent of the 8,574 records we reviewed. We discounted those and analysed the remainder.

[32] The find rate for searches of those people in the 'other' ethnic category were generally higher than other ethnic groups although these had some of the lowest sample sizes within our assessment of records, so this variation may be due to low numbers.

overcome them, and apply this understanding prior to initiating a stop and search encounter. Without these improvements, use of stop and search will continue to threaten to undermine police legitimacy.

Cause of concern

HMICFRS is concerned that forces are not able to demonstrate that the use of stop and search powers is consistently reasonable and fair. In particular, there is over-representation of BAME people, and black people in particular, in stop and search data which many forces are unable to explain.

Recommendations

To address this cause of concern HMICFRS recommends that:

- By July 2018, all police forces across England and Wales should be regularly and frequently monitoring a comprehensive set of data and information on use of stop and search powers to understand:

  - the reasons for any disproportionate representation of different ethnic groups in the use of stop and search;

  - the extent to which find rates differ between people from different ethnicities, and across different types of searches (including separate identification of find rates for drug possession and supply-type offences); and

  - the prevalence of possession-only drug searches, and the extent to which these align with local or force level priorities.

  Where forces identify disparities through monitoring, they should demonstrate to the public that they have:

  - carried out research and analysis in an attempt to understand the reasons for the disparity, and

  - taken action to reduce the disparity, where necessary;

  We expect forces to publish this analysis and any actions taken at least on an annual basis, from July 2018.

- By July 2018, and ongoing following that date, forces should ensure that all officers who use stop and search powers have been provided with, and understand, training on unconscious bias and College of Policing APP on stop and search.

How well do forces ensure that their workforces behave ethically and lawfully?

In our 2017 legitimacy inspection, we continued to focus on the extent to which forces develop and maintain an ethical culture to reduce unacceptable types of behaviour among their workforces, as we did in 2016. We also integrated aspects of our leadership inspection into this assessment. In place of last year's focus on how well forces are guarding against corruption,[33] we returned this year to look at how well forces are handling complaints and misconduct cases; a topic we last considered in 2015.[34] This year we focused specifically on access to the complaints system and handling of allegations of discrimination.

Developing and maintaining an ethical culture

Research tells us that the best way to prevent wrongdoing is to promote an ethical working environment or culture.[35] Achieving this culture requires effort and focus across a range of activities, including: ensuring effective vetting procedures to recruit applicants likely to have a high standard of ethical behaviour, and to reject those who may have demonstrated questionable standards of behaviour in the past, or who may be at risk of developing them; encouraging and displaying strong ethical leadership at all levels, by role modelling and reinforcing high ethical standards in line with the Code of Ethics;[36] and empowering the workforce to apply these standards in practice so they can use them to inform their decision-making. Therefore, we assessed force effectiveness in each of these areas.

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[33] We carried out a review of forces' plans in response to our PEEL legitimacy 2016 report national recommendation on the problem of abuse of position for a sexual purpose. The report of our findings available at: www.justiceinspectorates.gov.uk/hmicfrs/publications/abuse-of-position-for-a-sexual-purpose/

[34] *Police legitimacy 2015 – a national overview*, HMIC, February 2016. Available at: www.justiceinspectorates.gov.uk/hmicfrs/publications/police-legitimacy-2015/

[35] *Promoting Ethical Behaviour and Preventing Wrongdoing in Organisations*, College of Policing, 2015. Available at:
http://whatworks.college.police.uk/Research/Documents/150317_Integrity_REA_FINAL_REPORT.pdf
The Role of Leadership in Promoting Ethical Police Behaviour, College of Policing, 2015. Available at:
http://whatworks.college.police.uk/Research/Documents/150317_Ethical_leadership_FINAL_REPORT.pdf

[36] *Code of Ethics: A code of practice for the principles and standards of professional behaviour for the policing profession of England and Wales*, College of Policing, 2014. Available at:
www.college.police.uk/What-we-do/Ethics/Pages/Code-of-Ethics.aspx; *Literature Review – Police integrity and corruption*, HMIC, January 2015. Available at:
www.justiceinspectorates.gov.uk/hmicfrs/publications/integrity-matters/

Vetting

During our 2016 legitimacy inspection we considered the extent to which each force was developing and maintaining an ethical culture through effective vetting. We used the national vetting standards (published in 2012), which set out minimum standards for vetting applicants and existing officers and staff, as the basis for our assessments.

2016 findings

In 2016, we were concerned to find that 30 of 43 forces were not complying with all aspects of the national vetting standards; only 13 forces had comprehensive and achievable plans for reaching full compliance. We were concerned that this situation represented a significant risk to the integrity of these forces, so we made the following nationwide recommendation:

> Within six months, all forces not already complying with current national vetting policy should have started to implement a sufficient plan to do so.

> Within two years, all members of the police workforce should have received at least the lowest level of vetting clearance for their roles.

2017 data on security clearance of police workforces

To assess force progress on achieving this recommendation, during this year's inspection we asked each force to provide us with data on the percentage of its workforce who had up-to-date security clearance as at 31 January 2017. Most forces provided us with the data, but for reasons such as introducing new databases or the merging of force units, six forces could not.

The data in Figure 3 below show that:

- 13 forces had 90 percent or above of the workforce with up-to-date security clearance (three had 100 percent);

- 8 forces had between 70 percent and 90 percent with up-to-date security clearance; and

- 16 forces had less than 70 percent of the workforce with up-to-date security clearance.

- 6 forces could not provide us with the data.

Figure 3: Percentage of workforce (officers, PCSOs, and staff) with up-to-date security clearance, in England and Wales, as at 31 January 2017

England and Wales force average
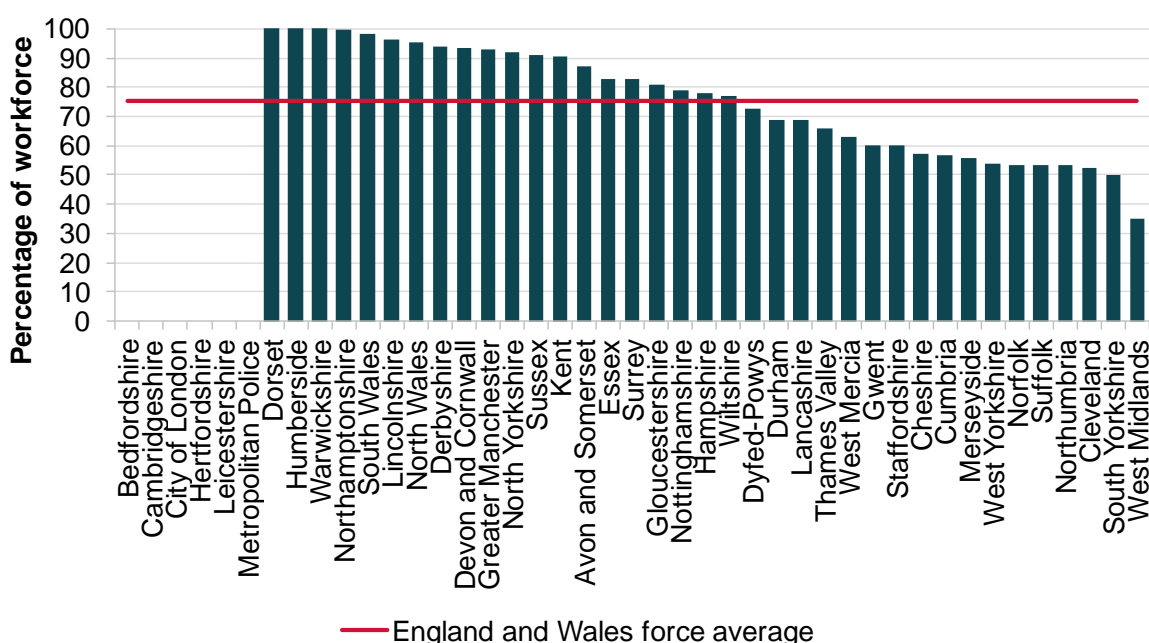
Source: HMICFRS data collection

<u>Plans to clear vetting backlogs</u>

We also returned to the 30 forces who were not complying with the national vetting standards in 2016, to assess progress. As with last year, ongoing backlogs appear to relate mainly to aftercare (where there has been a significant change in circumstances, or the force has received adverse information or intelligence about an individual) and renewal (where the existing vetting has expired). Forces are generally taking a risk-based process to redirect their vetting activity towards initial vetting for new recruits and re-vetting people who are moved to higher-risk posts. Recent increases in police recruitment have created additional demand for initial vetting and will test forces' investment in this area further in the near future.

This year we assessed the extent to which force plans for reducing their vetting backlog were credible and achievable, in line with our recommendation. Of the 30 forces we re-inspected, we found that 23 had credible plans that we assessed as being achievable by December 2018. We were particularly pleased to find positive examples of forces that had made significant process on reducing their backlogs since 2016.

North Wales Police

North Wales Police has introduced an online automated system that prompts staff to complete vetting renewal forms in advance of their vetting expiry date. The force expects the backlog of vetting cases to be reduced to single figures by the end of 2017.

South Wales Police

South Wales Police has reduced their vetting backlog from 18 percent of the workforce in 2016, to 1.7 percent in 2017. Details of officers and staff not vetted to the required standards are included in a monthly professional standards report, and placed on the list for early intervention panels, so local commanders and heads of departments can review intelligence, identify risks and take appropriate management action. The force automatically refers all individuals with protected characteristics who do not pass vetting to the force vetting review panel. The panel explores the reasons for rejection with a view to reducing the vetting risk, to give the force's workforce a greater opportunity of becoming more representative of the people it serves.

We were disappointed to find that the positive progress outlined above is not representative of all forces. Seven forces still did not have credible and achievable plans, despite the fact that we have been raising this concern since our Integrity Matters inspection report in 2014.[37] We remain concerned that this may mean that these forces will fail to achieve compliance with the vetting code by the December 2018 deadline set in our 2016 nationwide recommendation.

All forces now have another opportunity to design and implement credible plans to reduce any remaining backlogs before we inspect them again from 2018, this time in line with the new vetting code of practice and the College of Policing vetting Code of Practice.[38] We urge forces to achieve compliance without delay; failing to do so has worrying implications for forces' ability to monitor potential or emerging risks to the integrity of their organisations.

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[37] *Integrity matters*, HMIC, January 2015. Available at:
www.justiceinspectorates.gov.uk/hmicfrs/publications/integrity-matters/

[38] *Vetting Code of Practice*, College of Policing, October 2017. Available at:
http://library.college.police.uk/docs/appref/C553I0117-Vetting-Code-of-Practice-online-04.10.17.pdf

Ethical leadership and decision making

In 2016 our focus on developing and maintaining an ethical culture examined the extent to which forces were clarifying and continuing to reinforce expected standards of behaviour, including how well the police Code of Ethics, and what are often referred to as 'corruption prevention policies', were understood by the workforce. We found a positive picture. This year, as we moved away from the focus on counter-corruption, and integrated an assessment of leadership into our inspection, we examined ethical decision-making more generally, with a continuing focus on the importance of senior leaders who were also role models in this approach.

We were pleased to find that active consideration of ethics is becoming more widespread across policing, and it is this that has made a significant contribution to many of the 'good' assessments for legitimacy this year. Leaders in forces across England and Wales recognise the importance of being good role models, demonstrating ethical behaviours and consistently considering the ethical implications of decisions, policies and practices as a central part of developing and maintaining an ethical culture. Increasingly, forces are putting structures in place to support ethical decision-making, although the extent to which these are established enough to be effective varies considerably across the country. More widely, we found that police workforces are increasingly being provided with some form of training on ethical decision-making, including advice and refresher training if needed.

Humberside Police

Humberside Police has provided specific training to develop its officers in making ethical decisions, including using a training and coaching programme and neuro-linguistic programming (which helps officers to become aware of their thought processes and raises self-awareness during decision-making).

Lancashire Constabulary

Lancashire Constabulary uses training days to keep all officers and staff up to date with legislation and standards, incorporating discussions on ethical decision-making. The force's online forum is also used to discuss ethical dilemmas.

While there is still more to do, we are encouraged by the positive work we have seen this year, and the significant process we have seen over the past few years. Our findings will be considered in more detail in our national leadership report, due for publication in early 2018.

Access to the police complaints system

Complaints against the police provide a valuable source of information for forces to understand and improve the service they provide, including the extent to which

police workforces behave ethically and lawfully. Complaints also provide an opportunity for forces to rebuild relationships between the police and the public following a negative experience. It is therefore vital that the police complaints system is easy to access and to use, for everyone.

