



State of Policing – The Annual Assessment of Policing in England and Wales 2021 Response from Simon Foster, West Midlands Police and Crime Commissioner

On 10th March 2022 HMICFRS published the Annual Assessment of Policing in England and Wales 2021 report. Drawing on findings from inspections of police forces in England and Wales, the report provides an overall view of the state of policing along with assessments on the effectiveness and efficiency of policing. It is noted that Sir Thomas Winsor has now left office and this response will be considered by the new Chief Inspector of Constabulary, Andy Cooke QPM DL.

There is much in the Assessment that I would recognise and support. The analyses of the issues arising from failing national technology projects, under resourcing of mental health services, the consequences for the criminal justice system arising from ill-advised, misconceived and poor decision making by successive governments over the past decade, and the increasing demand which the police service is facing, are all well made.

Policing has become more difficult because under-funded, weakened public services are not able to work together as effectively and efficiently as possible, to prevent crime and harm. I therefore welcome the commitment to greater use of joint inspections so the effectiveness and efficiency of the *system*, rather than just policing, can be better assessed. A thematic inspection of, for example, violence prevention, which focuses largely on policing and the “tertiary” response is, in large part, missing the point. It is my intention to use the partnership structures I support, such as Community Safety Partnerships, the Local Criminal Justice Board, the Violence Reduction Partnership and Victims Commission to review recommendations from joint inspections to ensure a collective response.

I welcome the response from APCC Chair Marc Jones¹ and agree that PCCs are working tirelessly to cut crime and keep our communities safe and would like to highlight the Assessment’s recognition of the significant contribution that PCCs make to the different parts of the criminal justice system, together at a local level, to improve outcomes for victims and the public. There are a number of additional areas where I would make specific comment on the Assessment.

Increasing Demand, Police Capacity and Crime Recording Compliance

The report notes how over the past ten years demand on the police has changed and continues to change very significantly. Between 2014–15 and 2019–20, the annual volume of police-recorded crime nationally increased by almost 50 percent before falling slightly in 2020–21.

Within the West Midlands the increase in police-recorded crime continued in 2020-21 and 2021-22. For the year ending September 2021, the West Midlands saw a 28% increase in police recorded crime compared with the previous year - largely driven by increases in records relating to Domestic Abuse and Stalking and Harassment.

Some of this increase is due to the concerted work done to improve crime recording, with the most recent PEEL inspection concluding that West Midlands Police has improved the speed within which crime is recorded and the accuracy of its recording - this is positive for victims as it demonstrates that West Midlands Police takes their reports of crimes seriously. However, Chief Constable Sir David Thompson has reported that the crime recording standards can contribute to perverse outcomes,

¹ [State of Policing: The Annual Assessment of Policing in England and Wales 2021 \(apccs.police.uk\)](https://www.apccs.police.uk)

notably regarding the ability to “de-crime” an incident and that the requirement to record multiple offences is having a significant impact on operational delivery. Both of these are, in part, linked to the falling criminal justice outcome rates

Compliance has created significant additional resource requirements for forces, potentially taking capacity away from preventing and responding to crime, and allocating it to measuring crime. Changed recording practices have led to significant increases in the recorded levels of some offences – notably those involving violence without injury, and stalking and harassment – when the number of reported victims has, in some cases, been falling.

With the increased focus on “league tables” for police performance through the national priorities for policing and the beating crime plan, there are valid questions around whether increases in crime are due to poor performance by police forces or due to increases in crime data integrity. It also raises the question of how useful performance comparisons are as between forces’ who are good at recording crime and forces’ who are not.

For example, Table P1a (Jul-Sep) for the year ending September 2021 edition of the Crime in England and Wales: Police Force Area data tables² shows that in the latest quarter of the data set (Q3 2021), the Metropolitan Police Service only recorded 1,418 more stalking and harassment offences than West Midlands Police and West Midlands Police recorded 280 more possession of weapons offences. Is this really because London has a lower crime per population rate for these offences than the West Midlands? Or, is it due to the Metropolitan Police Service not recording these offences as accurately?

The number of police outcomes for certain offence types have remained largely static and yet outcome rates are decreasing rapidly following the significant increases in police-recorded crime. The PEEL inspection 2021/2022 for West Midlands Police shows that the police funding model is failing to allocate resources appropriately to address threat, risk and demand. West Midlands Police is an efficient police force, yet, as the Inspector’s commentary notes, lacks the capacity and resources to cope with the demand it faces and to investigate crimes.

