

The Police Service in England and Wales

Final report of a
formal investigation
by the Commission
for Racial Equality

March 2005



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Foreword

This report is the product of some fifteen months' hard labour. It has been a privilege to work with a team of the highest quality within the Commission for Racial Equality (CRE), and with three fellow commissioners with enormous experience of different but relevant aspects of our subject. In spite of their having to combine the work of this investigation with busy 'day' jobs, they gave unstintingly of their spare time to enable this report to be produced within the very tight timescale it was set.

It has also been very encouraging to witness the commitment of the leadership of the service, and regulatory and training bodies, as well as those who represent police officers of all ranks. All expressed what we believe to be a genuine determination to make progress and, in doing so, to reduce to the absolute minimum the chances of a future BBC Panorama documentary revealing the sort of behaviour which so shocked the public in October 2003.

Of course there are passages in the report which are critical both of past and of present. It is impossible to suggest improvements without the inference being drawn that what is happening now is flawed. It is likely too that the publicity which may attend the report will focus on the criticisms rather than the praises within it. I hope that those at all levels and in all areas who are already working conscientiously to achieve the sorts of outcomes which we have set out are not discouraged.

The worry of course is that as soon as the report has been published and the ensuing publicity has died down other priorities will delay or prevent the improvements which all are currently so keen to achieve. It is inconceivable that in the lifetime of most of those who will read this report it could ever be said that racial equality 'is done' and need no longer figure as a priority. I am confident that the CRE will strive to ensure that this does not happen, and that the new momentum generated since October 2003 is maintained. The recommendations within this report are intended to assist in that process. I hope they will.

Sir David Calvert-Smith QC

The nominated commissioners

For the purposes of the formal investigation, the Home Secretary appointed Sir David Calvert-Smith QC, Ravi Chand and Nuala O’Loan as special commissioners of the CRE. An existing commissioner, Jagdish Gundara, was appointed to this team. Collectively, the four commissioners were the ‘nominated commissioners’ for this investigation.

Sir David Calvert-Smith QC



Sir David Calvert-Smith QC was Director of Public Prosecutions and Head of the Crown Prosecution Service between 1998 and 2003. He was appointed Queen’s Counsel in 1997. Between 1991 and 1997 he was Senior Treasury Counsel and Junior Treasury Counsel between 1986 and 1991. He was a member of the Judicial Studies Board from 1996 and 1998. He is a previous chairman of the Criminal Bar Association and of the Education and Training Committee of the Bar Council and in 2003 chaired the Bar’s Working Party on Funding Entry to the Bar. He was knighted in 2002. Since January 2005 he has been a High Court Judge.

Mr Ravi Chand



Mr Ravi Chand is a managing consultant with Veredus Executive Resourcing. He previously served with the Police Service in a number of specialist areas for 14 years, which included heading the National Black Police Association, a registered charity, as its President and Chair of trustees; equality advisor to Bedfordshire Police; advisor on race issues nationally and establishing and delivering training on ‘leadership development’. He sat on a number of boards and committees on criminal justice issues, including the Home Secretary’s Stephen Lawrence Steering Group. He was awarded a Queens’ Police Medal (QPM) in the Queen’s Honours list in 2002 for distinguished service.

Mrs Nuala O’Loan



Mrs Nuala O’Loan is the Police Ombudsman for Northern Ireland, responsible for the investigation of allegations against the police. She is a solicitor and has held the Jean Monnet Chair in European Law at the University of Ulster. In the past, among other things, she has been Chairman of the Northern Ireland Consumer Committee for Electricity; a member of the Police Authority; Vice-Chair of the Police Authority’s Community Relations Committee; a member of the Northern Health and Social Services Board; Convenor of the NHS Complaints System for the Northern Health and Social Services Board; a member of the General Consumer Council and Convenor of the Transport and Energy Group of that Council; and a Legal Expert member of the European

Commission’s Consumers Consultative Council. For seven years, Mrs O’Loan was also a custody visitor to police stations.

Professor Jagdish Singh Gundara



Jagdish Singh Gundara was appointed as commissioner of the CRE in April 2002. He is Professor of Education at the University of London. He holds the UNESCO Chair in Intercultural Studies and Teacher Education at the Institute of Education. His previous roles include Deputy Secretary-General of the Indian Ocean International Historical Association; founding member of the International Association for Micro-States Studies; European Intercultural Parliamentary Group; and Director and Vice-chairperson of the International Broadcasting Trust. Professor Gundara is President of the International Association for Intercultural Education, and a trustee and Chairman of the Scarman Trust.

