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Police and Crime Commissioner West Midlands response to the publication of Her Majesty's Inspectorate of Constabulary and Fire & Rescue Service's (HMICFRS) report **PEEL: Police legitimacy (including leadership) 2017 – an inspection of West Midlands Police**

Overall rating for West Midlands Police	Requires improvement
Number of recommendations	0

On 12 December 2017 HMICFRS published its PEEL police legitimacy 2017 national report and individual police force reports. The reports form part of HMICFRS's annual inspections of police effectiveness, efficiency and legitimacy (PEEL).

The overall aim of the legitimacy inspection is to address the question:

'How legitimate is the force at keeping people safe and reducing crime?'

To answer this question HMICFRS explored three 'core' questions which are set out below alongside the individual gradings for WMP.

To what extent does the force treat all of the people it serves with fairness and respect?	Good
How well does the force ensure that its workforce behaves ethically and lawfully?	Requires improvement
To what extent does the force treat its workforce with fairness and respect?	Requires improvement

Police and Crime Commissioner David Jamieson said: "The inspectorate recognises that leaders within West Midlands Police are good at demonstrating their understanding of the importance of treating people with fairness and respect.

"HMICFRS also noted the force monitors use of stop and search well, with effective scrutiny processes in place both internally and externally as well as placing a strong emphasis on preventing the disproportionate use of stop and search powers.

"I am pleased that West Midlands Police is a transparent organisation focussed on keeping the public safe.

"Unlike most other forces I publicly hold the Chief Constable and his team to account every month at my Strategic Policing and Crime Board."

Under the Policing and Crime Act 2017 PCCs must publish a response to HMICFRS reports, together with any comments submitted by the Chief Constable, within 56 days of the report being published. Where reports include recommendations the response must include an explanation of the action the PCC proposes to take in response.

There were no recommendations from the HMICFRS PEEL legitimacy 2017 report, however below is a response to the three gradings including detailed response in relation to the Areas for Improvement highlighted in the report.

The PCCs Police and Crime Plan is available at

www.westmidlands-pcc.gov.uk/your-commissioner/police-and-crime-plan

To what extent does the force treat all of the people it serves with fairness and respect?

Good

HMICFRS found that, 'in general terms, WMP is good at treating the people it serves with fairness and respect'. A number of very positive points were made in the report including:

- People Deal and Leadership Promise
- Fairness in Policing project
- reviewing the learning and development curriculum to identify where principles of fairness are included and where this can be improved
- encouraging external scrutiny and challenge to improve the extent to which its workforce treats people with fairness and respect, notably through Independent Advisory Groups and engaging with the PCC's Youth Commissioner and receiving feedback from the Independent Custody Visitors.

It is particularly encouraging to see that membership of Independent Advisory Groups is noted to reflect 'the very diverse communities of the West Midlands including young people'. Further HMICFRS's reflection that the force's internal and external scrutiny (including Stop and Search Panels and the Stop and Search Commission) of stop and search is highly effective and 'helping the force to achieve consistently high standards in fair and respectful use of this intrusive power' is very encouraging. Poor use of stop and search can undermine public confidence in the police.

Areas for Improvement

- The force should ensure that all members of the workforce understand the concept of unconscious bias and realise how it can undermine good decision making, and support them in providing a bias-free service.
- The force should ensure, in respect of the use of force, that:
 - frontline officers and staff have a thorough understanding of the fair, legal and professional use of coercive powers particularly in relation to handcuffing and conducting strip searches of people in custody
 - officers and staff routinely record all use of force
 - it introduces processes to enable effective and robust scrutiny of data; and it uses individual and organisational learning from the scrutiny of information and data about the use of force to improve the way the workforce treats people.

WMP response

The force has invested heavily into the People and Organisation Development department with a fundamental emphasis on ensuring that those working with us are treated fairly and well.

We are disappointed by this grading and feel that the HMICFRS structure for assessment hasn't recognised the wholesale investment in people and organisation development that has been undertaken by WMP.

Instead the inspection has focussed on whether or not specific artefacts' or processes are in place.