Independent Police Complaints Commission (IPCC) statutory guidance[39] sets out the steps forces should take to improve access to the complaints system, as does their specific accessibility guidance.[40] Our assessment looked at how easy it is for the public to make a complaint – including how well forces support people who may require extra help with making a complaint. We used a review of case files to assess the level of information provided to complainants once they had made a complaint, and how well forces keep complainants updated about the progress of their complaints, in line with both IPCC statutory and accessibility guidance.[41]

Ease of making a complaint

We were pleased to find that most forces provide clear and accessible information on their websites about how the public can make a complaint, and the officers and staff we spoke to generally had the knowledge required to help guide someone through the initial stages of making a complaint. However, with a few notable exceptions, we found minimal evidence that forces had placed posters or other force-produced printed material in a range of languages in enquiry offices or custody units, or displayed posters in public areas of non-police premises such as libraries, Citizens Advice,[42] schools, voluntary sector organisations, community centres and other local community groups.

Most forces have information about how to make a complaint printed on receipts or on calling cards, which are given to people who are stopped and searched, but the provision of written information alone is not enough to provide people with the knowledge and confidence to make a complaint, particularly if they have existing suspicion of the police. We were pleased to find that some forces have gone further than providing written information, and made tangible efforts to connect with new and emerging communities, although this was not widespread across forces.

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[39] *IPCC Statutory Guidance to the Police Service on the Handling of Complaints,* IPCC, May 2015. Available at:
www.ipcc.gov.uk/sites/default/files/Documents/statutoryguidance/2015_statutory_guidance_english.pdf

[40] *Access to the Police Complaints System*, IPCC, September 2015. Available at:
www.ipcc.gov.uk/sites/default/files/Documents/research_stats/Access_to_the_police_complaints_system.pdf

[41] More detail on case file review methodology can be found at Annex A.

[42] More information available at: www.citizensadvice.org.uk/

Norfolk Constabulary

Norfolk Constabulary recently designed a new poster containing the information that members of the public need when making a complaint. It sought advice from its IAG in preparing this poster, which can be found in all police public reception areas, in police detention facilities, in local authority buildings and in a range of support organisations. The force also supplies information to communities that may have less confidence in the police. A leaflet provided to victims of crime, outlining their rights and entitlements under the Victims' Code of Practice, provides information on how to make a complaint about (or, alternatively, compliment) those taking the report or investigating the incident.

West Yorkshire Police

In Kirklees, West Yorkshire Police neighbourhood officers have worked closely with the Syrian asylum-seeker community to explain the police complaints process and the role of independent investigatory bodies such as the IPCC.

Making the complaints system truly accessible for everyone also entails identifying and providing additional support for those who need it; from the first contact with the complainant through to the closure of the case. Complainants who may need additional help include those who have learning difficulties, those with mental health problems, young people, people with disabilities or other problems that affect their communication, and those whose first language is not English.

If forces fail to communicate in a way that complainants are able to understand, those complainants are likely to have diminished confidence in the police complaints process, leading to a reluctance to complain in the future, and potentially reduced confidence in the police themselves. Forces must therefore be able to identify these complainants and to provide them with the support they need. For example, some people may need adjustments to usual procedures to enable them to explain their allegations and to understand what is happening by involving a third party or by offering face-to-face meetings, rather than communicating by letter.

We carried out a file review of 1,038 public complaints and found 114 cases (11 percent) where we felt complainants needed additional support. We were disappointed to find that these files recorded that appropriate support had been identified and provided by forces in only 68 of these 114 cases (60 percent). The picture was more positive when it came to supporting people from within police forces who wanted to make internal allegations of wrongdoing. We carried out a file review of 555 misconduct allegations and found 17 cases (3 percent) where misconduct witnesses needed additional support. We were pleased to find that the

files recorded that appropriate support had been provided in 16 of these cases. Our findings suggest that some forces need to improve the extent to which they support complainants who require additional assistance.

Keeping complainants updated

The police complaints system is complex and highly regulated. It is therefore crucial that forces provide clear, personalised updates to complainants so that they understand what is happening at each stage of the process. Once someone has taken the step of making a complaint, the process must reinforce positive perceptions of the system and the police more widely, rather than reinforcing the negative experience they complained about in the first place, which can further erode confidence in system and the police more widely.

To negate this risk, officers and staff receiving and handling allegations from members of the public need to use effective communication at all stages of a complaint. To assist forces to do this consistently, IPCC statutory guidance sets out a number of requirements.

Initial communication following a complaint

When a complaint is submitted, whether in writing, over the telephone or in person, the complainant should receive, as soon as possible, an explanation of the possible ways in which the complaint may be dealt with. The complainant should also be told who is dealing with their complaint, and given their contact details. The complaints legislation also requires forces to supply a copy of the complaint record to the complainant to ensure that both complainant and force are clear about the nature of the allegation.

During our case file review, we checked 1,038 complaint files to see if they contained evidence that all of these legal requirements had been complied with. We found that only 795 cases (77 percent) did. Although it was sometimes difficult to tell from the files whether complainants had received an explanation of how the complaint might be dealt with (as this could have been done orally by the person receiving the complaint), some forces had provided a short explanation in their initial letter to complainants, setting out the alternatives and how they had decided the complaint should be handled. It was easier to see whether forces had told complainants who would be dealing with their complaint and given them their contact details, and nearly all forces complied with this. However, we were disappointed to find that some forces failed to provide a copy of the complaint record. Failure to enable the complainant to check that the force has understood the allegations correctly could have implications for the effectiveness of the subsequent investigation, and the ability to resolve the complaint to the satisfaction of the complainant. Forces should review their templates for initial letters to complainants to ensure that when completed, they will contain the required information, including a copy of the complaint record.

Keeping complainants informed of progress

Once a public complaint investigation has started, forces have a statutory duty to keep complainants informed of progress. The first update should be provided promptly, within 28 calendar days of the start of the investigation. Subsequent updates must be provided at least every 28 days after that. Updates should contain enough information to make them meaningful, including for example:

- information about the stage the investigation has reached;

- what has been done;

- what remains to be done;

- where applicable, a summary of any significant evidence obtained; and

- the likely timescale for completing the investigation and any revisions to this.

During our case file reviews, we looked for evidence that forces had provided timely and meaningful updates in line with these statutory duties. Although this legal requirement only applies to public complaints, our assessment also looked for a similar level of service to the subject of the complaint and those subject to internal misconduct allegations.

We were disappointed to find that only 675 of the 1,038 complaint cases we reviewed (65 percent) recorded regular updates to complainants; and only 620 of these were found to be sufficiently informative. We found that most who failed to record updates were divisional or borough supervisors, without access to the specialist complaint recording software to input their own updates. This meant that we were unable to tell whether the lack of recorded updates represented failures to update complainants, or simply failures to record that an update had been provided. Either way, if forces are unable to establish whether updates have been provided, they cannot be confident that they are complying with their statutory duty to do so.

Also, we found that some forces had made efforts to overcome this recording problem, such as by creating a parallel record on their incident management database, to which all staff have access.

Northumbria Police

Northumbria Police has made use of the force's in-house workflow system to provide reminders to those handling complaints to provide updates to complainants, and then update the workflow log when they have done so. When a complaint case is closed, all documentation is attached to the main complaint record. In this way, the force can check on individual cases to see whether updates are overdue, with limited administrative burden on the professional standards department (PSD). Our file review showed that Northumbria Police was one of the better-performing forces, with 23 of the 25 records we looked at containing updates.

We found that only 333 of the 555 misconduct cases (60 percent) we reviewed recorded regular updates to witnesses and those who were the subject of allegations; of these, only 309 were found to be sufficiently informative. Failure to keep witnesses and those subject to allegations updated can lead to confusion, increased stress, and additional worry. During the last three years of PEEL legitimacy inspections officers and staff have regularly reported that they have not been kept up to date; they say this can negatively affect their wellbeing as well as affect their perception that the force is taking their wellbeing seriously.

Communicating the result of a complaint

Once a report has been finalised, forces are required by the complaints legislation to:

- provide the complainant with the findings of the investigation (including the investigation report);

- explain its decisions and the reasons for them to the complainant;

- set out what action it will take on matters dealt with in the report; and

- explain the complainant's right of appeal.

We were pleased to find that out of the 1,038 complaint files we reviewed, 945 (91 percent) contained evidence that all of these legal requirements had been complied with. If effective communication with complainants continues until the end of the complaint, they are likely to understand the result, even if they do not agree with it.

Overall, we found that forces were reasonably good at providing the initial and final information complainants required, although we consider that the complaints process could be improved further if the letter templates and PSD administrative procedures were checked and amended as required. Of particular concern is the lack of recorded updates to complainants, witnesses, and those who are the subject of allegations. While we accept that the software in use by forces has certain limitations, some forces have successfully addressed this problem, so we do not

consider it insurmountable. Forces who are not recording updates adequately have no way of knowing whether their staff are providing those updates, and will be unaware of any damage this is doing to their legitimacy in the eyes of members of the public who have made complaints.

Identifying and investigating potential discrimination by officers and staff

Allegations of discrimination by police officers and staff are extremely serious, so it is vital that they are identified and responded to quickly and appropriately, and investigated well. This is particularly important, as we know that certain groups have lower levels of confidence in the police, and the police complaints system. For example, the results of the government's 2017 race disparity audit reiterated the fact that there are lower levels of confidence in the police among black people, and especially among younger black adults.[43]

In 2017, the IPCC undertook a follow-up review of the way three police forces were dealing with complaints of discrimination against its officers and staff.[44] They found that while there had been improvements to the way internal conduct matters were being handled, and the way forces communicated with complainants, the quality of investigations and reports was still unsatisfactory in two-thirds of the cases examined. As with their previous reviews,[45] none of the complaints from the public alleging discrimination were upheld by the forces. In response to the IPCC's concerns, we used our own review of complaint, misconduct and grievance files in forces across England and Wales to assess the extent to which forces identify and respond to discrimination appropriately and at the earliest opportunity, and the extent to which these allegations are investigated in accordance with the IPCC guidelines for handling allegations of discrimination.[46]

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[43] *Race Disparity Audit,* UK Government Cabinet Office, October 2017. Available at: www.gov.uk/government/uploads/system/uploads/attachment_data/file/650723/RDAweb.pdf

[44] *Follow-up Review on Police Handling of Allegations of Discrimination*, IPCC, July 2017. Available at: www.ipcc.gov.uk/sites/default/files/Documents/research_stats/Discrimination_report_2017.pdf

[45] *Police handling of allegations of discrimination*, IPCC, June 2014. Available at: www.ipcc.gov.uk/sites/default/files/Documents/guidelines_reports/IPCC_report_police_handling_of_allegations_of_discrimination_June2014.pdf and *Report on Metropolitan Police Service handling of complaints alleging race discrimination*, IPCC, July 2013. Available at: www.ipcc.gov.uk/sites/default/files/Documents/investigation_commissioner_reports/Report_on_Metropolitan_police_Service.PDF

[46] *IPCC guidelines for handling allegations of discrimination*, IPCC, 2015. Available at: www.ipcc.gov.uk/sites/default/files/Documents/statutoryguidance/Guidelines_for_handling_allegations_of_discrimination.pdf

Identifying and responding to potential discrimination

During our inspection we spoke to a wide range of officers and staff who had a good understanding of discrimination, were able to describe it and the effect it has, and were confident that they would be able to identify and respond to it appropriately. We used a review of complaint and misconduct case files to make an assessment of how well forces are routinely identifying and responding to allegations of discrimination at the earliest opportunity.

Identifying discrimination allegations

We wanted to ascertain whether forces were recognising allegations of discrimination that may not be obvious, so we asked to see 616 complaints from categories we considered might contain unidentified allegations of discrimination.[47] We were pleased to find that only 24 (4 percent) of these other complaint cases contained allegations of discrimination that forces had failed to identify. This supports our findings from discussions with police workforces – that they are generally identifying discrimination effectively.

We also looked at 419 internal misconduct cases that we considered might contain unidentified allegations of discrimination. We were very pleased to find that only eight (2 percent) of these other internal misconduct cases contained allegations of discrimination that forces had failed to identify, which once again supports the assertion by police workforces that they are good at identifying complaints and internal misconduct cases that contain allegations of discrimination.

Referring discrimination allegations to the IPCC

Once an allegation of discrimination has been identified, forces need to assess whether that complaint or conduct matter should be referred to the IPCC. The Police Reform Act 2002 requires forces to refer certain serious matters to the IPCC for its consideration.[48]

The IPCC then decides whether to:

- investigate the case itself independently;

- manage the investigation by directing police investigators;

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[47] More detail on our case file review can be found at Annex A.