The national failure to fully implement the existing police funding formula, coupled to the historic legacy of a failure by the former Police Authority to raise precept in line with other areas, has left West Midlands Police structurally underfunded. The consequence is that the 1,200 officers gained as part of the Police Uplift Programme, will not match the 2,221 Police Officers which have been lost following the financial cuts imposed after 2010.

Coupled with the above increases are fraud, economic and online enabled crime. The Assessment notes how online crime is now by far the most prevalent crime and that online enabled fraud has exploded. In HMICFRS’s assessment of the police response to fraud³ it was noted that people are more likely to be a victim of fraud than any other crime and more needed to be done to prioritise fraud investigations.

The police response to fraud is a collaboration between territorial police forces, the City of London police, the National Crime Agency, the National Economic Crime Centre and the Home Office. Despite this, no collaboration agreement exists that sets out the mutual expectations, service levels and obligations that each of the parties should expect from the others. The status of taskings is not always clear. Responsibilities overlap and are confused.

² [Crime in England and Wales: Police Force Area data tables - Office for National Statistics \(ons.gov.uk\)](https://ons.gov.uk/crime-in-england-and-wales/police-force-area-data-tables)

³ [Police response to fraud - HMICFRS \(justiceinspectorates.gov.uk\)](https://justiceinspectorates.gov.uk/policeresponse-to-fraud/)

HMICFRS should be recommending the creation of a collaboration agreement like that which exists for counter-terrorism policing, making clear the roles and responsibilities of all participants, including local policing bodies and their equivalents.

Local police accountability

The Annual Assessment once again makes a reference to the relationships between the operational independence of Chief Constables and the role/remit of Police and Crime Commissioner's. As with the 2020 Annual Assessment the report does not reference specific case studies, although it does assert that "most of the weakest police and crime commissioners and those who were thought to have disregarded the limitations on their powers are no longer in office".

In any event, the commentary in the Assessment is insufficient to be presented as a generalised conclusion that PCCs present a risk to operational independence. As previously noted, if it is believed that there have been instances where a PCC has crossed the operational independence boundary, an option available would be to notify either the relevant Monitoring Officer or perhaps the Police and Crime Panel.

The Assessment has not considered that there are instances where policing has sought to thwart the statutory functions of PCCs to set strategic direction or hold a Chief Constable to account. It was argued in response to the 2020 Annual Assessment, that it might be said there are instances where operational independence has been defined so broadly as to fetter the democratic legitimacy and mandate that a PCC holds. In that regard, the call for the Home Office to issue improved guidance to Police and Crime Commissioners and Chief Constables about their respective constitutional positions would be of assistance.

Public trust and confidence

The Assessment notes the gap between resourcing levels and public expectations and that the police service cannot meet all of the demand it faces. The 2021/22 PEEL inspection findings outlined above highlight the gap between demand and capacity within West Midlands Police. With rising costs and inflation, West Midlands Police's budget remains under pressure.

The Government is yet again providing us with a stark choice – raise local council tax or face yet further cuts to policing. The effect of central Government decision making in recent years has been that the people of the West Midlands have had to pay more local council tax for less local policing. It is clear – there is to be no levelling-up for West Midlands Police or the people of the West Midlands.

An increase in the Council Tax precept to rebuild community policing in the West Midlands had been "assumed" by the Government. I would much rather that the Government had fully funded the increase in funding for West Midlands Police, rather than effectively mandating it and transferring the burden onto local council taxpayers.

The Assessment also makes a reference to evidence of toxic behaviour and attitudes among some police officers and the impact this has had on trust and confidence. The IOPCs Operation Hotton⁴ investigation found evidence of evidence of bullying and harassment, discrimination, and a culture of 'toxic masculinity', sexual harassment and misogyny. A YouGov survey commissioned by the End Violence Against Women Coalition⁵ found that almost half of women have less trust in the police

⁴ [Operation Hotton Learning report - January 2022.pdf \(policeconduct.gov.uk\)](https://www.policeconduct.gov.uk/operation-hotton-learning-report-january-2022.pdf)

⁵ [Almost half of women have less trust in police following Sarah Everard murder \(endviolenceagainstwomen.org.uk\)](https://endviolenceagainstwomen.org.uk/)

following the rape and murder of Sarah Everard by serving Metropolitan Police officer, Wayne Couzens.

Policing needs to do more to take appropriate steps to ensure that the behaviours identified by the IOPC are not more widely prevalent and to also do more to monitor the performance of individual police officers.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'S Foster', with a large, stylized initial 'S'.

Simon Foster

West Midlands Police and Crime Commissioner