



west midlands  
police and crime  
commissioner



Agenda Item 06

JOINT AUDIT COMMITTEE  
14 December 2023

## HMICFRS UPDATE

### 1. Purpose of Report

To provide members of the Committee with oversight of HMICFRS Inspection activity and recommendations.

### 2. West Midlands Police PEEL Inspection and National Recommendations

HMICFRS has concluded the 2023 PEEL inspection, the hot de-brief was performed on the 30<sup>th</sup> October 2023. The force was notified of the 'engaged' status on 24<sup>th</sup> November. WMP are actively engaging with HMIC to understand and implement the necessary improvements required. The draft report for accuracy checking has been received and the final report is anticipated to be received in February 2024.

### Recommendations, Causes of Concern and Areas for Improvement

Since the last JAC, there have been a number of national thematic reports published and recommendations have been issued from these.

**Level 1** – Closed and archived by HMICFRS.

**Level 2** - Forces are able to close records when they have completed the work, including uploading a letter signed by the Chief Constable.

**Level 3** - Forces self-certify that the recommendation is complete, including uploading a letter signed by the Chief Constable.

HMICFRS follow-up/ verification via the next relevant planned inspection.

**Level 4** - No force self-certification.

HMICFRS follow-up work conducted via further bespoke fieldwork, with additional support / inspection when appropriate. In most cases this will be for forces moved to the Engage status.

The force will continue to concentrate upon the Cause of Concern, Recommendations and Areas for Improvement held on the HMICFRS Portal.

The current figures held for WMP on the HMICFRS Portal are:

	Open	Closed	Total
Report			88
Cause of Concern	6	21	27
Recommendation Level 1	0	2	2
Recommendation Level 2	58	1	59
Recommendation Level 3	35	3	38
Recommendation Level 4	0	0	0
AFI Level 1	0	6	6
AFI Level 2	21	1	22
AFI Level 3	3	0	3
AFI Level 4	0	0	0
AFI Closed before Levels	0	18	18
Recommendation Closed before Levels	0	280	280

This is a total reported increase of four causes of concern, fourteen Level 2 and seven Level 3 recommendations and sixteen AFI Level 2 from the recently published reports.

Senior Risk & Assurance Manager Melissa Horton is responsible for the progression of recommendations to closure. Thirty four recommendations have been ratified for closure through internal processes and submission to the HMICFRS Portal is pending.

### 3. National Published Reports and Recommendations

#### I. Race and Policing: An inspection of race disparity in police criminal justice decision-making – Published 25<sup>th</sup> August 2023

This inspection focused on decisions made during criminal justice processes that affect individuals who are the subject of criminal investigations. Points covered included:

- Lawful Arrest
- Use of Voluntary Attendance
- Use of Community Resolution
- Use of Cautions (both simple and conditional)
- Charging
- Post Charge Bail

Terminology of 'disparity' or 'disproportionality' refers to a certain group of people that is affected by police action in a way that is substantially different from people not in that group. The group that the report focuses on is people from ethnic minority backgrounds. The inspection also explored the recording of ethnicity data.

The post inspection report considered several themes;

**Arrests:**

Figures published in March 2023 showed that, for the year ending 31 March 2022, Black people were 2.4 times as likely to be arrested as White people. There were 21 arrests for every 1,000 Black people, and 9 arrests for every 1,000 White people. In contrast, Asian people are generally less likely to be arrested compared to White people, with less variation between forces. There is a measurable disparity in the arrest rate for all Black people, and a clear disparity among children.

**Voluntary Attendance:**

For 18 of the 21 forces, Black people were more likely to have been subject to VA compared to White people. People identifying as being from an Asian or other ethnic background were generally less likely than White people to be dealt with through VA.

**Community Resolution:**

There is no publication of race disparity information relating to these police decisions that covers all police forces.

**Cautions:**

In eight forces, Black people were less likely to receive a caution compared to White people. And in 11 forces, Asian people were less likely to receive a caution than White people. Overall, people from ethnic minority backgrounds were less likely than White people to receive a caution in 16 out of the 17 forces that had submitted data to the Home Office. The YJB publishes data annually on the proportion of children receiving a caution or sentence by ethnicity. This shows that the proportion of children cautioned or sentenced who are Black has been increasing over the past 10 years – from 7 percent in the year ending March 2011 to 12 percent in the year ending 31 March 2021.