[48] Among the list of allegations to be referred is a "criminal offence or behaviour which is liable to lead to misconduct proceedings and which, in either case, is aggravated by discriminatory behaviour on the grounds of a person's race, sex, religion or other status identified in guidance by the Commission" (IPCC statutory guidance adds age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, religious belief, and sexual orientation to the list).

- supervise the force's investigation by setting the terms of reference and the investigation plan, but allowing the force to carry out the investigation and checking to ensure it is being carried out properly; or

- return the case for the force to investigate.

The aim of the referral process is to maintain public confidence by referring a case to an independent body (the IPCC) at an early stage, so that it can assess its seriousness and take control of the investigation and available evidence if it decides to do so. We examined how well this process was working in respect of allegations of discrimination, as the IPCC has previously raised concerns about some of these cases not being referred appropriately.[49]

During our review of cases that forces had identified as containing an allegation of discrimination, we established that only 66 percent of complaints cases that met the IPCC referral criteria were actually referred (67 of 101 identified cases). Only 57 percent of misconduct cases that met the referral criteria were referred (50 of 88 identified cases). Forces therefore failed to refer 43 percent of the cases that should have been referred. Thirteen forces had referred all of the allegations we had identified, three had no cases to refer from the sample we looked at, and 27 forces failed to refer one or more cases. One force failed to refer 10 of the 13 allegations that we identified should have been referred.

We provided each force with the details of the cases we considered should have been referred. Most forces accepted our assessment and referred the cases to the IPCC. A small number of forces told us they had not initially referred the cases because when they carried out enquiries, they discovered that the allegations were not as serious as first alleged, or they were unable to find evidence to support the allegation. We are of the view that these forces have misunderstood the legislation and the purpose of the referral process. Under the legislation, the "notification of the complaint [by forces] shall be given to the Commission ... without delay and in any event not later than the end of the day following the day on which it first becomes clear to the appropriate authority that the complaint is one to which that sub-paragraph applies".[50] If forces fail to take the allegations at face value and carry out their own enquiries first, or investigate the case before they decide to refer the matter to the IPCC, the IPCC cannot provide independent oversight of these decisions.

This situation is disappointing; particularly as the IPCC raised this concern in 2015. The fact that many forces are not consistently referring allegations of discrimination

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[49] *Referring complaints, conduct matters and death or serious injury matters to the IPCC – a review of current police force practice* IPCC, December 2015. Available at: www.ipcc.gov.uk/sites/default/files/Documents/research_stats/IPCC_referrals_review.pdf

[50] Regulation 4, The Police (Complaints and Misconduct) Regulations 2012. Available at: www.legislation.gov.uk/uksi/2012/1204/made

has the potential to undermine our positive findings regarding forces' ability to identify them appropriately. This situation also potentially deprives complainants of their legal entitlement to have their complaints scrutinised independently.

Investigating allegations of discrimination

The IPCC guidelines for handling allegations of discrimination show that effective investigation requires specialist knowledge and a skill-set that cannot be gained solely through being an experienced supervisor or an effective investigator. IPCC's 2014 report was critical of the use of local supervisors rather than specialist PSD investigators to deal with discrimination complaints.[51] It stated that the quality of complaint handling at local level is clearly unsatisfactory, as officers have not received sufficient training on how to deal with discrimination, including using the IPCC guidelines to inform their terms of reference and lines of enquiry.

Understanding the IPCC discrimination guidelines

During our fieldwork, we asked forces what level of training people handling allegations of discrimination had received. Forces advised us that while their local supervisors had received awareness of discrimination as part of their routine equality and diversity training, they had not normally received additional training to investigate allegations of discrimination. Most PSD investigators had received training on the IPCC guidelines for handling allegations of discrimination, and this ranged from an awareness of the guidelines, to specific training either within force or from the IPCC. We were pleased to hear this; the role of PSDs is to deal with the more serious and sensitive cases, so all discrimination cases apart from the less serious allegations should normally be dealt with by trained PSD investigators.

When we analysed our case file review data however, we were concerned to find that this was not the case in all forces. The data showed that 23 forces had used divisional or borough supervisors to conduct local investigations into discrimination complaints that were too serious to be dealt with by way of local resolution.[52] This made up 21 percent (88 cases) of all the cases we looked at.
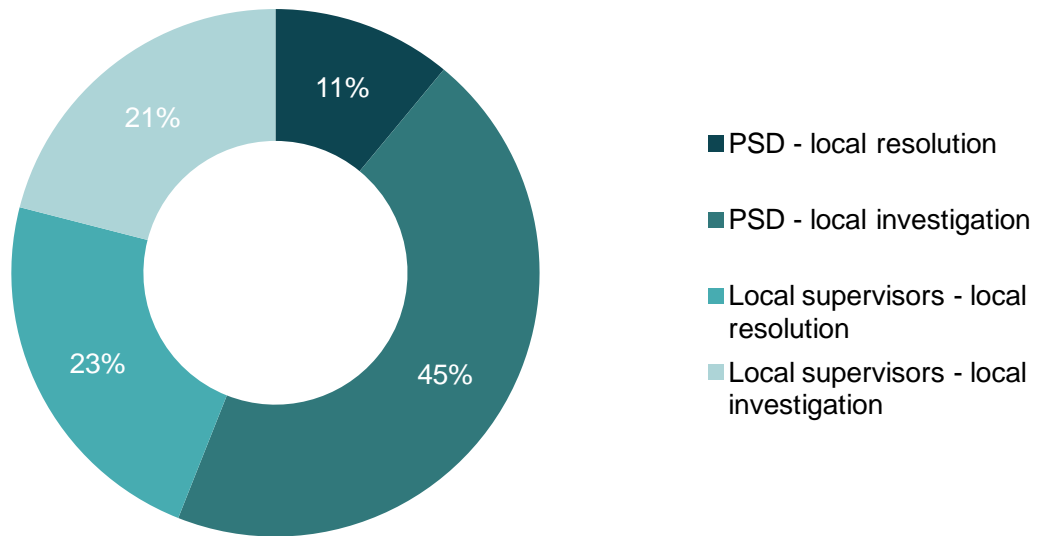
In 10 of these 23 forces, local divisional and borough supervisors conducted more discrimination investigations than the trained PSD staff did. This indicates that those

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[51] *Police Handling of Allegations of Discrimination,* IPCC, June 2014. Available at: www.ipcc.gov.uk/sites/default/files/Documents/guidelines_reports/IPCC_report_police_handling_of_al legations_of_discrimination_June2014.pdf

[52] Local resolution is a process which allows forces to work with complainants to take the necessary action to resolve complaints. Local resolution cannot be used for more serious cases that contain allegations that the conduct complained about may have infringed a person's rights under Articles 2 or 3 of the European Convention on Human Rights (right to life, and freedom from torture and inhuman or degrading treatment), or would be so serious that the conduct would justify the bringing of misconduct proceedings if it were proved. In those more serious cases, forces have to conduct a formal 'local investigation', which might result in disciplinary or criminal sanctions.

23 forces have failed to comply with the legislation and the IPCC's guidelines, which require investigating officers to have a good understanding of equality and diversity issues and have an appropriate level of knowledge, skills and experience to be able to apply the discrimination guidelines effectively. By using investigating staff that have not been trained to apply the discrimination guidelines, forces are less likely to conduct thorough investigations or to maintain the confidence of complainants.

Figure 4: Percentage of discrimination case files completed by PSD staff compared with non-PSD local supervisors and type of finalisation

Legend:
- PSD - local resolution
- PSD - local investigation
- Local supervisors - local resolution
- Local supervisors - local investigation

Source: HMICFRS professional standards case file review 2017

Local resolution versus local investigation

The IPCC's 2014 report was concerned about an over-reliance by forces on the use of local resolution as opposed to investigation, which is not always suitable for handling discrimination complaints. Our own review found that local resolution had been used in 143 (34 percent) of the discrimination complaints and we assessed that it had been used appropriately in 133 (93 percent) of these cases. We are reassured to find that the right decision was being made in the vast majority of cases.

Cheshire Constabulary

Cheshire Constabulary provides local supervisors who handle the less serious allegations by way of local resolution with a comprehensive severity assessment explaining the nature of the discrimination alleged and the reason it is suitable for local resolution. Also, it provides a comment on, or assessment of, any issues that would lead to community tensions, as well as details of a point of contact in the PSD and a copy of the IPCC. Cheshire Constabulary was one of the 23 forces that had handled all of the complaints we looked at satisfactorily.

Quality of investigations

The IPCC's 2017 follow-up review on police handling of allegations of discrimination looked at 77 complaint files in three forces over an 11-month period. It found that the quality of investigations and reports was still unsatisfactory in two-thirds of the cases examined. Further, in the cases sampled in the three forces, none of the investigations into complaints from members of the public had been upheld. The IPCC's appeals work shows that these issues are not confined to the three forces reviewed. In 2016, it found that nearly half of the local police investigations into discrimination allegations that had been appealed to the IPCC were flawed: a significantly higher proportion than for the appeals in other types of allegations.

We were pleased to find that our own review of 422 discrimination complaint files covering all 43 forces resulted in more positive findings. We were pleased to find that 364 (86 percent) cases had been handled satisfactorily in accordance with the IPCC guidelines. In the remaining 58 (14 percent) of cases that had not been handled satisfactorily, our analysis of the reasons for failure showed that:

- in 16 cases (28 percent) it was because the investigator had failed to understand the allegation;

- in 4 cases (7 percent) it was because the investigator had failed to conduct research into the background of the officer;

- in 15 cases (26 percent) it was because the investigator had failed to obtain and probe the officer's account properly;

- in 16 cases (28 percent) it was because the investigator had failed to gather all of the available evidence; and

- in 7 cases (12 percent) it was because the investigator had failed to evaluate the evidence properly (figures rounded).

While our percentage of unsatisfactory cases differs from the percentage cited by the IPCC, the reasons for the cases being unsatisfactory are similar to those found by

the IPCC, which suggests that forces could significantly improve the quality of investigations across the board by tackling these reasons.

Figure 5: Reasons for investigation failure in discrimination case file review

- Investigator had failed to understand the allegation
- Investigator had failed to conduct research into the background of the officer
- Investigator had failed to obtain and probe the officer's account properly
- Investigator had failed to gather all of the available evidence
- Investigator had failed to evaluate all of the evidence properly
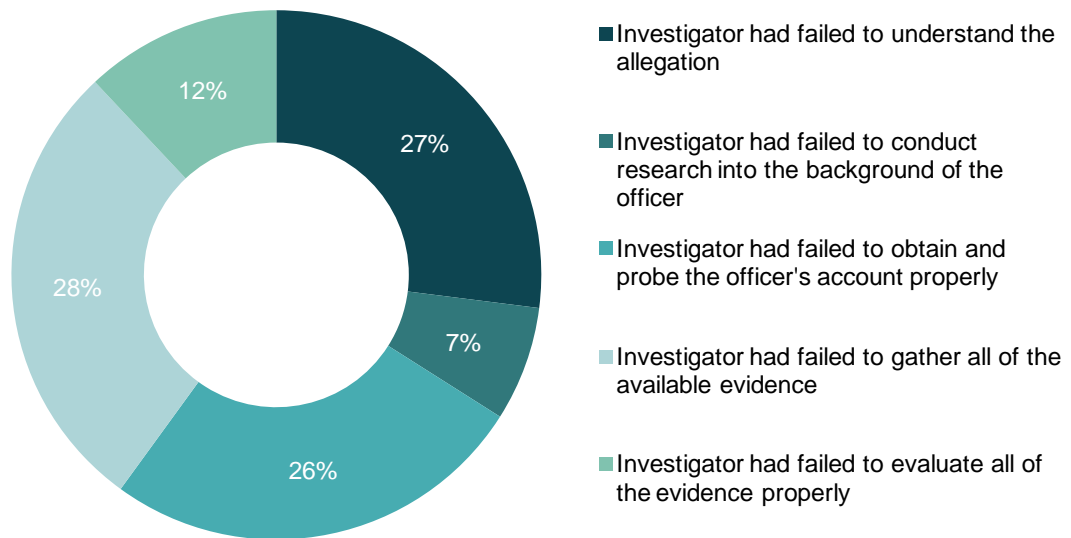
Source: HMICFRS professional standards case file review 2017

22 forces handled all ten of their discrimination complaints satisfactorily, nine only failed in one case and five only failed in two cases. The worst-performing force in the country failed to handle ten out of the 11 cases we looked at satisfactorily.[53]

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[53] We asked forces to provide us with 10 discrimination complaints files. Two forces provided us with 11 cases and four smaller forces could only provide six or eight as they had not received ten complaints in the 24-month period we asked for.

