



## STRATEGIC POLICE AND CRIME BOARD

September 2022

### REPORT: Fairness and Belonging

#### **Police and Crime Plan Priority: Working in Partnership Locally**

**Title:** Fairness & Belonging – the work of the Police and Crime Commissioner

**Presented by:** Alethea Fuller, Deputy Chief Executive

#### **Purpose of the Report**

1. The purpose of this report is to update members of the Police and Crime Board on the progress of the work taking place within the office of the Police and Crime Commissioner in response to the Fairness and Belonging Plan. This report is for discussion, endorsement and information.

#### **Background**

2. The Fairness and Belonging strategy is a programme of work to ensure that West Midlands Police is as inclusive, diverse and as fair an organisation as possible. Work has taken place since the launch of the Plan in July 2020 to ensure that it is an overarching one that covers disproportionality across a wide range of areas. It covers the work of WMP, but also the work of the Office of the Police and Crime Commissioner and partners. The Police and Crime Commissioner Simon Foster, has committed to this work and states in his [Police and Crime Plan 2021-2025](#) *'I will build on the Fairness and Belonging Programme, which launched in 2020. It takes a broad, end to end approach to every part of policing which can be an issue, including a review of previous reports and enquiries. The programme needs to become more outward facing, engaging the public and key stakeholders in both promoting and shaping the work that is underway.'*
3. At the time of the launch of the Plan, a significant worldwide movement was developing in response to the murder of George Floyd on May 25 2020 in Minnesota, USA. This was a stark reminder that racism, discrimination and racial inequality are a reality, both in the UK and abroad. In July 2020, the then Prime Minister Boris Johnson announced his intention in the Sunday Telegraph newspaper to establish a cross-Government commission into racial

inequality. This announcement came in the wake of the Black Lives Matter protests following the murder of George Floyd by police, which forced a conversation into the treatment of Black people within the criminal justice system. It was these same events that inspired the development of the Fairness and Belonging Plan between West Midlands Police and the Police and Crime Commissioner.

4. A report was taken to the Strategic Police and Crime Board on June 16 2021, entitled [Stop and Search and Use of Force](#) which showed that police powers were used disproportionately against black and Asian communities and it also set out the work that is being done to address this; there were mass protests taking place across the country and the world in response to the killing of George Floyd, and the Chief Constable gave an [apology to the black community for historic wrongs](#); as well as the recognition of the overwhelming need to build greater trust and confidence within the policing of under-represented groups.
5. A number of commitments were made at that time; a key one was to ensure that WMP recruits 1,000 out of 2800 new under-represented police officers by 2023, in order to make the force look more like the communities it serves.
6. The Plan consisted of 11 strands of work, not all of them owned by West Midlands Police, which shows that racial discrimination and disproportionality is systemic across organisations and that we all need to respond to make change. The Plan is about action and the activities set out are being achieved by working within existing forums, people and partners working across boundaries. There is also new activity which seeks to address the areas in which community involvement is key to its success.
7. The aims and objectives of the Plan are to:
  - Build trusted relationships with the Black community and increase their confidence leading to improved perceptions of legitimacy
  - Ensure that police powers are used fairly towards Black people in the West Midlands
  - Create an environment where Black colleagues feel a sense of belonging and are comfortable to be themselves at work and are able to perform at their best
  - Ensure that our leaders actively lead inclusion and role model inclusive behaviours
  - Be more reflective of the Black community we serve by improving the fairness of recruitment, retention and promotion and drive fair representation at all levels
  - Ensure decisions are driven by reviews, data and analysis
  - Increase proportionate representation in the Black community
8. The 11 strands of work that have now been incorporated into the Fairness and Belonging Strategy are:
  - Learning from our people and our history
  - Recruitment and fair representation
  - Training and cultural competence
  - Promotion, progression and retention
  - Treating our people fairly, management, leadership, complaints and misconduct
  - Equitable service delivery
  - Exercise of police powers
  - Fairness and the Criminal Justice System

- Data, analysis and the understanding that drives action
  - Engagement to ensure we listen, learn and act
  - Engagement with local, regional and national partners
9. The PCC holds West Midlands Police to account for delivery of the Fairness and Belonging agenda in a number of ways; monthly meetings with the Chief Constable where he receives the up to date position regarding recruitment, retention and progression through the uplift in police officers, he is also represented by Assistant PCC Tom McNeil, who is the lead for the disproportionality portfolio. Tom attends the Fairness and Belonging Strategy Governance Board; staff of the OPCC also attend different boards linked to different areas of work.

### **The Fairness and Belonging Work**

10. The focus of the Fairness and Belonging work is to increase trust and confidence within the Black community. It is essential that we listen and respond to the frustrations voiced by Black communities and the work includes many new initiatives, such as involving communities in police training and setting specific recruitment aims for under-represented police officers. We are working in partnership to deliver this work with the outcome of building stronger links with black communities and the police, as well as other statutory partners.
11. The National Police Chiefs Council [Police Race Action Plan](#) seeks to improve policing for black people, acknowledging a 'collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racial stereotyping.' The work set out in the Fairness and Belonging Strategy reflects the priorities set out within the Plan.