**Charging (including post charge bail):**

There is no publication of race disparity information relating to these police decisions that covers all police forces.

**Recommendations for Chief Officers and Chief Constables:***Recommendation 1*

By 30 September 2024, the Ministry of Justice and the Home Office should include more police criminal justice decision points in the data that is required to be published because of section 95 of the Criminal Justice Act 1991. The requirements should specifically include ethnicity information for all out-of-court disposals, police decisions to charge and decisions to bail after charge.

*Recommendation 2*

By 30 September 2024, the National Police Chiefs' Council criminal justice lead should work with the Home Office and the Ministry of Justice to create an action plan that will make sure information from all forces on police criminal justice race disparity is better gathered, analysed, scrutinised and published.

*Recommendation 3*

Recommendation 3 By 30 September 2024, the National Police Chiefs' Council criminal justice lead should work with the National Police Chiefs' Council diversity, equality and inclusion lead to make sure that consideration of criminal justice race disparity is included in the revised National Police Chiefs' Council diversity, equality and inclusion strategy, Police Race Action Plan and associated documents.

*Recommendation 4*

By 30 September 2024, the National Police Chiefs' Council criminal justice lead should work with other relevant National Police Chiefs' Council leads, the College of Policing and the Association of Police and Crime Commissioners to give guidance to chief constables on police criminal justice race disparity. This guidance should include ways to gather, analyse, scrutinise and publish information on police criminal justice race disparity.

*Recommendation 5*

By 30 September 2024, the Home Office should revise its Crime Outcomes Framework. The revision should include:

- ending the use of a single crime outcome type for all charges irrespective of whether the police or Crown Prosecution Service made the decision; and
- introducing two distinct crime outcome types: one for charging decisions made by the police; one for charging decisions made by the Crown Prosecution Service.

*Recommendation 6:*

By 30 September 2024, chief constables should make sure that forces carry out comprehensive analysis of race disparity in police criminal justice decision-making. Where this analysis indicates that people from ethnic minority backgrounds are disproportionately affected, police forces should explain, or revise, their ways of working.

*Recommendation 7:*

By 30 September 2024, the National Police Chiefs' Council criminal justice lead should issue guidance to chief constables about using the Youth Justice Board summary disproportionality tool. This should include whether data-sharing agreements are required and how to incorporate the available data into the overall analysis, scrutiny and publication of police race disparity information.

*Recommendation 8:*

By 30 September 2024, chief constables should make sure that information from the Youth Justice Board summary disproportionality tool relevant to the force area is included in their force's analysis of police criminal justice disparity.

*Recommendation 9:*

By 30 September 2024, the National Police Chiefs' Council criminal justice lead should work with chief constables, and the relevant business user groups for police record management systems, to make sure that effective systems and processes are in place to gather information on potential race disparity in police criminal justice decisions. This should include making changes to record management systems so that recording data on self-defined ethnicity is mandatory.

*Recommendation 10:*

By 30 September 2024, chief constables should make sure that work takes place with communities, police and crime commissioners, and other agencies to establish or build on arrangements for the scrutiny of police criminal justice disparity.

*Recommendation 11:*

By 30 September 2024, chief constables should make sure that information about criminal justice disparity is published on force websites, or that force websites clearly link to other websites where this information can be found. Published information should include any explanations for identified disparity and actions forces will take to address it.

*Recommendation 12:*

By 30 September 2024, the Ministry of Justice should work with the Home Office, the Association of Police and Crime Commissioners, and other interested parties to decide

whether Local Criminal Justice Boards should take a prominent role in collecting and publishing criminal justice disparity data.

*Recommendation 13:*

By 30 September 2024, the College of Policing should adapt the training given to student officers about the Equality Act 2010 so that it includes the subject of gathering information about ethnicity and other protected characteristics, and why this is important. The specific learning module on the Equality Act 2010 should also include this information, and this module should become mandatory for all relevant police officers and staff.

Recommendations 6, 8, 10 and 11 are applicable to West Midlands Police and will be progressed.