Figure 6: Discrimination complaint case file results for police forces in England and Wales
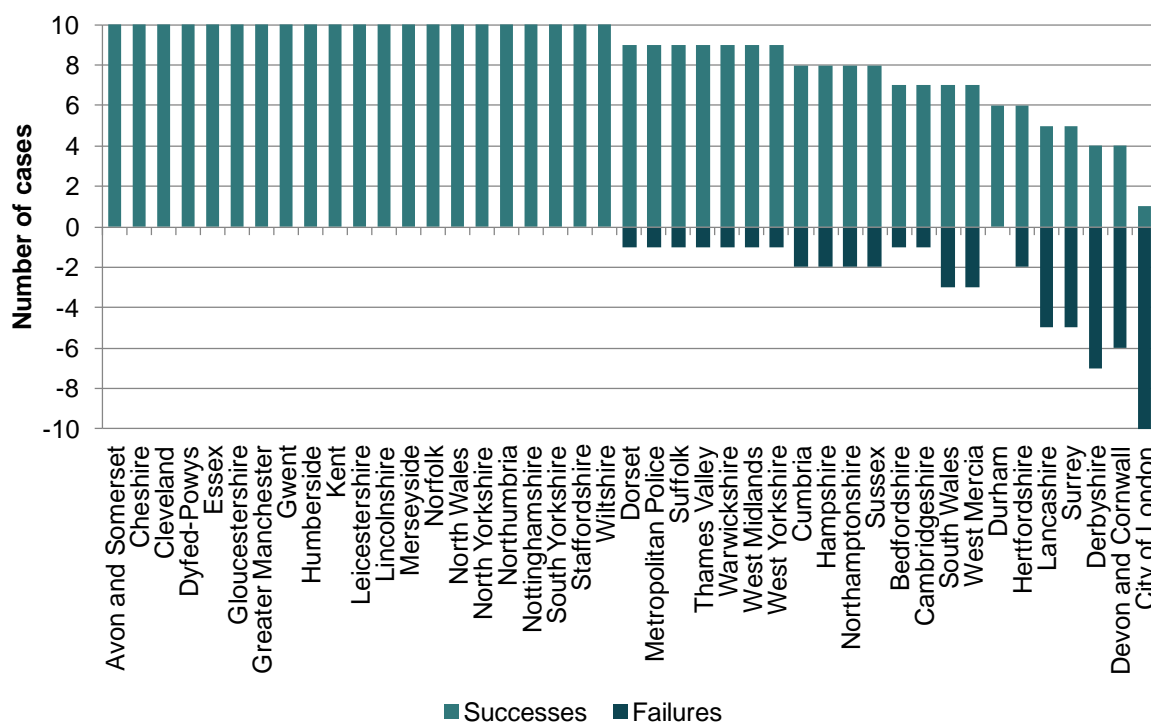
We found no strong relationship between the quality of an investigation and the person handling the case (i.e. a professional standards investigator or a non-professional standards investigator), although PSD staff handled more than twice the number (68 percent) of the more serious local investigations that non-PSD staff did.

Overall service provided to complainant

As part of our case file review we also examined whether the complainant received a satisfactory service from the police overall, from the time the complaint was made until the final assessment. This is important, because even if an investigation is carried out well and according to the rules, and the finding is positive, if the complainant does not feel they received a good service, it could affect their confidence both in the complaints system, and in the police more widely. Our assessment looked at whether the force: had communicated sufficiently with the complainant and updated them properly; had provided the right information; had handled the case properly, taking it through to an appropriate conclusion; and had supported the complainant throughout the process where necessary.

We were pleased to find that in 342 (81 percent) of the cases, the complainant did receive a satisfactory service from the police. In those cases where we felt the complainant had not received a satisfactory service from the police, the most common reasons were: unreasonable delays; failure to address all of the issues raised by the complainant; the poor quality of the final letter to the complainant (some lacked detail or implied criticism of the complainant); poor investigation; and failure to draw up terms of reference for the more serious investigations. These

findings re-emphasise the importance of making sure that allegations of discrimination are allocated to people who have the necessary knowledge, skills and understanding to be able to apply the IPCC guidelines for handling allegations of discrimination effectively.

Staffordshire Police

Those who investigate allegations of discrimination in Staffordshire Police have a thorough understanding of equality and diversity matters and consistently apply the IPCC discrimination guidelines to their cases. All complaints investigators receive a one-week course in complaint-handling, provided by an external training provider, and the IPCC has provided additional discrimination training to the department. We looked at ten public complaint cases that the force had recorded as containing an allegation of discrimination and found that all of them had been investigated satisfactorily in accordance with the IPCC guidelines. We also found that all complainants received a good quality service from the force, including appropriate support and progress updates throughout the process.

To what extent do forces treat their workforces with fairness and respect?

The extent to which forces treat their workforces with fairness and respect continues to form an important part of HMICFRS' assessment of police legitimacy. Perceived unfairness within police organisations can have a detrimental effect on officer and staff attitudes and behaviour, and may discourage people from joining the police.[54] We continue to examine how well forces identify individual and organisational concerns within their workforce and act on these findings, including in the context of workforce wellbeing. This year we included an assessment of the extent to which forces are taking action to make their workforce more representative of the communities they serve, which we last considered in 2015. Also, we integrated aspects of our leadership inspection (how fairly potential leaders are identified and selected) as well as considering individual performance management more generally.

Identifying and improving fairness at work

Research suggests that forces that involve officers and staff in decision-making processes, listen to their concerns, act on them, and are open about how and why decisions were reached, may improve their workforce's perception that they are treated fairly and respectfully.[55] This year, we integrated aspects of our leadership inspection by assessing how well force leaders seek feedback and challenge from the workforce. We then inspected how the force uses this information, alongside other data – including that on grievances – to identify, understand, prioritise and resolve workforce concerns. Part of our assessment involved reviewing a small number of grievance cases to assess adherence to the Acas guide and Code of Practice.[56]

We also re-examined how well forces address disproportionate workforce representation in a variety of areas – including recruitment, retention and progression for those people with protected characteristics, and the treatment of

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[54] *Fair Cop 2: Organisational justice, behaviour and ethical policing*, College of Policing, 2015. Available at:
whatworks.college.police.uk/Research/Documents/150317_Fair_cop%202_FINAL_REPORT.pdf

[55] *Ibid.*

[56] *Code of Practice on Disciplinary and Grievance Procedures*, Acas 2015. Available at: www.acas.org.uk/media/pdf/f/m/Acas-Code-of-Practice-1-on-disciplinary-and-grievance-procedures.pdf. Also *Discipline and grievances at work: The Acas guide,* Acas, August 2017. Available at: www.acas.org.uk/media/pdf/9/g/Discipline-and-grievances-Acas-guide.pdf

BAME officers and staff subject to allegations of misconduct – to improve fairness at work and to make forces more representative of the communities they serve.[57]

Leaders seeking feedback and challenge from the workforce

Force leaders overwhelmingly recognise the need to encourage challenge. We found many positive examples of action leaders have taken to encourage this, including surveys, online forums and face-to-face events. We also saw positive and constructive working relationships with staff associations and networks to gain input from under-represented groups in seeking feedback.

While we remain pleased with the level of engagement between senior officers and the wider workforce in most forces, the degree to which the workforce has confidence in these systems and channels – feeling free to challenge without recrimination, and believing that force leaders will listen to and act on challenge and feedback – is more variable. Our findings will be considered in more detail in our national leadership report, due for publication in early 2018.

Identifying and resolving workforce concerns

Forces should undertake frequent monitoring of a range of information and data – including the results of feedback from the workforce – to identify and understand the concerns of their workforce. They should take action to make improvements or resolve concerns as a result. Forces who do this, and are open about how and why they reached certain decisions, can improve workforce perceptions of fair and respectful treatment.

Identifying workforce concerns

Better-performing forces have effective forums for drawing together workforce feedback and wider management information, such as on grievances, workforce diversity across different ranks, or referrals to professional standards, to identify organisational and individual issues. We were pleased to find that an increasing number of forces have established or are continuing to develop these forums.

Monitoring grievance data and information is one way in which forces can identify and act on workforce concerns. Grievances are concerns, problems or complaints that a member of staff raises formally with an employer, so data on numbers and types of grievances can provide forces with useful information about matters of concern to their workforce.

All forces have grievance procedures, but the number of grievances in each force differs widely across England and Wales. As Figure 7 shows, the number of grievances raised in police services across England and Wales ranged from 17 per

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[57] We last examined these issues as part of our 2015 PEEL legitimacy inspection. See *Police legitimacy 2015 – a national overview*, HMIC, February 2016. Available at: www.justiceinspectorates.gov.uk/hmicfrs/publications/police-legitimacy-2015/

1,000 workforce in Humberside to only one per 1,000 workforce in Avon and Somerset. Across forces in England and Wales, the average number of grievances raised was 4.9 grievances per 1,000 workforce.

Figure 7: Number of grievances raised per 1,000 workforce (officers, PCSOs and staff) in the 10 months from 1 April 2016 to 31 January 2017
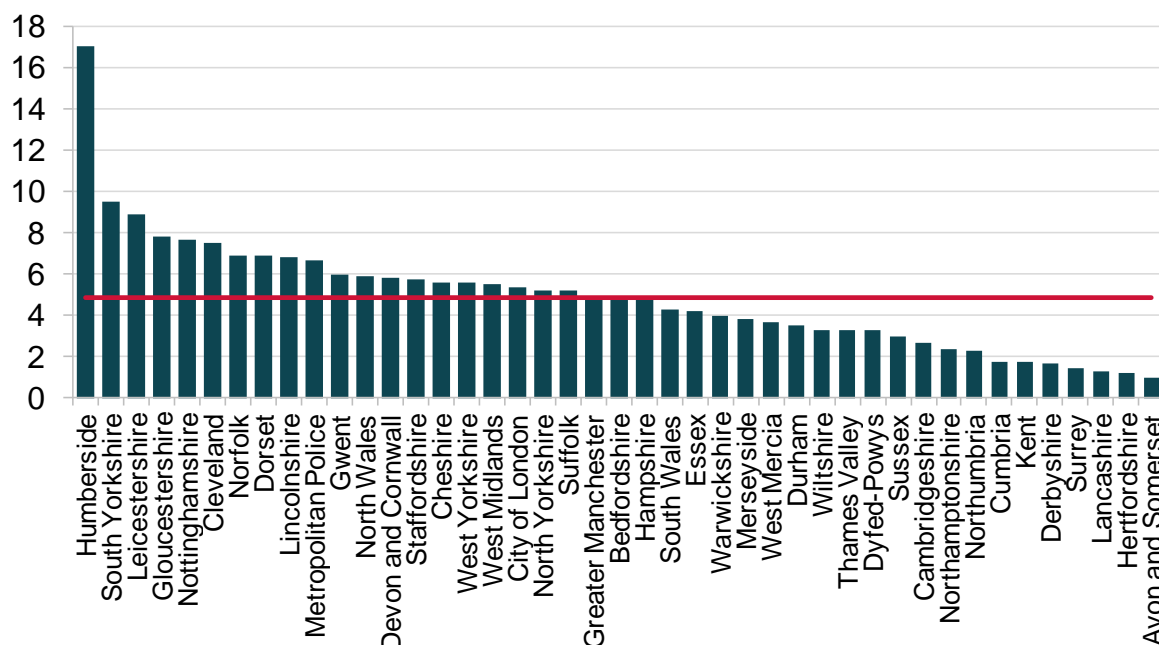
Source: HMICFRS data collection 2017

There is a variety of reasons for this disparity in the numbers of grievances raised, including the scope of what forces record as a grievance, so the raw numbers themselves do not provide for comparison between forces. For example, Humberside Police told us the reason its figure is so much higher than other forces' is because it records every contact relating to a grievance, regardless of whether it is progressed. This approach means the force has a more comprehensive understanding of workforce concerns, particularly with regard to fairness at work. Workforce perceptions of the effectiveness of the grievance process, including the extent to which individuals feel they would be supported by the force if they submitted one, may also affect the variability. Indeed, this year we still found that in a number of forces, officers and staff told us they were not confident that they would be supported if they instigated a formal grievance.

This year we undertook a review of grievance files as part of our inspection, and assessed them in line with the Acas Code of Practice. Acas stresses the importance of using specific and clear written rules and procedures for handling grievances, to promote fairness and transparency. Employees and, where appropriate, their representatives should be involved in the development of these rules and procedures. Of the 389 grievances that we reviewed, 15 percent had no record of support provided to employee or witnesses, and 11 percent had not been satisfactorily resolved, suggesting that nearly three-quarters of grievances had been

handled acceptably, in line with the guidance. These generally positive findings suggest that, where scepticism of the process remains, forces have more to do to reassure their workforces that grievances will be taken seriously and dealt with supportively and effectively.