The work is challenging and the next section of the report presents a snapshot of some the highlights of the work we are doing or is being done in partnership.

12. The OPCC's starting point for the work in the Plan was a look back at the previous reports that had been written on the back of serious moments in time and was the first strand called 'Looking Back at our History'. The intention was to look at the reports and recommendations at key points in time to see what had and had not been done, what the key messages had been and how much progress had been made. The Scarman report was commissioned by the UK Government following the 1981 Brixton riots; the Macpherson report came about more than 4 years after Stephen Lawrence was murdered by a group of white youths, when the then Home Secretary announced the establishment of an inquiry into his death; the Lammy report is the product of an independent review established to make recommendations for improvements with the ultimate aim of reducing the proportion of under-represented offenders in the criminal justice system; and the Denman Review was a review of race discrimination in the Crown Prosecution Service, commissioned in January 2000.
13. All reports have the same overarching themes, spanning 40 years and key themes include:
- Race as a key ministerial priority; it is the fundamental issue in all reports and continues to be so today

- Ethnic minority recruitment;
- Training of police officers is present in all reports;
- Policing methods, and the emphasis on community policing;
- Handling of disorder;
- Education and awareness
- HMIC scrutiny and oversight in policing (proposed in Macpherson to raise standards in policing; bringing in the wider community to ensure scrutiny and foster trust);
- Police complaints;
- Stop and search powers which is endemic in each report and highlights the major issues that impede trust in police;
- The major and continuing issue of policing of gangs; and
- The black experience of the criminal justice system and rehabilitation.

14. The OPCC has completed the learning from the key reports set out above, and emerging key themes for discussion across the reports are set out below. The reports all have recommendations that have been published and our review has considered how effectively they have been implemented.

15. Baroness Lawrence summed up her frustration with poor recommendation implementation in her evidence to the Parliamentary Joint Committee on Human Rights on the 6 July 2020;

*'We have had so many reports, and every time we have a report, they go back to the beginning again and keep repeating the same thing. I am not sure how many more lessons the Government need to learn. It is not just the Government of today but the Government of the Labour Party. How many more lessons do we all need to learn? The lessons are there already for us to implement. Until we start doing that, we will keep coming back in a year or two years repeating the same thing over and over again'.*

16. Baroness Lawrence's frustration is palpable, perhaps more so considering the unique position she speaks from. The handling of the Metropolitan Police's investigation into the racist murder of her son, Stephen Lawrence was subject to an inquiry, some recommendations from which are still unimplemented. The Macpherson report's 'institutional racism' label is one that agencies are still, 21 years later, still struggling to operationalise and deal effectively with. The full report is attached at Annex 1.

### **Some Highlights**

17. Oversight and analysis of stop and search and use of force powers is a key priority for West Midlands Police and the PCC, due to the impact such powers can have on local communities and the effect on public trust and confidence. The aim is to be a minimal force organisation and we are committed to ensuring these powers are utilised in a proportionate, consistent and reasonable way. We are doing that through community panels on each neighbourhood policing unit who hold their own stop and search and use of force scrutiny panels, chaired by independent community members, supported by the NPU senior leadership team and single points of contact. The use of Body Worn Video (BWV) is crucial to the scrutiny of WMP interactions with the public and they continue to embed its use with frontline officers. The aim is to get 100% compliance on BWV, the Force is currently at 92%. BWV has also been introduced within our custody suites to give oversight around Use of Force in Custody and

also to help ensure the Force have internal oversight to provide external scrutiny and we continue to try to ensure that the panels both reach and consist of a diverse audience;

18. The updated [Stop and Search](#) pages on the OPCC website that inform the public of their rights, gives information about Stop and Search Scrutiny Panels and how to get involved. It also gives community members the opportunity to come together on each neighbourhood policing unit, to look at the data and ask senior officers questions about what they are seeing. People who have been stopped and searched can tell us about their experience and the OPCC also gives Stop and Stop educational workshops in schools. You can also track stop and searches that have happened in your area.
19. The OPCC also holds twice yearly Commissions where all scrutiny panels, guests and the general public are invited to hold the Police and Crime Commissioner and West Midlands Police to account.
20. A Regional Disproportionality Committee has been set up working across the West Midlands including our regional OPCC partners West Mercia, Staffordshire and Warwickshire. The Committee is currently chaired by the DCEX of the OPCC and there are a number of key areas of work taking place including:
  - A deep dive into disparity in the youth justice system across the West Midlands
  - Anti-racist practice training across the agencies on the Committee
  - Development of a lived experience panel that can be used across the agencies on the Committee
  - Deep dives into stop and search, out of court disposals, reoffending and enforcement
  - Representation in the Criminal Justice System and what agencies are doing to respond to this issue.
21. We are also part of the West Midlands Combined Authority Race Equalities Taskforce which has a vision to ensure that in the West Midlands, ethnic background is an asset not an obstacle in having a fair start, a decent job and a flourishing life. The focus is on improving equality of opportunity, looking at the extent to which different ethnic groups (including White groups) experience different social and economic outcomes. The Taskforce will be developing policy solutions in areas which the WMCA has roles and responsibilities in delivering, enabling and influencing, including jobs and the economy; education and skills; transport and connectivity; housing and homelessness; health and wellbeing; and is directly linking into the existing work in progress within the Criminal Justice System under the leadership of the Police and Crime Commissioner
22. The PCC is responsible for ensuring there is an Independent Custody Visiting (ICV) scheme in place across the West Midlands, through which volunteer members of the public attend police custody centres unannounced, to inspect conditions, ensure that detainees are being treated in accordance with their right, observe, comment and report on the treatment and welfare of people held in police custody. This monitoring must focus on discriminatory practices, and where found, hold police forces to account effectively to ensure those practices