Chapter 1

INTRODUCTION

1.1 We are pleased to present this final report of the Commission for Racial Equality's (CRE's) formal investigation into the police service in England and Wales. In June 2004, at the request of the Home Secretary, we published an interim report, which discussed our findings, set out the areas we intended to investigate in stage two, and made recommendations in respect of the race equality schemes (schemes) we had looked at in detail.

The law and the CRE's decision to investigate

1.2 Section 48 of the Race Relations Act 1976 gives the CRE the power to conduct formal investigations, to help meet its three main duties: to work towards the elimination of racial discrimination, and to promote equality of opportunity and good relations between people from different racial groups. Formal investigations may be carried out into named organisations or into a sector as a whole. Sector-wide investigations are known as 'general formal investigations'. The CRE can issue a non-discrimination notice following a named investigation, if it finds acts of discrimination. In the case of general investigations, the CRE can make recommendations for the sector in question.

1.3 On 16 December 2003, the CRE decided to conduct a general formal investigation into three areas of the police service in England and Wales:

- a. the recruitment, training and management of police officers;
- b. monitoring of these areas by the police service and police inspectorates; and
- c. how police authorities and forces are meeting the statutory general duty to promote race equality, and related specific duties to publish a scheme and carry out employment monitoring.

1.4 A team of CRE staff were appointed to work on the project and preliminary work began on 5 January 2004. The four commissioners were nominated to lead the investigation, which was launched publicly on 1 March 2004. The terms of reference of the investigation are reproduced at appendix 2.

Methodology

1.5 We set out our approach to gathering information for the investigation in the interim report. The reader will find references to this approach in the individual sections of this report. In general, we:

- continued to take evidence from individuals; 111 people responded to our request for evidence, and 88 gave evidence in person to members of the formal investigation team for a total of 220 hours (see appendix 4);
- sent out a further 116 questionnaires;
- analysed the responses to these questionnaires, together with the 86 sent out during the first stage of the investigation;
- held a forum for the leaders of 12 agencies or bodies under the ‘Chatham House’ rule in September 2004;
- held ‘on the record’ hearings, at which leaders and other representatives of 11 agencies or bodies gave evidence to us in October 2004;
- visited forces, authorities and training establishments;
- met representatives of staff groups;
- met William Taylor and discussed the emerging findings of his review;
- studied relevant reports and publications; and
- took advice, for which we are grateful, from Rabinder Singh QC on the contents of, and recommendations in, the chapter on Managing Behaviour.

1.6 In addition, two of the nominated commissioners (Sir David Calvert-Smith QC and Ravi Chand QPM) attended, and spoke at, conferences organised by the Association of Police Officers (ACPO), the Association of Police Authorities (APA) and the National Black Police Association (NBPA), respectively.

Structure of the report

1.7 Each chapter begins with a summary of our findings on the subject in our interim report, summarises events since that report, describes the way we continued our investigation, reports our findings and makes recommendations.

1.8 Whereas some readers will certainly need to read the entire report, we are aware that others will focus on specific chapters. To make this easier for them, we have repeated findings and conclusions from different parts of the report, so that, for instance,

a reader interested in recruitment should find everything on this topic in the chapter on recruitment.

1.9 The order in which we deal with the subjects covered by our terms of reference is intended to reflect the sequence in which they are likely to arise in the career of a police officer. The report concludes with a chapter on governance and accountability. Once again, many of the issues raised here will have been considered in previous chapters. However, the implementation of our recommendations, and progress generally in this area, depend so crucially on good governance and clear accountability that we felt it was important to see if the current structures were sufficiently robust to take up our recommendations, and continue the several excellent initiatives already in existence. We are of course aware that we are covering only one, albeit vitally important, strand of policing in the report, and that our recommendations in that chapter will be subject to other competing considerations.

General issues

1.10 Policing in England and Wales must be among the most regulated and scrutinised of public services. In the field of racial equality, this has been reinforced by the Race Relations (Amendment) Act 2000. It should not now or in the future be necessary for external events, such as the tragedy of the murder of Stephen Lawrence, and its flawed investigation, or the BBC documentary *The Secret Policeman*, to happen before real and measurable progress is made in an area which everyone concerned with its governance accepts as being one of the highest importance. Still less should it be necessary for the CRE, a small organisation that is responsible for racial equality throughout society, to become yet another permanent, or semi-permanent, part of the actual governance of policing.