- **The force should ensure that all members of the workforce understand the concept of unconscious bias and realise how it can undermine good decision making, and support them in providing a bias-free service.**

West Midlands Police are fully committed to building a culture of inclusion. We have recently invested to increase resources within our Diversity and Inclusion team with an enhanced Diversity and Inclusion strategy and a comprehensive inclusion learning programme; a strong positive action programme to support external recruitment and a focus on identifying and nurturing diverse talent. Our aim is to reflect the communities we serve in order better serve our communities. Unconscious bias training is already firmly embedded in the recruitment process, promotion process and key learning programmes.

- **The force should ensure, in respect of the use of force, that:**
 - **frontline officers and staff have a thorough understanding of the fair, legal and professional use of coercive powers particularly in relation to handcuffing and conducting strip searches of people in custody**

This currently forms part of the standard officer's personal safety training. The force will include this area as a future development for the on-going Use of Force project and use learning from the scrutiny process to inform training and officer conduct.

- **officers and staff routinely record all use of force**

Use of force is routinely recorded as part of our commitment to being as transparent as possible to our communities. New mobile technology enables officers to create these records with as little bureaucracy as possible. The recorded data and operational records are audited to ensure consistency and the force is engaging with other similar forces to check our data for the purpose of benchmarking.

- **it introduces processes to enable effective and robust scrutiny of data; and it uses individual and organisational learning from the scrutiny of information and data about the use of force to improve the way the workforce treats people.**

The scrutiny process for the use of force aligns with the stop and search scrutiny panel process, which is a well-established means of engaging with local people.

This scrutiny involves the random selection of use of force record alongside Body Worn Video camera footage (if available), witness statements, officers' pocket note book entries and custody CCTV footage (if available). This gives a whole picture and context to the use of force. Feedback given by the panel is presented to the officer and their supervisor for learning and, if necessary, any further investigation if serious concerns are expressed.

In addition, the data is further scrutinised for any patterns to be identified and, if required, interventions, retraining or referrals to other agencies can be made. This is being developed in conjunction with the West Midlands Police Fairness in Policing team.

PCC response

The force has invested significantly in the new People and Organisation Development Department and expect to see the fruits of that investment grow as the service embeds in coming years. The Diversity and Inclusion team is currently finalising their strategy and plan which includes a focus on all training in this area including unconscious bias training.

I will ensure that the training mentioned above relating to both unconscious bias and use of force are reviewed in light of these recommendations to ensure they are properly embedded.

I welcome the comments on external scrutiny of stop and search, particularly the recognition that the West Midlands has developed an effective model for scrutiny. While a great deal of work has gone into improving scrutiny, public concern remains around disproportionality in the use of the power, as well as its effectiveness in preventing crime. This issue remains a priority for me, and I will continue to work with West Midlands Police and the public to improve the use of stop and search. While engaging with the Stop and Search Commission on the issue, I am exploring how Body Worn Video can be best used to enhance scrutiny.

I back the Chief Constable's decision to derogate from national recording guidelines for the use of force. The Chief Constable took the decision after consulting myself and the public. I am pleased that West Midlands Police's priorities are focussed in the same place as the public. The public want robust, but not bureaucratic recording and don't want data collected for data's sake. They would rather our limited resources are focussed on keeping them safe rather than filling in paperwork. I expect the force to continue to engage with my office to discuss the recording and scrutiny of use of force and will be requesting a report to my Strategic Policing and Crime Board in April 2018.

How well does the force ensure that its workforce behaves ethically and lawfully?

Requires improvement

HMICFRS notes some areas of good practice including the WMP vision being underpinned by strong ethical values, taking an ethical approach to decision making at all levels and good understanding of what constitutes discrimination and the effects that it can have. However, it notes that the force does not make consistent use of an external ethics referral system, e.g. they not referring ethical matters to the SPCB with any degree of regularity. Further areas for improvement in this area are as set out below.

Areas for Improvement

- The force should ensure that its published gifts and hospitality register is routinely kept up to date.
- The force should ensure it introduces a robust process for effective vetting 'aftercare' arrangements so that all members of the workforce have up-to-date vetting checks.
- The force should review how it promotes access to its complaints system (including the distribution of printed information about how to make a complaint), in line with IPCC statutory guidance, the support it is able to offer people who may need additional assistance to make a complaint, and how it promotes the complaints process in communities that have less trust and confidence in the police.
- The force should improve the quality and timeliness of updates to all complainants and other parties involved, in line with IPCC statutory guidance.
- The force should ensure that all allegations which meet the mandatory criteria for referral to the IPCC are so referred.