<u>Making improvements</u>

We were pleased to find that most forces were able to provide positive examples of improvements made in response to concerns raised by the workforce. We found that some forces have invested in specific roles or introduced initiatives to improve the way they identify and resolve workforce concerns.

Metropolitan Police Service

In the Metropolitan Police Service 50 officers and staff have been trained to mediate in issues of concern to the workforce.

Merseyside Police

Merseyside Police has introduced a '100 little things' scheme, which enables officers and staff to raise issues that, if dealt with, would make a positive difference. Feedback and examples of positive results are communicated through a 'you said – we did' system, and where there has been no change as a result of the feedback, officers and staff are informed 'you said – we didn't', and given a reason for the decision not to act.

Despite the positive examples of improvements being made in response to workforce concerns, and encouraging findings about the quality of grievance files, we still encountered scepticism amongst some workforces, particularly those undergoing major change processes. We accept that cultural change of this nature takes time, but forces must persist. One of the most effective ways of overcoming scepticism is by consistently demonstrating that effective action has been taken to address workforce concerns and improve fairness at work. If subsequent decisions or actions do not reflect workforce feedback, the workforce also needs to know why.

Creating a more representative workforce

Creating a more representative workforce has huge organisational benefits. This includes greater access to talent and different ways of thinking, and improved understanding of and engagement with local communities. Unfairness, or potential unfairness, in recruitment processes, development opportunities and progression may also lead to good officers and staff leaving the service prematurely. As such, this subject benefits from being considered as part of wider fairness at work concerns.
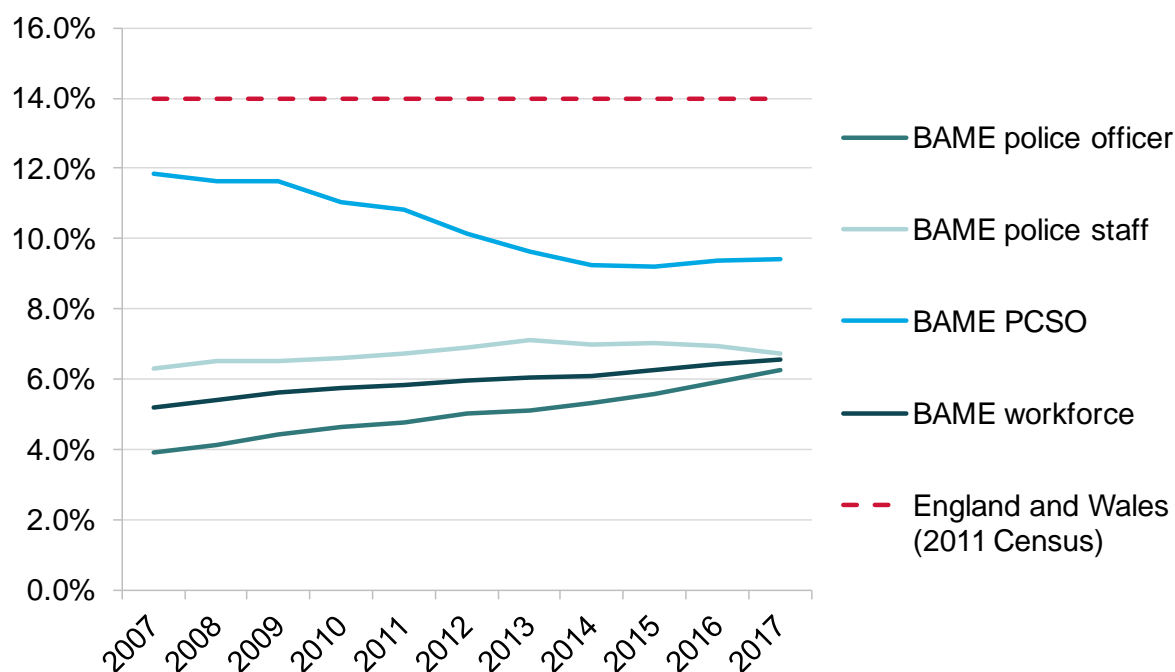
Figure 8: Proportion of workforce (police officers, staff or PCSOs) from BAME communities in police forces in England and Wales on 31 March, 2007 to 2017

The proportion of the workforce in police forces in England and Wales from BAME communities has increased by 1.4 percentage points since 2007 to 6.6 percent in 2017. While this change is small when considering the entire workforce, it includes a 38% rise in the number of police officers from BAME communities, from 3.9 percent in 2007 to 6.2 percent in 2017. The difference between BAME representation in officer, staff and PSCO roles has also narrowed. Although the percentage is still well below the 14 percent that BAME communities represent in the population of England and Wales, this improvement is worthy of note.

Understanding the importance of creating a representative workforce

This year, we found that nearly all forces understand the importance of having a more representative workforce, and of achieving it by addressing disparities in the recruitment, retention and progression of officers and staff across the protected characteristics. Most forces have processes in place for scrutinising workforce information and data across some or all protected characteristics – particularly with regard to BAME recruitment. Overall, we found senior leaders maintain positive and constructive relationships with staff associations and networks, to better understand and improve the experiences of officers and staff from minority groups. Forces are increasingly developing strategies and action plans to address under-representation in one or more areas, to varied effect.

City of London Police

City of London Police has developed a BAME 2018 plan in addition to its existing people strategy.

Avon and Somerset Constabulary

Avon and Somerset Constabulary's equality and diversity board has commissioned an independent review of under-representation in the workforce.

Recruitment

We were pleased to find that an increasing number of forces have made significant progress in creating a more representative workforce through recruitment activity, notably to address under-representation of BAME officers and staff. The percentage of officers joining the police service who are from BAME communities increased from 6 percent in 2006/07 to 10.7 percent in 2016/17 (see Figure 9).

Figure 9: Proportion of officers joining, or officer being promoted, who self-identify from BAME communities within England and Wales
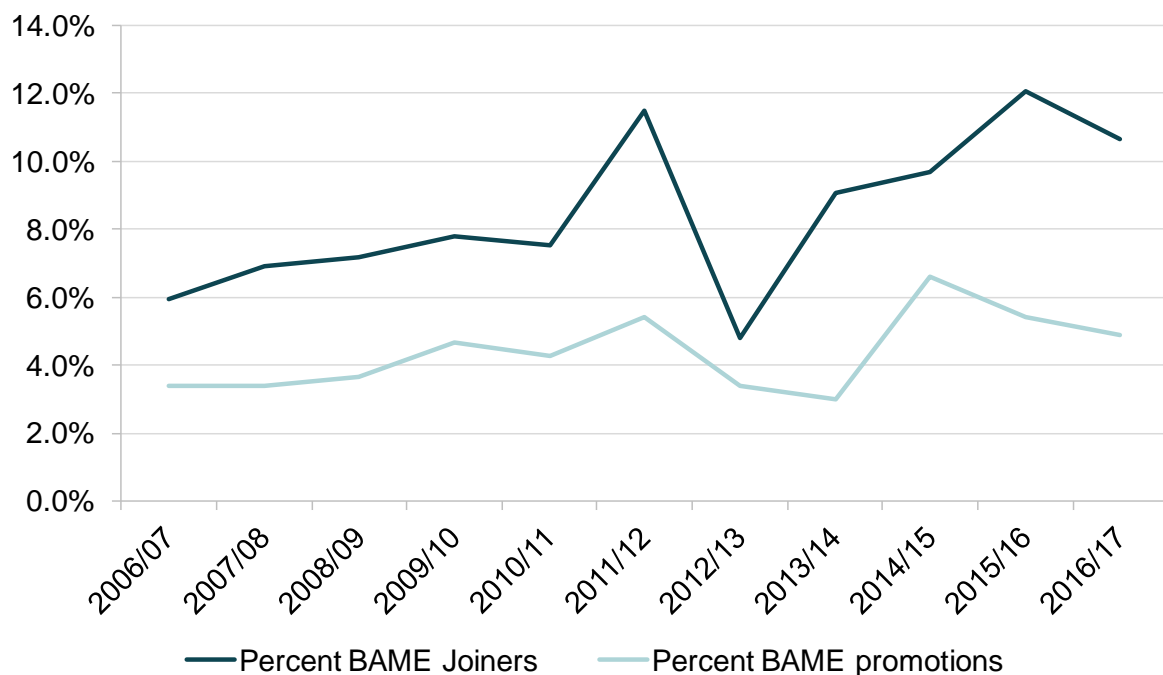
Source: Home Office 2017

HMICFRS was pleased to see an increasing number of forces making more diverse recruitment a priority. We observed a number of forces whose recruitment campaigns are specifically intended to increase the diversity of the applicants to their workforce.

Wiltshire Police

This force formed a positive action team in early 2017. Working with the force diversity lead and chair of the Black Police Association, the team are supporting the force's current recruitment campaign through recruitment workshops with BAME candidates and mentoring schemes to support the recruitment and development of BAME staff. Details of individuals interested in joining the force are collated by the team, who maintain contact with them as relevant roles become available. We were informed that 14 BAME candidates had been successfully recruited into officer or staff roles since January 2017.

Bedfordshire Police

Bedfordshire Police has worked alongside local faith leaders and community representatives to attract BAME applicants. The current cohort of new recruits is 23.7 percent BAME officers.

Gwent Police

Gwent Police has trebled its recruitment of BAME officers to 10 percent, through the use of positive action pathways and also by ensuring that recruitment processes are independently evaluated by a leading chartered psychologist.

Retention and promotion

Figure 9 above indicates that the promotion of BAME officers does not yet match the proportion of recruits from BAME communities. While the numbers may be following a similar trajectory, they are still well below those in the wider community. At 31 March 2017, only 3.7 percent of senior officers[58] were BAME. Women made up 29 percent of officers and only 24 percent of all senior officers.

While forces' focus on improving under-representation through initial recruitment is extremely encouraging, there is still progress to be made before police workforces,

Retention and promotion

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[58] In line with Home Office workforce statistics senior officers are officers holding the rank of Chief Inspector or above

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While forces' focus on improving under-representation through initial recruitment is extremely encouraging, there is still progress to be made before police workforces, at all levels, reflect the communities they serve. Many forces are conscious of this, and HMICFRS was pleased to see that a growing number have given officers and staff who sit on recruitment, promotion and disciplinary panels specific training in unconscious bias. We believe that this will enhance awareness and understanding in all workforce interactions, be they with the public or with colleagues, helping ensure that forces are promoting the most talented individuals from a diverse range of backgrounds.

Some forces also have posts dedicated to supporting workforce diversity inclusion across a range of protected characteristics. They are developing a variety of schemes to support under-represented groups to progress, by providing support and removing barriers. One good example of removing barriers for progression for officers and staff is through a workplace adjustment agreement (or 'passport') that a number of forces are using to support officers and staff with disabilities. The passport ensures that reasonable adjustments are identified and carried out, to support people's access needs in the workplace. We found that this process not only gave individuals with disabilities more control of their situation and any necessary adjustments they required, but removed the stigma that that they sometimes experienced, and reduced anxiety when changing posts.

BAME officers and staff subject to misconduct procedures

In 2015, we found a lack of confidence among some local managers in using misconduct procedures. In some forces, we were told that this resulted in a disproportionate number of those with protected characteristics being referred to PSDs for formal misconduct investigation, as local managers apparently felt it was easier to pass this decision-making responsibility to PSDs, rather than risk accusations of discrimination. Unfortunately, we did not find many examples of forces that have taken concerted action to understand and tackle the problem. We continue to encourage all forces to identify, understand and take action to address the problem where they find it, in line with the good practice examples below.

West Yorkshire Police

In West Yorkshire Police the PSD holds a monthly meeting to review complaints and misconduct allegations. The ethnicity of both the officer and the complainant is now recorded and analysis of figures demonstrates proportionate treatment between different ethnic groups within the organisation.

Metropolitan Police Service

Research was carried out by the Mayor's Office for Policing and Crime (MOPAC) into the extent to which ethnic disparity featured within Metropolitan Police Service officer misconduct data. Between 2012 and 2015, BAME officers made up 14 percent of their workforce, but accounted for 21.5 percent of those subjected to a misconduct allegation. The research suggests three main theories on the potential causes of the problem: fear of being accused of racism; conscious/unconscious bias; and failure to deal with difference. However, it could not say for certain to what extent – if at all – any of these theories are applicable to the force. The report suggests action to tackle the problem could include: specific training for investigators or supervisors on dealing with unsatisfactory behaviour and encouraging early resolution; more generic training on diversity and dealing with difference; better provision of information; behavioural 'nudges'; and changes to processes, or approaches that encourage and support de-escalation and informal resolution.