are stopped. It was originally introduced in response to one of Lord Scarman's recommendations. We will work with custody visitors to increase their role within the process, however there is still work to do to ensure that ICV's better represent the demographics of the people detained in police custody. It is important that custody visiting practices are inclusive and can be responsive to the diverse needs of detainees who come from many different racial backgrounds. We are currently in the process of recruiting a Safer Detention Officer whose responsibility it will be to ensure that the ICV service that we provide in the West Midlands is fit for purpose.

23. ICV's have the ability to influence change; the most noted example is that the Police and Criminal Evidence Act 1984 codes of practice now includes an entitlement for women and girls in police custody to be proactively offered menstrual products. This was a result of repeated concerns from custody visitors about the lack of menstrual products for detainees who have periods. This led to the ICV Association running a national campaign on detainees' access to menstrual care, which resulted in a change in practice. Another example is investigations into the growing number of strip-searches of Black children in police custody; women having access to female staff; and detainees with family overseas being able to make international calls. This is a process to look at further. We need to ensure consistency across the scheme and ensure that ICV's feel able to identify, challenge and raise issues of concern.
24. We recognise that engagement is key to the success of the work taking place, with the recognition of the importance of delivering public services in a way that is responsive to the needs of communities. The PCC has a statutory duty to engage; the role of the PCC is to work with other services to ensure the safety of the community and deliver effective criminal justice. This involves listening to people and taking their views on the issues that affect them in their community, as well as hearing the good practice and ideas for improvement. Engaging the black community, and securing their involvement and understanding of the developing work, is critical. The OPCC is therefore going to launch the Fairness and Belonging Engagement strategy, to be delivered in partnership with West Midlands Police.
25. This programme is not about asking what the problem is, that question has been asked many times; this is about solutions. We want to work with communities to understand how we make change to challenge behaviours and increase trust and confidence. This will be led by APCC Tom McNeil who is keen to engage, challenge and find solutions. A well-informed community is much more likely to have increased trust and confidence in the police and to be supportive of measures and initiatives which seek to reduce crime and anti-social behaviour. Equally, by giving the public and stakeholders a genuine opportunity to shape and influence policing and community safety priorities, service delivery can only improve.
26. The Engagement strategy will be underpinned by the following principles:
  - The OPCC will work in partnership with WMP, identifying areas for targeted engagement
  - We will employ a range of consultation methods to include face to face meetings, workshops, an online information and feedback site on the PCC website to ensure written contributions can be made; focus groups and other ways to be identified.

- The OPCC will also work in partnership with local authority colleagues such as the Heads of Community Safety, recognising that they too have consultation responsibilities and structures and forums that we may be able to utilise.
  - This programme will lead to a plan of activity, working with communities to deliver solutions.
27. The PCC is committed to leading by example by making the OPCC an anti-racist organisation. The Equality Act 2010 and the public sector equality duty are also fundamental to the work of the PCC. We have introduced wider use of Equality Impact Assessments within the OPCC and also by West Midlands Police to inform decision-making and project development.
28. Our own recruitment processes within the OPCC including the appointment of Board members, recruitment of volunteers and other contractors are designed to attract and appoint a diverse range of people reflecting the West Midlands. 33% of staff within the OPCC are from ethnic minority backgrounds.
29. We are also continuing an organisation wide anti-racist training programme that addresses how to deal with issues relating to racism and how to develop and promote anti-racist practice. In addition to that, all staff within the OPCC have undergone training around trauma informed practice and becoming a trauma informed organisation. This is part of an ongoing core training offer that also includes safeguarding, ending male violence and we are also developing a coaching and mentoring offer for all staff.
30. In December 2021, the OPCC received the [Karl George Race Code](#) accreditation. This accreditation is significant in that it evidences the work that we have been doing to create transformational, sustainable and lasting change, in order to achieve a competitive and truly diverse board and organisational senior leadership team. This involved external scrutiny of our structures, governance and accountability processes, and outcomes and we continue to scrutinise our policies on an ongoing basis.

## **Recommendations**

31. The board is asked to note and endorse the following:
- The progress being made by the OPCC against the activity in the Fairness and Belonging Strategy and the Police and Crime Plan
  - The launch of the Fairness and Belonging Engagement Plan – which will target black communities to inform, understand, engage and seek solutions to the strands of work within the Strategy
  - Progress towards achieving the objectives in this plan will be monitored within the delivery plan for the main Police and Crime Plan for the West Midlands.

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