1.11 We have been enormously assisted by the individuals and agencies we have come into contact with in the course of this investigation. Many had already formulated recommendations of their own which they believed would help them and others to make progress in the area of racial equality. We have gratefully adopted a number of those recommendations. As described briefly above, on two occasions since May we have had the opportunity to discuss relevant issues with the leaders of the relevant organisations. The first was the meeting in September of all interested parties under the 'Chatham House' rule. This was designed to allow leaders to discuss openly and frankly the problems and issues they face, so that when they came to talk to us later 'on the record' they would be better informed of what they wanted as well as the likely reactions of others. The meeting was, we understand, the first time that everyone with a role to play in the governance of policing as it pertains to racial equality had ever met in such a forum. The meeting was, in our opinion, a particularly useful occasion, and certainly meant that the contributions from all parties to our hearings in October were better focused and informed than they would otherwise have been. The second was the week-long session of hearings, from which we quote directly or in summary in the report, and which was an important source of the evidence on which we based our recommendations.

Staff associations and groups

1.12 It would be helpful to say a word here about those organisations that have no formal role in governance, but without whose help and commitment progress on many of the issues raised in this report will be difficult, if not impossible. We have been enormously helped by the contributions of the leaderships of the NBPA, the Police Federation (the Federation), and the Police Superintendents' Association of England and Wales (PSAEW), among others. We are impressed by the commitment that the leaders of all these organisations have shown to promoting racial equality in the police service, and the actions they have taken to realise this commitment. We pay tribute to this on various occasions in the report. As well as its work to achieve diversity in the police service, the Federation has improved its own record on diversity. The Federation is not a public body bound by the specific duty to produce a race equality scheme. However, in response to a question from the commissioners at the October hearings, its Joint Central Committee has decided to adopt a diversity equality scheme, which should be published no later than 31 May 2005. We welcome this decision.

1.13 The Federation has an inclusive approach to discrimination issues, as it should, since it represents all officers in the federated ranks. Its chairman told us '...we have sought integration not segregation – I accept that there are certain perceptions and there always will be, but I have tried to promote the facts alongside the perceptions. The Police Federation does not promote itself as well as it possibly could.'

1.14 The Federation ran a positive action initiative for their November 2004 elections, under the banner 'Make A Difference', to encourage more ethnic minority officers to stand for election as representatives. At the October hearing the general secretary told us that the election campaign was important, as '...we have to be representative or we won't be effective'.

1.15 However, having considered the information on the Federation's website about the campaign, we did not think it was a particularly strong statement to ethnic minority officers. It focused more on the roles and responsibilities of an elected Federation representative, and the Federation's commitment to eliminating unfair discrimination, than on a strong central drive to make the Federation more inclusive or representative.

1.16 The Federation has now started to monitor its representatives at election by sex and ethnic and racial background, although it was unable to give us any monitoring statistics in time for this report.

1.17 On the other hand, the NBPA felt strongly that the Federation does not always take it seriously enough.

1.18 It is natural that from time to time there will be tensions between organisations dealing with the same topics, while representing different constituencies. A statutory staff association like the Federation is likely to feel that the very existence of bodies such as the NBPA represents an implied criticism of themselves. Likewise, there is always a

delay between changes in reality and changes in perception, so that the feeling among many ethnic minority officers that the Federation is not really on their side is likely to remain after the reality has changed.

1.19 In our opinion the different types of group or association are necessary and desirable both at national *and* local level. All deserve to be genuinely and constructively listened to by ‘management’, and by each other. All have an important role to play in helping the police service to shed the racist image that has dogged it for so many years. Often their voices will be separate, because the subjects they are dealing with are separate. On many issues, when they spoke separately to us, they said the same or similar things. And yet we detected signs of conflict, whether over territory or ‘rank’, between them, or between some of them. We would echo the sentiment expressed by the PSAEW in its submission to us:

More fundamentally we believe that there are opportunities to draw together staff associations / representative organisations to facilitate a more coherent and cohesive structure for driving change on race and diversity issues across the service. We believe that the continuation of the current structures with separate and potentially conflicting views being expressed by our association, ACPO, the Police Federation and other representative organisations, including crucially the National Black Police Association, on race and diversity issues is partial in nature and militates against fundamental change across the service. We believe it would be challenging, but certainly not impossible to develop new structures if there was a clear shared vision and collective will to deliver on race issues for the service. We believe that such an initiative can be developed now, and intend to pursue this matter with the senior representatives of other key national organisations.