<u>Workforce perceptions</u>

Feedback from staff networks and associations about forces' commitment to tackling representation issues was generally positive, but some cynicism persisted, particularly with regard to how well forces were dealing with internal discrimination cases. Some officers and staff we spoke to viewed activity taking place under the banner of 'positive action' as having the potential to lead to unfairness at work, as it led to a perception that certain people were being given more opportunities than others because of their protected characteristics. Forces must continue to emphasise that this is not the case. Work to address under-representation is about removing barriers to progression, rather than giving unfair advantage – it is vital that this work continues without any associated stigma, so that forces can benefit from more diverse workforces that are more representative of the communities they serve.

Workforce wellbeing

Police forces need to understand the benefits of having a healthier workforce: a happy and healthy workforce is likely to be a more productive one, as a result of people taking fewer sick days and being more invested in what they do. HMICFRS assessed how well force leaders understand and promote these benefits by developing a culture that fosters workforce wellbeing, and how well forces use data and information – including feedback from the workforce – to identify and understand workforce wellbeing needs. We also assessed how well forces use this understanding to take preventative and early action to support workforce wellbeing at both an individual and organisational level.

Understanding and promoting wellbeing

Leaders across England and Wales continue to prioritise and promote wellbeing by establishing senior ownership, governance processes, plans, accreditation and learning to support individual, team and force-wide wellbeing needs. Officers and staff from most forces recognised that their leaders were taking action to improve workforce wellbeing, although there is more to be done before workforces feel the benefit more widely. Our findings will be considered in more detail in our national leadership report, due for publication in early 2018.

Identifying and understanding workforce wellbeing needs

While the benefits of wellbeing are understood and promoted well by force leaders, the degree to which forces have an adequate understanding of the risks and threats to the wellbeing of the workforce and their underlying causes, remains less consistent across the country.

Analysis of sickness data can provide a useful point of comparison for assessing the wellbeing of police workforces. Having an understanding of the nature and causes of sickness at team and force levels can inform targeted activity to prevent and manage sickness. Figure 10 illustrates that, at 31 March 2017, the total percentage of officers on sickness absence ranged from 6.1 percent in Cleveland Police 1.3 percent in the City of London Police. Within this there is some variation, for example South Wales Police and Dyfed-Powys Police having higher proportions of officers on long-term sickness. We have not made any assumptions about the cause of this variation, but forces should be exploring the reasons for themselves.

Figure 10: Percentage of police officers on long-term and short/medium-term sickness absence in police forces as at 31 March 2017
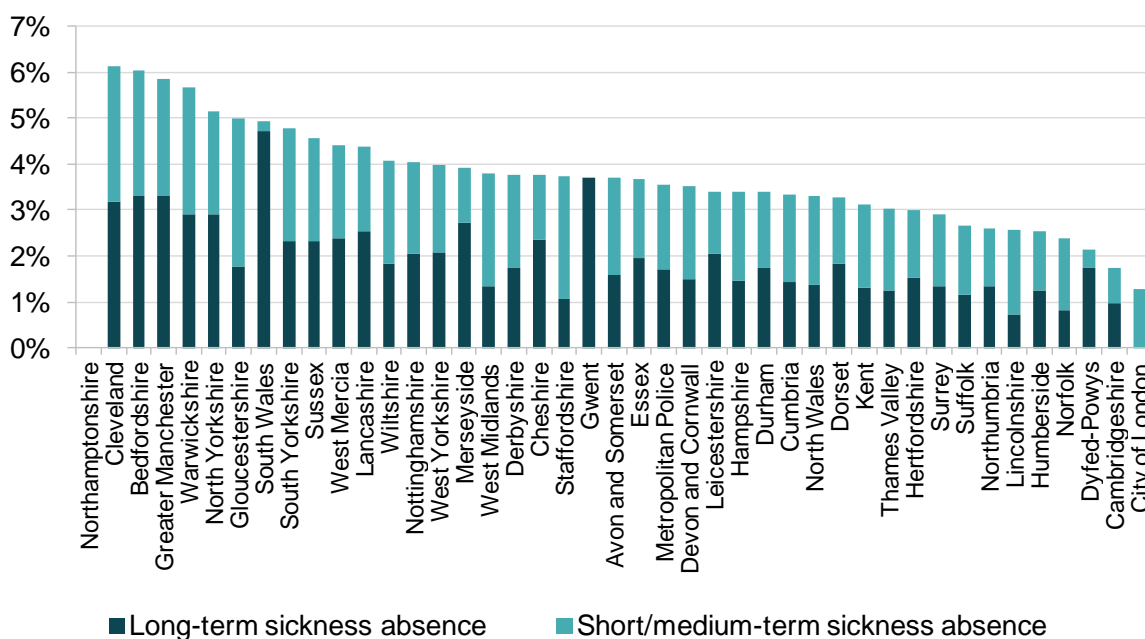
Source: Home Office 2017

Note: Data for short/medium-term sickness absence in Gwent Police and sickness absence data for Northamptonshire Police was not available.

We were encouraged to find that the majority of forces now regularly undertake some level of analysis of organisational data and information relevant to wellbeing – including sickness data and staff survey results to identify patterns and trends, inform wellbeing plans, and to take action to address concerns. A number of forces were able to demonstrate that support for wellbeing is being targeted at individuals and groups who are most in need, although most forces could still do more.

Cumbria Constabulary

Cumbria Constabulary routinely considers a range of wellbeing and performance data to monitor trends and intervene as appropriate. A twice-monthly wellbeing board, as well as a 'valuing individuals' group, helps chief officers to understand how it feels to work for the constabulary, and at force and local levels, leaders examine a range of workforce data, such as the amount of overtime worked, rest days worked and accrued time off in lieu, to establish and address any emerging issues. Wellbeing is also considered at the daily management meeting with local managers and, if necessary, at the higher-level daily operational resourcing meeting, which sets the constabulary's priorities for the day.

Last year we found that many forces were increasingly relying on supervisors to identify, understand and support the wellbeing needs of individuals, often as a result of reduced human resources and occupational health provision. The effectiveness of this approach depends on supervisors understanding their wellbeing responsibilities and having the knowledge and confidence they need to provide officers and staff with, or direct them to, timely and appropriate support. This year we found some pockets of progress.

Thames Valley Police

Thames Valley Police has trained all supervisors at an operational level, and some constables, to recognise and know what action to take in response to wellbeing problems among their colleagues and staff.

Cumbria Constabulary

In Cumbria Constabulary, wellbeing has been incorporated into individual performance meetings and where this is happening, those officers and staff we spoke to reported it being of value, turning a performance appraisal into an opportunity to speak with supervisors about any wellbeing issues.

Taking preventative and early action to improve workforce wellbeing

We are pleased to report that we found the majority of forces are continuing with concerted efforts to support workforce wellbeing by taking a preventative approach that aims to tackle wellbeing problems early, before they escalate. In addition to signing up to the mental health charity Mind's Blue Light 'time to change' pledge, the Blue Light Wellbeing framework[60] and the Oscar Kilo website now provide additional avenues for helping forces to consider how they can take preventative action to improve wellbeing. Forces continue to provide a mixture of continuing services and one-off initiatives to help officers and staff keep themselves fit and healthy.

Merseyside Police

Merseyside Police is taking steps to ensure that supervisors consider wellbeing as part of regular one-to-one meetings with individuals about their performance. Supervisors are receiving specific training which covers wellbeing and mental health awareness, including stress trigger awareness, as part of the force's leadership programme for supervisors.
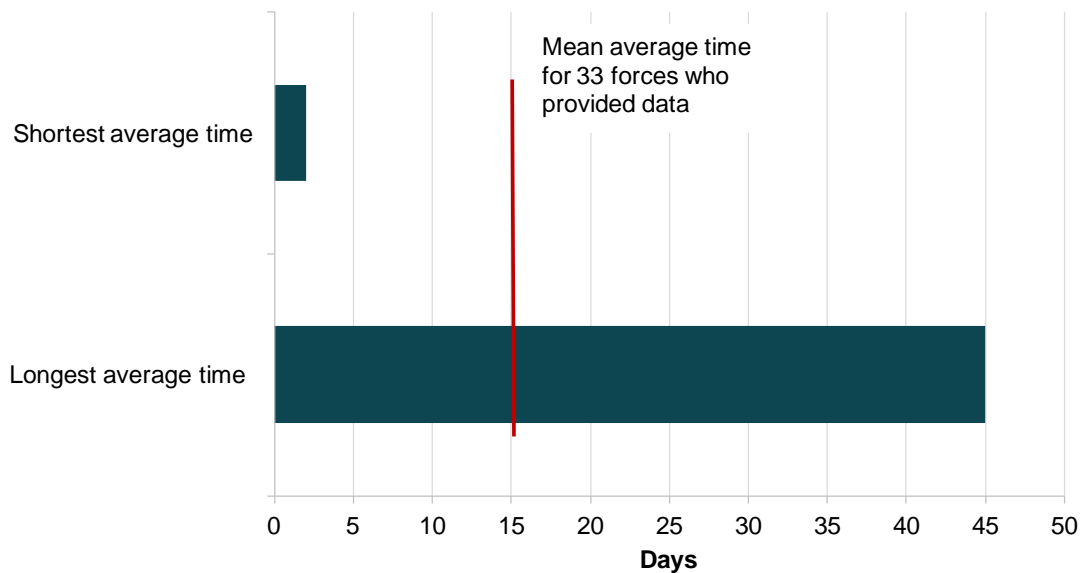
Durham Constabulary

We observed innovative new approaches to address potential wellbeing concerns at an early stage. For example, the constabulary has invested in eye movement desensitisation and reprocessing therapy for officers and staff suffering from post-traumatic stress disorder (PTSD). The psychological effects of PTSD can cause officers and staff to be on long-term sick leave for up to 18 months, and can have broader implications for their lifestyle. This innovative approach provides early intervention, and improvements in the condition have been shown within three months. The constabulary has successfully referred and supported four members of the workforce for this treatment.

Last year we found huge variability in the way that forces are providing occupational health services, so this year we asked forces for average time between referral and appointment between 1 April 2016 to 31 January 2017 to find out more about the variability of these services across England and Wales. Figure 11 shows that among the 33 forces that provided data on the average time between occupational health referral and first appointment, 45 days was the longest period given, while the shortest was two days. Twelve forces had an average time below 10 days, while another 13 forces had an average time between 10 days and less than 20 days.

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[60] The Blue Light Wellbeing Framework is hosted by the Oskar Kilo website, which offers self-assessment tools that enable those responsible for wellbeing to track progress in their organisation.

Three forces had an average time longer than 40 days between occupational health referral and first appointment.

Figure 11: Average time from occupational health referral to appointment across 33 forces for the 10 months from 1 April 2016 to 31 January 2017

Considering the huge variation in the range of services available, the extent to which they are accessible to the workforce, and the timescales for being referred varying hugely, it is not possible to build a comparable picture of force provision. However, forces should consider doing more to understand the scale and type of provision they offer, in light of the wellbeing needs of their workforces, as this continues to have implications for how well forces can intervene early to prevent wellbeing problems from escalating.

More positively, forces are increasingly good at supporting officers and staff following traumatic incidents. Having trained officers and staff available to debrief colleagues soon after significant traumatic operational events is vital to prevent psychological problems from escalating (particularly for those officers and staff who are most likely to be exposed to traumatic incidents, like response officers, control room staff, firearms officers and those working in units protecting vulnerable people). These actions ensure that officers and staff are appropriately supported, and that they can continue to help to protect the public.

Greater Manchester Police

Greater Manchester Police deserves recognition for their operational response to the terrorist attack in May 2017, and the role the police leadership took in quickly and professionally providing support to the workforce. The deputy chief constable quickly contacted all staff, outlining the wide range of available support services, not just from the force's occupational health and welfare unit, but also from its partner agencies and other external providers. We spoke with a number of officers who were involved in the response to the bombing, and all of them had been contacted by qualified medical practitioners to assess their individual needs. The majority of those we spoke with appreciated the proactive contact.

Metropolitan Police Service

The Metropolitan Police Service supported officers well following the terrorist attack on Westminster earlier in 2017. Within a few hours of the attack, senior occupational health practitioners were on hand in the force's major incident room and at the scene of the incident to provide support to the workforce. Initial conversations were followed up with the offer of a one-to-one or group trauma support session for those directly affected within 28 days of the incident, and gave advice on the symptoms of trauma and the most appropriate form of support. An internal communication campaign provided the wider workforce with information about available support services and reassured officers and staff that it is all right to ask for help at any point they feel they need it. Those we spoke with during the inspection told us the force's wellbeing provision following this and other critical incidents is consistently good.