WMP response

- **The force should ensure that its published gifts and hospitality register is routinely kept up to date.**

The specific role of Professional Standards Prevention and Intervention manager sets out to ensure that staff understand their duties regarding the declaration of gifts and hospitality. Compliance is good and where a department fails to respond in a timely fashion, follow up is carried out.

- **The force should ensure it introduces a robust process for effective vetting 'aftercare' arrangements so that all members of the workforce have up-to-date vetting checks.**

We are closely monitoring the aftercare position and taking every opportunity to reduce the outstanding backlog, giving priority in areas where required.

The force vetting department has grown significantly in response to the national requirement to comply with aftercare guidance, as well as dealing with the critical issue of increased recruitment.

- **The force should review how it promotes access to its complaints system (including the distribution of printed information about how to make a complaint), in line with IPCC statutory guidance, the support it is able to offer people who may need additional assistance to make a complaint, and how it promotes the complaints process in communities that have less trust and confidence in the police.**

A new external website makes access to the complaint system more user friendly and accessible, as does the local 'Rate Your Police' website.

The West Midlands Police Professional Standards Department have actively engaged with staff associations to be advocates in the community and the on-going Fairness in Policing work involves contact with complainants to learn more about the customer experience and how to further enhance it.

As part of this work, complainants will be interviewed by our academic partners, which will allow us to understand how and when the public wish to access the complaints system. A wider process of public and staff consultation is also being conducted. This will inform our processes moving forward.

- **The force should improve the quality and timeliness of updates to all complainants and other parties involved, in line with IPCC statutory guidance.**

Considerable work has been done to understand how complainants, officers and witnesses would like to be contacted. This has involved the development of contact plans that are bespoke to individuals and allow staff and the public to hold the force to account for contacting them in their preferred manner.

The Professional Standards Department has re-structured to enable investigators to keep contact more effectively, managing cases of similar severity and timescales rather than a mix of extremely long and complex cases with more easily resolvable ones.

The Professional Standards Department is open and transparent, and the restructure has allowed greater face to face contact with both complainants and staff within West Midlands Police. We now serve regulation notices and deliver management action directly with staff, and are adopting a greater local footprint with investigating officers visiting complainants directly in order to allay concerns and explain processes.

We have also agreed with the Independent Office for Police Conduct that in all independent investigations the IOPC will own contact for the duration of the case, and will share their contact plans with the force. This allows us to understand the process and also to provide support where necessary.

A process of training to ensure consistency of recording contact has also been conducted within the Professional Standards Department, to allow staff to record contact in an auditable way. Contact counts data is forthcoming to put numbers behind the narrative.

- **The force should ensure that all allegations which meet the mandatory criteria for referral to the IOPC are so referred.**

The number of decision makers has been reduced to two. This allows a much tighter degree of consistency around decision making. Both decision makers have undertaken training and have been provided with the feedback from the last inspection by HMICFRS to assist their learning.

All cases that could meet the referral criteria are fully discussed at a daily meeting to ensure consistency of process, appropriate escalation/review and to ensure that everything that should be sent is sent. The Senior Leadership Team within the Professional Standards Department also meets regularly with the IOPC in order to ensure that our processes are operating successfully.

The force has introduced a formal handover process so that cases that have been taken independent are appropriately negotiated and understood between the force and IOPC.

PCC response

I am aware that there has been a backlog in vetting recently and I will challenge the force to ensure that this backlog is addressed and timely vetting can continue to take place.

The restructure of PSD has changed the team structure with a far greater emphasis on the front-end of service delivery to complainants. This should assist with initial fact finding, increase the number of local resolutions and provide a higher level of contact with the public. Timeliness remains a pressing issue and I will be watching performance during the coming weeks and months to check that the restructure has the desired impact, and timeliness of dealing with complaints becomes more closely aligned with our most similar forces. HMICFRS previously recommended that PSD strength should equal or exceed 1% of force establishment. This is not the case in the West Midlands. I will continue to discuss and monitor the impact of this resourcing issue with the Chief Constable.

To what extent does the force treat its workforce with fairness and respect?