## **II. Race and Policing: A review of the police service's leadership and governance arrangements for race-related matters**

Published on 25<sup>th</sup> August 2023

The HMICFRS inspection report scrutinises leadership and governance arrangements within the police service concerning race-related matters, focusing on the NPCC's Diversity, Equality, and Inclusion (DEI) strategy published in 2018. Key stakeholders involved in the inspection included the Home Office, the National Police Chiefs' Council (NPCC), Diversity, Equality and Inclusion (DEI) Co-ordination Committee, and the National Black Police Association.

### Key Findings:

- **Inconsistent Adoption of the Strategy:** The DEI strategy, introduced in 2018, witnessed inconsistent adoption within policing. Despite its comprehensive nature, the strategy and its associated toolkits lacked widespread support among various police forces.
- **Limited Support and Understanding:** Senior leaders, particularly those within the NPCC and DEI Co-ordination Committee, expressed dissatisfaction with the strategy, emphasising the need for a refresh. Stakeholders, including the National Black Police Association, called for a more robust framework for scrutiny and oversight on race-related issues.
- **Communication and Dissemination Challenges:** Findings from progress assessments and peer reviews, conducted by the College of Policing, were not consistently shared beyond the assessed forces. This hindered awareness and limited opportunities for shared learning among police forces.
- **Upcoming Revised Strategy:** A new joint strategy between the NPCC and the College of Policing, set to be published in 2025, has been prepared for circulation. However, as of the report, its official publication had not yet occurred, raising concerns about addressing criticisms and ensuring progress.

### *Recommendation 1:*

As soon as practicable, and no later than 31 March 2024, the National Police Chiefs' Council lead on diversity, equality and inclusion and the College of Policing should publish the revised 2018–2025 diversity, equality and inclusion strategy. This revised strategy should address fully the matters raised in The Macpherson Report: Twenty-two years on and include requirements for:

- forces to self-assess their implementation of the strategy;

- National Police Chiefs' Council reviews of force self-assessments and/or College of Policing peer reviews; and
- sharing organisational learning within the police service from these reviews.

*Recommendation 2:*

As soon as possible, the National Police Chiefs' Council and the College of Policing should finalise and publish the Police Race Action Plan. Forces should implement this plan, following its publication, without delay.

*Recommendation 3*

By 31 March 2024, the College of Policing should establish national standards for police diversity, equality and inclusion training.

*Recommendation 4*

By 30 April 2024, the National Police Chiefs' Council and College of Policing should jointly implement the technology solutions and training required to make sure forces consistently record and share data on protected characteristics, in particular with regard to race (colour, nationality, and ethnic or national origins).

In conclusion, the review highlights the necessity for proactive measures involving key stakeholders, including the NPCC, DEI Co-ordination Committee and the National Black Police Association, to address the identified challenges and enhance the police service's commitment to diversity, equality, and inclusion. Implementation of these recommendations will contribute to ongoing improvements in leadership and governance arrangements for race-related matters within the police service.

No recommendations from this report are applicable to West Midlands Police for internal progression.

#### 4. **Inspection Activity**

Since the last JAC, WMP has hosted the following inspection activity in force. These reports will be published early 2024 or during the PEEL publication anticipated in February 2024.

- a) 21<sup>st</sup> August – 1st September - **Super-complaint on the police response to Stalking and Harassment**
- b) 11<sup>th</sup>- 23<sup>rd</sup> September – **PEEL Inspection**

#### **Forthcoming HMICFRS Activity & Inspections**

- a) **20<sup>th</sup> November – 23<sup>rd</sup> November 2023 – Activism and Impartiality Inspection**  
(Home Secretary Request)

The inspection will look to examine whether police involvement and support for causes or ideologies that are either contested or have become politicised may be damaging public trust and confidence.

- b) **8<sup>th</sup> – 12<sup>th</sup> January 2024 – Professional Standards Inspection (Single Force Pilot)**

This is a one-week proof of concept PSD inspection. HMICFRS' current rolling programme for assessing forces' vetting arrangements, and how they identify and

tackle corruption, has been paused, to allow the development of a future Integrity Inspection programme which will include professional standards departments (PSD).

References:

<https://assets-hmicfrs.justiceinspectors.gov.uk/uploads/review-of-police-service-leadership-and-governance-arrangements-for-race-related-matters.pdf>

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**BACKGROUND DOCUMENTS**

None