One of the best ways to tackle wellbeing concerns effectively, and at the earliest opportunity, is to ensure that supervisors have the knowledge, skills and confidence to support their own officers and staff. This year we were encouraged to find that many of the supervisors we spoke to had received some form of training, particularly with regard to mental health. However, the lack of supervisor confidence to tackle wellbeing concerns at an individual level remains.

While we observed a generally positive vision for wellbeing set by senior leaders, which represents genuinely positive cultural change for the service, we also saw in some cases a limited ability of officers and staff to access this provision. We were disappointed to find that the concerns raised by officers and staff in a small number of forces last year – that they felt that they were not able, due to the volume and pressures of work, to make use of services offered – appear to be more widespread this year. HMICFRS was provided with many examples of initiatives set up by the force leadership that members of the workforce did not know about or were not accessing. This, alongside our ongoing concern about a lack of confidence among

supervisors to identify and take action in response to individual wellbeing concerns, is troubling. Forces must take action to ensure that one-off initiatives and ongoing wellbeing support services are available and accessible to all officers and staff.

Managing individual performance, development and selection

College of Policing research on organisational justice suggests that the handling of promotion opportunities and failure to deal with poor performance may adversely affect workforce perceptions of fairness, and this in turn may lead to negative attitudes and types of behaviour in the workplace.[61] In addition, effective performance management and development mitigate risks to forces and ensure continuous improvement; this is a hallmark of professionalism. HMICFRS assessed how fairly and effectively forces manage the performance of individual officers and staff, including the value that forces place on continuing professional development (CPD), in line with guidance from the College of Policing.[62] We also looked at how fairly forces identify and select their leaders, and the extent to which these processes result in leaders that represent a range of styles, approaches and backgrounds.

Managing and developing individual performance

We have previously reported on the fact that over three-quarters of forces did not have fair and effective processes for managing individual performance. This year, we asked forces to provide us with data on the percentage of the workforce who had undertaken an annual performance review process in the 18 months from 1 August 2015 to 31 January 2017. Eight forces were unable to provide this data, 14 forces had completion rates of less than 50 percent, and only 10 forces had completion rates of 80 percent or more. Hampshire Constabulary, South Wales Police and West Yorkshire Police were the only forces to state that all their officers and staff had been through a performance and development review (PDR) process in the period.

We found that many forces are planning for, or establishing, new processes and software to address some of the limitations we identified last year, in line with

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[61] *Fair Cop 2: Organisational justice, behaviour and ethical policing*, College of Policing, 2015. Available at:
http://whatworks.college.police.uk/Research/Documents/150317_Fair_cop%202_FINAL_REPORT.pdf

[62] College of Policing guidance on the police performance development review (PDR) process. Available at: www.college.police.uk/What-we-do/Support/Reviewing-performance/Pages/PDR.aspx
See also the College of Policing's competency and values framework. Available at: www.college.police.uk/What-we-do/Development/competency-and-values-framework/Pages/Competency-and-Values-framework.aspx

College of Policing guidance.[63] We were pleased to find that in a number of forces, reviews of individual performance processes were being led by chief officers, including systems for enabling corporate scrutiny and assurance, and communications about the importance of individual performance management.

Essex Police

Essex Police has invested significantly in improving its performance management arrangements. It now has a compliance and quality assurance process and the system is aligned to the date of joining.

South Yorkshire Police

South Yorkshire Police has introduced an electronic personal development review that has enabled central oversight and makes links with talent management processes. Most of the officers and staff we spoke to were positive about this investment in their development.

Cumbria Constabulary

Cumbria Constabulary has introduced regular face-to-face meetings with supervisors, with a focus on wellbeing. The officers and staff we spoke to welcomed and valued these arrangements.

Unfortunately, with a few notable exceptions such as Cumbria Constabulary, we found minimal evidence of improvement in the frequency and quality of performance conversations between individuals and supervisors. The quality, regularity and effectiveness of appraisals or reviews continue to depend chiefly on the commitment and professionalism of individual line managers, and we continue to hear from some officers and staff that they rarely have performance discussions. One reason for this included the fact that officers and staff were often working on different shifts from their supervisors, or in different locations, so there were minimal opportunities for face-to-face conversations. Also, despite investment by some forces in communicating the benefits of individual performance management systems, knowledge of them was limited, and the view persists that the process is not fair, and is only of value to individuals going for promotion.

While it is encouraging that more forces are rolling out new performance systems, without real progress on the frequency and quality of performance conversations, it appears to be a case of hitting the target but missing the point. The importance of having high-quality performance conversations, that include wider development and wellbeing conversations, cannot be under-estimated. Not improving the extent to

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[63] *PDR – Making it count*, College of Policing, 2015. Available at: www.college.police.uk/What-we-do/Support/Reviewing-performance/Pages/PDR.aspx

which this takes place may affect the ability of the workforce to police legitimately, efficiently and effectively. The value of effective performance management lies not just in high levels of compliance with a process, but in processes that link in a meaningful way to force wellbeing priorities and talent management. Where there are regular face-to-face meetings with line managers, the workforce is more likely to have confidence in the process.

Identifying potential senior leaders

This year we integrated aspects of our leadership inspection into our assessment of how fairly forces manage and develop officers and staff at all levels, specifically in terms of the fairness of the process for identifying and developing talented individuals. It is important within any organisation that the most talented individuals are offered the right opportunities to develop, and that the identification of these individuals is achieved through a fair and objective process. As well as providing accessibility for all, this is important in ensuring that future leaders are perceived as credible by the workforce. We observed a large number of forces where the processes were not perceived by the workforce to be fair and/or legitimate. In some forces there was no system at all for identification of, or development for, talented individuals. Our findings will be considered in more detail in our national leadership report, due for publication in early 2018.

Selecting leaders

This year we integrated aspects of our leadership inspection into our assessment of how fairly forces manage and develop officers and staff at all levels, specifically in terms of selection as part of promotion processes. Again, while we did observe a handful of examples of good practice in forces nationally, we found in many cases that selection processes are not perceived to be as fair or legitimate as they could be by the workforce. Our findings will be considered in more detail in our national leadership report, due for publication in early 2018.

Definitions and interpretation

In this report, the following words, phrases and expressions in the left-hand column have meanings assigned to them in the right-hand column. Sometimes, the definitions will be followed by a fuller explanation of the matter in question, with references to sources and other material which may be of assistance to the reader.

APP	Authorised Professional Practice
Authorised Professional Practice	official source of professional practice on policing, developed and approved by the College of Policing, to which police officers and staff are expected to have regard in the discharge of their duties
Best Use of Stop and Search (BUSS)	voluntary scheme announced by the Home Secretary in 2014; its principal aims are to achieve greater openness and community involvement in, and to support a more intelligence-led approach to the use of, stop and search powers, leading to better outcomes
body-worn video camera	video-recording equipment worn on the headgear or upper body of an officer, to record visual and audio footage of an incident
chief officer	police officer with one of the following ranks: assistant chief constable, deputy chief constable and chief constable in police forces outside London; commander, deputy assistant commissioner, assistant commissioner, deputy commissioner and commissioner in the Metropolitan Police Service; commander, assistant commissioner and commissioner in City of London Police
Code of Ethics	list of policing principles and standards of professional behaviour that everyone in policing is expected to adopt; the code was laid before Parliament as a code of practice in July 2014
College of Policing	professional body for policing in England and Wales, established to set standards of professional practice, accredits training providers, promotes good practice based on evidence, provides support to police forces and others in connection with the protection of the public and the prevention of crime, and promote ethics, values and standards of integrity in policing;

its powers to set standards were conferred by the Police Act 1996 as amended by the Anti-social Behaviour, Crime and Policing Act 2014; under section 40C, Police Act 1996, the Home Secretary has power to direct the College, requiring it to exercise any statutory function vested in the College, and to carry out such other duties for the purpose of furthering the efficiency, effectiveness or integrity of the police as the Home Secretary specifies

continuing professional development	acquiring or maintaining professional qualifications or knowledge through formal learning such as degree courses or informal settings such as conferences
(police) corruption	exercise of power or privilege of a police constable for the purposes of achieving a benefit for himself or herself, or a benefit or a detriment for another person, when a reasonable person would not expect the power or privilege to be exercised for the purpose of achieving that benefit or detriment; as defined in section 26 of the Criminal Justice and Courts Act 2015
counter-corruption activity	how a force addresses the threat of corrupt activity by police officers, staff, partner agencies, volunteers and contractors to the security of information and operational activity within law enforcement agencies
demand	amount and type of service that the public and other organisations require of the police
diversity	political and social policy of promoting fair treatment of people of different backgrounds or personal characteristics; the Equality Act 2010 specifies nine protected characteristics in this regard: gender, age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, and sex and sexual orientation
governance	method by which the structures and processes of a force relate to its efficiency and effectiveness, including how well the outcomes of the force's goals are met and overseen
human resources	department responsible for the people in an organisation; its principal functions include: recruitment and hiring of new workers, their training and continuous professional development, and their benefits and performance
incapacitant spray	restraint option available to police officers faced by someone

	who is violent or is threatening violence, to minimise this person's capacity for resistance; it is capable of temporarily incapacitating a person without wounding or killing them
independent advisory group	group of people or organisations brought together to provide senior police officers with the opportunity to discuss matters of concern about policing in local communities where trust in the police can be problematic; the need for such independent advice was identified in the Stephen Lawrence Inquiry Report, published in 1999, which concluded that more should be done to engender trust and confidence in such communities
intelligence	information that is evaluated and risk-assessed to assist the police in their decision-making
Independent Police Complaints Commission	organisation established under the Police Reform Act 2002, responsible for overseeing the police complaints system in England and Wales, including monitoring the way complaints are handled by local police forces; investigates the most serious complaints, incidents and allegations of misconduct; can call in the most serious cases from forces; can manage or supervise a police investigation into a complaint; and can deal with appeals from people who are not satisfied with the way their complaint has been dealt with by the police
IPCC	Independent Police Complaints Commission
legitimacy	degree to which a force and its staff and officers are seen by the public consistently to behave fairly, ethically and within the law; these are important factors in building and maintaining the trust and co-operation of the public
National Personal Safety Training Manual	published by the College of Policing and National Police Chiefs' Council; contains personal safety guidance, including modules on conflict management, use of force, medical implications, personal management, communication, unarmed skills, handcuffing, incapacitants, batons, limb restraints, searching, edged weapons and role-specific skills
National Police Chiefs' Council	organisation which brings together 43 operationally-independent and locally accountable chief constables and their chief officer teams to co-ordinate national operational policing; works closely with the College of Policing, which is responsible for developing professional standards, to develop

national approaches on issues such as finance, technology and human resources; replaced the Association of Chief Police Officers on 1 April 2015

NPCC	National Police Chiefs' Council
occupational health services	services which forces provide to officers and staff to support and promote health, safety and wellbeing, and to minimise absence through injury or ill-health
PEEL	annual assessment of police forces in England and Wales, carried out by HMICFRS; forces are assessed on their effectiveness, efficiency and legitimacy; they are judged as outstanding, good, requires improvement, or inadequate on these categories, based on inspection findings, analysis and Her Majesty's Inspectors' professional judgment across the year
performance and development review	assessment of an individual's work performance by his line manager, usually an officer or police staff manager of the immediately senior rank or grade; in some forces, it is referred to as performance development review
performance management	activities which are intended to ensure that goals are being met consistently in an effective and efficient manner; it can focus on the performance of an organisation, a department, an individual, or the processes to build a service
police officer	individual with warranted powers of arrest, search and detention who, under the direction of his or her chief constable, is deployed to uphold the law, protect life and property, maintain and restore the Queen's peace, and pursue and bring offenders to justice
police staff	person employed by a police force and who is not a police officer
protected characteristics	characteristics of a person which, if established to be the basis of discrimination, will render that discrimination unlawful under the Equality Act 2010; the characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation
senior officer	a police officer holding a rank above that of chief superintendent

stop and search powers	statutory powers that a police officer may use to stop and search someone to prevent and detect crime, and to avoid unnecessary arrest in circumstances where a quick search might confirm or eliminate an officer's suspicions; use of these powers is lawful if an officer has reasonable grounds for suspicion that a person is in possession of a stolen or prohibited item, or controlled drugs, or if a person is in an area where serious violence is anticipated; provided for in section 1, Police and Criminal Evidence Act 1984, section 23, Misuse of Drugs Act 1971, and section 60, Criminal Justice and Public Order Act 1994
vetting	process by which forces or other law enforcement agencies carry out security checks on those working for them; intended to provide assurance as to the integrity of individuals who have access to sensitive criminal intelligence, financial, or operational police assets or premises
workforce	body of people employed by an organisation; in the case of the police, it includes officers, even though they are holders of the office of constable and therefore not employees of their police forces; it also includes police community support officers and staff

Annex A – About the data

Data used in this report

The source of the data is presented with each figure in the report, and is set out in more detail in this annex. The source of legitimacy in numbers data is also set out below.

