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## **An inspection into activism and impartiality in policing. Response from Simon Foster, Police and Crime Commissioner for the West Midlands.**

Published on 10<sup>th</sup> September 2024, the inspection presents findings on how, according to the personal views of a former Home Secretary, an alleged lack of police impartiality and involvement in what, according to that Home Secretary, are politically sensitive or contested matters may influence and potentially compromise, operational policing across all police forces in England and Wales.

I set out my views, regarding the commissioning of this inspection by the former Home Secretary, in a letter that I wrote to the Chief Inspector of HMICFRS dated 30 November 2023. A copy of that letter is attached at Appendix 1 to this response to the HMICFRS Inspection.

The inspection aimed to assess whether the police can maintain neutrality and avoid becoming embroiled in political debates or controversies driven by politicians, commentators and media outlets with a particular political agenda and outlook, as such entanglements could challenge and undermine the views of those particular politicians, commentators and media outlets with a particular political agenda and outlook.

This review was conducted over three months, from October to December 2023, involving data collection from Police and Crime Commissioners (PCCs) and police forces, to gain a comprehensive understanding of the potential impacts.

The decision to commission His Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) to review 'political activism' within policing was itself an ill-advised, misconceived and unwelcome attempt by the former Home Secretary to subject policing to political interference.

This approach is divisive and does not represent an effective use of limited public resources, which would be better allocated towards preventing and tackling crime. The former Home Secretary would have been better advised to focus on ensuring essential safety and security measures that align with public priorities, rather than allowing personal and political agendas to detract from the vital work of policing.

However, I acknowledge the findings and recommendations presented by HMICFRS in this report. The inspectorate highlights challenges in ensuring that police officers and staff consistently uphold impartiality, particularly when navigating politically sensitive issues. A primary concern is the absence of clear guidance or a framework defining impartiality within the policing context. Without such direction, officers lack a clear standard to follow, complicating efforts to ensure consistent and impartial decision-making in practice.

The report also stresses that the existing guidance has not kept pace with the evolving demands of modern policing, especially in politically charged or contentious situations. Officers face increasing complexity in operational settings, particularly regarding the application and politicisation of the Equality Act 2010.

Impartiality is important for maintaining a fair and trusted police service. While every officer swears an oath to act impartially, the absence of clear guidance can leave room for self-serving allegations of bias, by politicians, commentators and media outlets with a particular political agenda and outlook.

I am committed to ensuring that West Midlands Police (WMP) addresses these findings and recommendations. I will work with the Chief Constable, to ensure all officers are provided with the necessary guidance and tools to uphold the highest standards of impartiality. The inspectorate sets out the following recommendations for police forces:

**By 31 March 2025, chief constables should give clear direction to their workforce about wearing and displaying visible representations. They should make sure that they clearly communicate such policies to the workforce and that they enforce the policy. Chief constables should regularly review these policies to respond to new causes that arise. The National Police Chiefs' Council should support chief constables in achieving a consistent approach.**

WMP has a Uniform and Equipment Policy which sets out the standards for uniform and appearance required of all officers and staff while on duty. The aim is to ensure that uniforms convey an image of confidence, credibility, and respect, avoiding anything that could detract from this. Key guidelines include that non-uniform adornments, such as commemorative badges, stickers, or pins, must be discreet and in line with WMP's vision and values.

**By 31 July 2025, chief constables should make sure that those personnel responsible for completing equality impact assessments are appropriately trained to do so. Chief constables should also make sure there are effective governance measures in place to improve the quality of these assessments and make sure they are completed when required.**

The Force has recently adapted its approach to equality assessment training, evidence gathering, and reporting to improve the effectiveness and impact of the process. This includes an updated equality assessment template and toolkit.

Completing equality assessments is now a mandatory requirement within WMP processes. Personnel undertaking these assessments have access to templates, best practices, and guidance. Those responsible for completing assessments have also received in-person training. Additionally, a monthly working group meets to review equality assessments, provide advice, and facilitate broader consultation as necessary.

**By 31 March 2025, all chief constables should audit their policies that include or relate to the Equality Act 2010. They should make sure there is an effective process for regularly reviewing and updating policies and have appropriate governance arrangements in place.**

The policies in WMP undergo a comprehensive audit and review process to ensure they are updated by the agreed expiry date or in response to changing circumstances, such as legislative updates. A robust governance framework is embedded within the Force, which involves effective consultation and engagement with relevant stakeholders, including staff associations and networks. Since all policies have an impact on individuals, each policy includes an equality assessment to consider any potential implications under the Equality Act.

**By 31 March 2025, forces should update and implement their policies and guidance for non-crime hate incidents to provide clear direction to officers and staff for the assessment and recording of, and response to, these incidents.**

A working group has been established to review the Home Office Code of Practice on Recording and Retention of Personal Data, a key component of this initiative. In addition, the College of Policing launched an online training package in 2023, which has been completed by around 6,000 officers to date. WMP has also created site an information portal, where user guides will be available once finalised.

**By 31 March 2025, forces should make sure their recording processes for hate-related incidents allow them to analyse data relating to hate crimes and non-crime hate incidents and By 31 March 2025, chief constables should make sure their force has an effective and efficient process for assessing and reviewing hate incidents. These two recommendations are interconnected, and updates should be considered together.**

Various audits and quality assurance checks for both hate crimes and non-crime incidents are carried out in WMP. For instance, a dedicated team carries out monthly Crime Data Integrity (CDI) audits across different crime classifications, including hate crimes. While there are overarching quality assurance processes at the Force level, some Local Policing Areas perform their own local checks on hate crime and non-crime reports. Efforts are underway to standardise these procedures, aiming to establish consistent governance and routine audits for non-crime hate incidents. Hate crime incidents are also reviewed during performance boards, local service Improvement meetings and other quality assurance processes.