Requires improvement

HMICFRS makes some positive points in this area stating that WMP are good at ensuring leaders are open to feedback from the workforce, most officers and staff acknowledge that senior leaders are receptive to feedback and challenge, good at addressing disproportionality in its workforce and demonstrates a clear understanding of the importance of this. The report notes that WMP are increasingly prioritising health and wellbeing but requires improvements in how this is understood and recognised by its workforce. It notes that a small number of staff and officers report that they felt the force did not listen to them and that the force requires improvements in how it manages and develops individual performance of officers and staff. Areas for improvement are set out below.

Areas for Improvement

- The force should ensure it has effective arrangements in place to support all individuals involved in any grievance and ensure that all grievances are properly identified, investigated and speedily resolved.
- The force should ensure that its supervisors are able to recognise warning signs, intervene early and provide support to members of the workforce whose wellbeing is at risk.
- The force should ensure that its workforce is aware of the wellbeing support that is available and how to access it.

WMP response

- **The force should ensure it has effective arrangements in place to support all individuals involved in any grievance and ensure that all grievances are properly identified, investigated and speedily resolved.**

Actions already taken

The force is taking a number of actions to improve its approach to the management and resolution of grievances.

There is an increased focus on the effective triage and assessment of grievances within the HR Advisory team to ensure that the approach taken is appropriate in the circumstances. A discussion is held with the aggrieved individual at an early stage, the approach to be taken is confirmed, and process and expectations are set out. This assists with the use of informal resolution where appropriate and re-routes matters that should not be dealt with under the grievance policy.

HR Advisors are allocated to Grievance Investigations to support the Investigating Officer and to provide a consistent approach.

An improved system of logging and monitoring grievances has been introduced to ensure oversight of all cases and to minimise delays. Moving forward, regular reports will be produced to monitor progress.

Actions in development/future implementation

The force Grievance Policy has been revised and formally consulted upon with an implementation date of 1 April 2018 (in line with a suite of 26 People & Organisational Development policies). Some key changes within the policy include an increased focus on informal resolution (where appropriate) in order to resolve issues promptly; the flexibility to undertake formal investigations as and when appropriate based on the individual circumstances rather than adopting a blanket approach; and the removal of external adjudication – this will be replaced with an internal appeal. The changes aim to encourage ownership of issues, encourage learning and increase the pace of the process.

A separate Dignity at Work Policy is also due to be launched with a specific focus on bullying, harassment and victimisation in order to signpost concerns at an early stage and offer specific/tailored support and interventions.

In line with the new policy launch, the Employee Relations and Fairness in Policing teams are developing feedback mechanisms for managers and staff with regard to the Grievance Policy. This intends to seek feedback from individuals who have used/engaged with the grievance process to understand whether the principles of procedural justice have been demonstrated through the policy itself and its subsequent application.

A range of training inputs are being delivered to newly promoted sergeants with regard to a range of people policies. Training sessions are also being rolled out to existing line managers to increase their competence and confidence regarding the management of grievances.

- **The force should ensure that its supervisors are able to recognise warning signs, intervene early and provide support to members of the workforce whose wellbeing is at risk.**

The wellbeing of our staff is core to the force values. The force has invested heavily in the B-Well programme which supports all officers and staff across the whole spectrum of their wellbeing needs. This is a self-referring programme and offers 24/7 support.

We have developed a training programme which is currently being rolled out to current and newly promoted line managers/supervisors as part of the wider leadership development programme.

- **The force should ensure that its workforce is aware of the wellbeing support that is available and how to access it.**

B-Well, our employee assistance programme, was launched in June 2017. We continue to promote the programme extensively force wide through the force intranet; on our service portal; via wellbeing events at various locations and during training sessions. We have also developed an app which is a direct link to the service and is on all “hand held” devices for officers. The Occupational Health department is increasing its resources and building a self-service portal to make access easier for officers and staff. To date B-Well has been used by over 1000 employees and has been received very well.

PCC response

The Force has revised its approach to all of these areas following the investment in the People and Organisation Development department. The revision work on the policies is nearly complete and there is a fresh approach to addressing grievances promptly with a view to ensuring amicable early agreement.

Take up of the B-Well Employee Assistance Programme has been high since its launch in June 2017 and it appears to be meeting the need of individuals who use it to address a range of issues, both work related and personal. This empowerment model sits alongside the training being rolled out to new line managers; the force is committed to giving staff and managers the tools to look after themselves and their teams. I support the review of Occupational Health and proposed increases in capacity and I will follow this through to ensure it takes place and is well implemented.