Methodology

Please note the following for the methodology applied to the data:

Comparisons with England and Wales averages

For some datasets, the report states whether the force's value is 'lower', 'higher' or 'broadly in line with' the England and Wales average. This is calculated by using the difference from the mean average, as a proportion, for all forces. After standardising this distribution, forces that are more than 0.675 standard deviations from the mean average are determined to be above or below the average, with all other forces being broadly in line.

In practice this means that approximately a quarter of forces are lower, a quarter are higher, and the remaining half are in line with the England and Wales average for each measure. For this reason, the distance from the average required to make a force's value above or below the average is different for each measure, so may not appear to be consistent.

The England and Wales averages will differ slightly from the Value for Money Profiles because we have included City of London Police and the Metropolitan Police Service within the average in this publication.

Statistical significance

When commenting on statistical differences, a significance level of 5 percent is used.

For some forces, numbers described in the text may be identical to the England and Wales average due to decimal place rounding, but the bars in the chart will appear different as they use the full unrounded value.

Population

For all uses of population as a denominator, unless otherwise noted, we use the Office for National Statistics (ONS) mid-2015 population estimates as these were available at the time of inspection.

Note on workforce figures

All workforce figures are from the Home Office Annual Data Requirement (ADR) published in the Home Office's published Police Workforce England and Wales statistics,[64] or the Home Office police workforce open data tables.[65] This year, HMICFRS has tried to align its workforce categories with those in the Home Office Police Workforce Statistics publication.

This means that in the data presented on the gender and ethnic diversity of the workforce, we have not included section 38-designated officers within the 'police staff' category, so that these figures will read across to the workforce publication more easily. However, we have included section 38-designated officers within descriptions of the total workforce, to be consistent with the HMICFRS Efficiency reports.

Please note that all workforce figures are given as full-time equivalent (FTE), unless otherwise stated, and exclude traffic wardens and special constables.

Legitimacy in numbers

Workforce (FTE) for 2016/17

Data may have been updated since publication. Workforce includes section 38-designated investigation, detention or escort officers, but does not include section 39-designated detention or escort staff.[66] The data are the actual full-time equivalent figures (FTE), and data for 2016/17 are as at 31 March 2017.

For FTE, these data include officers on career breaks and other types of long-term absences, and exclude those seconded to other forces.

Ethnic diversity and gender diversity

Data may have been updated since publication. As noted above, to align categories with those in the Home Office Police Workforce Statistics publication, the police staff category does not include section 38-designated officers. Workforce ethnicity data are derived from headcount rather than FTE.

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[64] Available from: www.gov.uk/government/collections/police-workforce-england-and-wales

[65] Available from: www.gov.uk/government/statistics/police-workforce-open-data-tables

[66] See sections 38 and 39 of the Police Reform Act 2002. Available at: www.legislation.gov.uk/ukpga/2002/30/section/38

Grievances

Data are derived from the HMICFRS data collection conducted prior to inspection. The data refer to those grievances that were raised and subject to a formal process (not including issues informally resolved with a line manager).

Stop and search

Data are derived from the Home Office Police Powers and Procedures England and Wales year ending 31 March 2017 publication.[67] Stop and search totals used exclude vehicle-only searches and those searches where the ethnicity of the subject was 'not stated'. The population data used is ONS mid-2016 population estimates. Please note that the national report uses data for 2016/17 published in October 2017. However this will differ from force reports, which contain data for 2015/16 because this was the dataset available during the inspection period (April to July 2017).

Figure 1: Likelihood of different ethnic groups experiencing a PACE stop and search in England and Wales compared with the white population

Data are derived from the Home Office *Police Powers and Procedures England and Wales* year ending 31 March 2017.[68] The likelihood of a stop and search is based on the number of stop searches per 1,000 population for each ethnic group. The population data used the percentage of the population which each ethnic group represented in the population from the 2011 census applied to mid-year population estimates for each year. Data do not include British Transport Police.

Figure 2: Percentage of stop and search records reviewed with reasonable grounds recorded or during which the object of search was found, January 2017

The data provided are derived from the stop search file review conducted by HMICFRS (see case file review section).

Figure 3: Percentage of workforce (officers, PCSOs, and staff) with up-to-date security clearance, in England and Wales, as at 31 January 2017

Data are derived from the HMICFRS data collection conducted prior to inspection. HMICFRS asked force to provide the number and percentage of the overall workforce who did not hold up-to-date security clearances in accordance the ACPO Vetting Policy 2012 on 31 January 2017.

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[67] Available at: www.gov.uk/government/statistics/police-powers-and-procedures-england-and-wales-year-ending-31-march-2017

[68] Available at: www.gov.uk/government/statistics/police-powers-and-procedures-england-and-wales-year-ending-31-march-2017

Figure 4: Percentage of discrimination case files completed by PSD staff compared with non-PSD local supervisors and type of finalisation

The data provided are derived from the professional standards case file review conducted by HMICFRS (see case file review section).

Figure 5: Reasons for investigation failure in discrimination case file review

The data provided are derived from the professional standards case file review conducted by HMICFRS (see case file review section).

Figure 6: Discrimination complaint case file review results for police forces in England and Wales

The data provided are derived from the professional standards case file review conducted by HMICFRS (see case file review section).

Figure 7: Number of grievances raised per 1,000 workforce (officers, PCSOs and staff) in the 10 months from 1 April 2016 to 31 January 2017

Data are derived from the HMICFRS data collection conducted prior to inspection. The data refer to those grievances that were raised and subject to a formal process (not including issues informally resolved with a line manager). Differences between forces in the number of raised grievances may be due to different handling and recording policies.

Figure 8: Proportion of workforce (police officers, staff or PCSOs) from BAME communities in police forces in England and Wales on 31 March, 2007 to 2017

These data are derived from Home Office Annual Data Requirement 511 (police strength by ethnicity). Data may have been updated since publication. Workforce ethnicity totals are headcount rather than FTE so percentages may differ slightly from the Home Office *Police Workforce Statistics* publication.

Figure 9: Proportion of officers joining, or officer being promoted, who self-identify from BAME communities within England and Wales

These data are derived from Home Office Annual Data Requirements 521 (data on joiner type, rank, gender and higher) and 591 (data on promotions by rank, ethnicity and gender). Data may have been updated since publication. Workforce ethnicity totals are headcount rather than FTE so percentages may differ slightly from the Home Office *Police Workforce Statistics* publication.

Figure 10: Percentage of police officers on long-term and short/medium-term sickness absence in police forces as at 31 March 2017

Data used in the above data were obtained from Home Office annual data returns 501(police strength) and 552 (sickness absence).[69] Long-term sick leave is defined

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[69] Available from: www.gov.uk/government/statistics/police-workforce-open-data-tables

as an absence due to sickness that has lasted for more than 28 days as at 31 March 2017. Data may have been updated since the publication. Data for short/medium term sickness absence in Gwent Police and sickness absence data for Northamptonshire Police was not available.

Figure 11: Average time from occupational health referral to appointment across 33 forces for the 10 months from 1 April 2016 to 31 January 2017

Data are derived from the HMICFRS data collection conducted prior to inspection. Forces were asked to provide the average time from health referral to appointment in days. Of the 43 forces from which information was requested, 33 were able to provide this information. This data does not take into account if other services were provided or signposted during this period.

Figure 12: Percentage of the workforce (officers, PCSOs and police staff) who have undertaken an annual performance review process in the 18 months from 1 August 2015 to 31 January 2017

Data are derived from the HMICFRS data collection conducted prior to inspection. An 18-month period was requested to allow for differences in the timing of forces' performance review cycles.

Stop and search records review – methodology

HMICFRS was commissioned by the Home Office to conduct a further assessment of reasonable grounds, building on the assessments we carried out in 2013 and 2015, so that we could demonstrate any changes over time. We used a similar methodology to do this: forces provided details of stop and search records by working back in time from 7 January 2017 until a total of 200 was reached.[70] This amounted to a total of 8,574 records – some records provided were not actually records of stop and search encounters, and these were excluded. As part of our assessment, we gave forces the opportunity to review our findings and make representations.

As in 2013 and 2015, HMICFRS reviewed each record to assess the reasonableness of the recorded grounds. However, this year we also identified how many of the records reviewed were carried out to search for drugs, and whether stop and search was carried out for drugs, whether the suspicion involved possession only or the more serious supply-type offence. Currently forces are not required to differentiate between the two. We did this so that we could ascertain how many in our sample were for possession of drugs, rather than supply, as high rates of possession-only searches are unlikely to fit with force priorities.

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[70] City of London Police was unable to provide records up to 7 January 2017 but instead provided 200 records from 4 October 2016 to 26 November 2016.

This year, for the first time, we assessed whether or not the use of stop and search powers prevented an unnecessary arrest. We did this to ascertain how many of the records reviewed involved allaying the officer's suspicion in circumstances where, had the stop and search powers not been available, the person would otherwise have been arrested, thereby representing a positive use of the powers. Allaying suspicion and preventing an unnecessary arrest is as valuable as confirming suspicion by finding the item searched for.

Professional standards case file review – methodology

During February and March 2017, inspection teams from HMICFRS visited the professional standards department from each force (or joint unit for collaborated forces) to conduct a case file review. We asked forces to provide us with the last case files they had finalised up to 31 December 2016, but going back no further than two years. From each force we asked to see:

- 10 complaints the force had recorded as containing an allegation of discrimination;

- 15 complaints the force had recorded in categories we felt may contain unidentified allegations of discrimination; these were recorded under the categories of oppressive conduct, harassment, irregularity in relation to evidence/perjury, corruption or malpractice, breach of Code A of PACE on stop and search, lack of fairness and impartiality, other neglect or failure in duty, incivility, impoliteness and intolerance, and unlawful arrest or detention (breach of code G of PACE);

- 10 service recovery complaints (if the force operated a separate service recovery scheme);

- 10 internal misconduct allegations the force had recorded as containing an allegation of discrimination;

- 10 other internal misconduct allegations so that we could ascertain if they contained unidentified allegations of discrimination; because internal misconduct is categorised by the wider 'standard of professional behaviour' that is alleged to have been breached (rather than by the specific circumstances that complaints are recorded under), we chose these cases from all the categories recorded); and

- 10 grievances (and 10 workplace concerns if the force recorded these separately).

We assessed these case files against the relevant legislation, guidance and code of practice[71] to answer the following questions:

- Access to the system – Has the force identified those cases where the complainant requires additional support to make their complaint, and has that support been provided?

- Initial information – When the complaint was recorded, did the force provide the complainant with a copy of the complaint record, an explanation of the possible ways the complaint may be dealt with, and advised who will be dealing with it (including contact details)?

- Keeping complainants updated – Has the force provided complainants, witnesses, and those who are the subject of the complaints with regular, meaningful updates?

- Final outcome – Did the force provide the complainant with the findings of the report, its own determinations and the complainant's right of appeal?

- Handling discrimination – Has the force failed to identify any allegations of discrimination? Have any discrimination cases that meet the IPCC mandatory referral criteria been so referred? Has the force investigated the complaints alleging discrimination satisfactorily? Overall, has the complainant making an allegation of discrimination received a good service from the force?

- Grievances/workplace concerns – Has the force identified, investigated and resolved the grievance satisfactorily? Has the force put arrangements in place to support the employees or witnesses throughout the process? Did the witness and those who are subject to the allegations receive a satisfactory service from the force?

In total, we reviewed:

- 422 complaints the force had recorded as containing an allegation of discrimination;

- 616 complaints the force had recorded in categories we felt may contain unidentified allegations of discrimination;

- 299 service recovery complaints (from forces which operate a separate service recovery scheme);

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[71] Relevant police complaints and misconduct legislation, IPCC statutory guidance, IPCC guidelines for handling allegations of discrimination, Acas Code of Practice on Disciplinary and Grievance Procedures and Acas discipline and grievance guide.

- 136 internal misconduct allegations the force had recorded as containing an allegation of discrimination;

- 419 other internal misconduct allegations (so that we could ascertain if they contained unidentified allegations of discrimination); and

- 389 grievances (and 32 workplace concerns where forces recorded these separately).