**By 31 March 2025, forces should make sure they clearly define in policies the requirements for recording personal data for non-crime hate incidents. If the force approach differs from ‘Non-Crime Hate Incidents: Code of Practice on the Recording and Retention of Personal Data’, the force should record the rationale for this.**

Significant progress has been achieved since the launch of the College of Policing guidance. However, as highlighted in the previous recommendation update, there is a process in place for more regular audits to ensure continued compliance. The Force has provided assurance that the completion rate for the College of Policing online training courses remains at a good level.

**By 31 March 2025, all forces should make sure they have a robust assessment process for allocating funding and giving support to their networks. They should prioritise funding and support based on local need.**

WMP works closely with colleagues from staff networks to create a comprehensive service level agreement that establishes expectations and working arrangements for these networks. It will detail recognised networks, their structure, membership, facility time, and funding, along with guidance on expenditure and available support. After a consultation process, this service level agreement will be implemented.

## **Conclusion**

The rationale on the part of the former Home Secretary for commissioning this inspection is not accepted. Police officers and staff do not engage in 'political activism' that undermines their ability to prevent and tackle crime, nor does it affect police effectiveness, efficiency, or legitimacy.

In any event, the findings and recommendations from this inspection highlight the importance of impartiality and equality within policing. I am committed to holding WMP to account, to ensure implementation of the recommendations, that will enhance accountability, impartiality and equality within WMP, irrespective of attempts to subject policing to political interference.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Simon Foster', written in a cursive style.

**Simon Foster**

**West Midlands Police and Crime Commissioner**

## Appendix 1

*Letter from West Midlands Police and Crime Commissioner to His Majesty's Inspectorate of Constabulary and Fire and Rescue Services Chief Inspector.*

Dear Chief Inspector,

I refer to the former Home Secretary's commissioning letter to HMIC dated 1 September 2023 ('the letter') ordering a 'review into political activism in police.' I am grateful for the opportunity to respond.

This letter sets out my response to the review, commissioned by the former Home Secretary. It is sent ahead of our planned meeting today, on 30 November 2023 at 12.00pm. I apologise for not having sent my response to you earlier.

The premise of the letter is that: police officers and staff are engaged in 'political activism' and this: (1) adversely impacts on their ability to prevent, tackle and reduce crime; and/or (2) adversely impacts on police effectiveness, efficiency and legitimacy.

The premise of the letter is not agreed. Police officers and staff are not engaged in 'political activism' that: (1) adversely impacts on their ability to prevent, tackle and reduce crime; and/or (2) adversely impacts on police effectiveness, efficiency and legitimacy.

The commissioning of HMIC to review 'political activism' within policing is an inappropriate attempt by the former Home Secretary, to subject policing to political interference. It is divisive and represents a waste of scarce public resources, that could have been more productively invested in preventing, tackling and reducing crime.

The former Home Secretary would have been better advised, to have remained focused on getting the basics right - that keep people safe and secure and that reflect the people's priorities - rather than allowing herself to lose sight of common sense and to become distracted by her own personal agenda.

It is submitted, that more time will be wasted within policing and HMIC responding to this commission, than is devoted to 'political activism.' Policing is a difficult job and one that is made all the more difficult, as a consequence of highly politicised and unwelcome interventions of this sort.

It will contribute absolutely nothing to preventing, tackling and reducing crime or to police effectiveness, efficiency and legitimacy. It will not keep people safe, solve crimes or support victims - indeed, it serves only as an unhelpful distraction from those objectives.

It fails to have regard to the fundamental principle of the operational independence of policing. It is an attempt to politicise the police and undermine their reputation for fairness and independence. The police understand the importance of them remaining above politics and applying the law even-handedly.

This commission, by the former Home Secretary, is disrespectful towards and undermines hard pressed conscientious, dedicated, diligent and hard-working police officers and staff, who are committed to and understand the principle of policing by consent, the crucial importance of community policing and the need to build trust and confidence, within all of the people and communities they serve.

The commissioning letter is replete with un-particularised, rhetorical and vague phrases, such as: 'public displays of allegiance', 'political causes', 'virtue signalling', 'related activity', and 'identity related causes.' The commissioning letter refers to the involvement of the police in 'gender identity politics', 'critical race theory' and 'climate activism'.

I have no idea what the former Home Secretary has in mind, when she uses these phrases, whether by reference to the involvement of the police, staff networks or otherwise, including what evidential basis there is for her concern that they have influenced policing policy, priorities and practice.

The only comprehensible example of what the commissioning letter refers to as 'political activism', is taking the knee. It is suggested this risks losing the support of the public. No data or evidence is provided, either as to the prevalence of taking the knee within policing or to substantiate this view, other than a bare assertion by the former Home Secretary.

In any event, it is not clear who the former Home Secretary has in mind, by use of the term, 'the public.' It might be that she has in mind, people who happen to share her views. Plainly, that is not representative of 'the public'. The reality is that, contrary to what the former Home Secretary thinks, 'the public' are not a homogeneous group and would doubtless have a variety of different views on this subject.

I can agree with the former Home Secretary that, it is essential the police get the basics right on investigating crime, being a visible presence in neighbourhoods and responding effectively to the people they are there to serve.

However, I repeat, the premise of the letter is not agreed. Police officers and staff are not engaged in 'political activism' that: (1) adversely impacts on their ability to prevent, tackle and reduce crime; and/or (2) adversely impacts on police effectiveness, efficiency and legitimacy.

Yours sincerely,

**Simon Foster**

**West Midlands Police and Crime Commissioner**