1.20 ACPO’s Interim Race Equality Action Plan, which we refer to throughout the report, recognises the need to work on this area. One of its objectives is ‘to ensure that staff support networks are fully engaged as internal partners’ and the action it specifies to meet that objective involves commitment from ACPO, the Home Office, APA, HMIC, Centrex, chief officers on behalf of their forces, and police authorities, to work in partnership with staff support networks and unions, and to encourage them to work together to promote racial equality and diversity.

1.21 We strongly urge all staff associations and support groups to put aside what may be historical differences and wasteful disputes to pursue the overall aims of all their organisations to achieve a fair and equal workplace which people from all sections of the community want to join and work in.

The recommendations

1.22 In formulating our recommendations we have tried to honour the principles set out in paragraph 1.15 of our interim report. This means our recommendations focus in the main on the ‘nuts and bolts’ rather than on the general and aspirational. We believe more can be achieved by recommendations that describe small and practical steps rather than

broader or more visionary goals. Our recommendations are also based on other important principles.

- a. Where recommendations are for immediate or short-term action, they should be 'practical and achievable', because someone, somewhere, be it a force, police authority or training establishment, is doing it already.
- b. All recommendations should be directed at a person, a group of persons (for example, chief officers) or a body, or a combination of all these – frequently, a recommendation can only be implemented if individuals and bodies cooperate (see chapter 8 for our views on accountability structures in the police service).

1.23 Most of the recommendations calling for action are capable of being integrated with measures that organisations bound by the race equality duty are already taking under their race equality schemes. Organisations that do not have to meet the duty may have either undertaken to produce schemes of their own, or may fall within their sponsoring department's (usually the Home Office) scheme.

1.24 Some recommendations call for research into whether there is a problem and, if so, the nature and size of the problem, and what action should be taken. It is difficult to put timeframes on such work and the necessary follow up.

1.25 Where a recommendation can only be properly implemented if significant resources are made available, we have tried to make this clear. We have no way of ensuring that the necessary resources will be available, but it is abundantly clear that any attempt to tackle racism in policing will require proper funding.

1.26 In some instances we have warned bodies that they appear to be vulnerable at present to legal action by the CRE. In our interim report we recommended that police forces and police authorities whose schemes did not comply with the duty should take the necessary steps to fulfil their legal obligations. We were particularly concerned that the forces and authorities involved, as well as others whose schemes we did not examine in detail, should understand and meet their duties under section 71 of the Race Relations Act 1976, and do so before 31 May 2005. This is the date by which most public authorities, including police forces and police authorities, bound by the specific duty to produce a race equality scheme must review the relevance of all their functions and policies to the general duty to promote race equality, as stated within their schemes. The CRE has advised that while they are carrying out this review the relevant public authorities should consider revising their race equality schemes. In this report we have simply pointed out some of the problems with respect to compliance with the race equality duty. It will be for the CRE to decide when and if compliance action is necessary. We have also felt it necessary to comment on what we believe to be unlawful 'positive discrimination' by forces and others in the field of recruitment. We have made it clear that, unless and until the law is changed, such discrimination is unlawful and should be stopped, however laudable the motive behind it.

Other developments

1.27 A great deal has happened since the publication of the interim report. Some of it is very recent, or still at drafting stage. It has therefore not been possible to consider it as thoroughly as we might have wished. On 19 January 2005 the Home Secretary launched a strategy 'Improving Opportunity, Strengthening Society'. We welcome his commitment to 'address the findings of the Commission for Racial Equality's inquiry into racism in the police, in partnership with the police'. Partly in response to our interim report, ACPO has produced a draft action plan, which it plans to finalise following the publication of this report. Our report will no doubt become part of the material that will influence actions and policy over the coming months and years.

Key messages

1.28 It is dangerous to try to summarise the key messages of this report. The full list of recommendations probably gives the best overall picture. What we say below should therefore be read with this in mind.

Race equality duty

1.29 Forces, authorities and agencies that are statutorily or voluntarily bound by the race equality duty still have some way to go before they can say they have made the basic arrangements for monitoring and assessing their performance and progress in meeting all aspects of the duty. The process that has led to a sharp improvement in the race equality schemes of the forces faced with compliance action following our interim report shows what can be done if there is real commitment. Failure to go through this process will mean failure to provide an environment with a clear anti-racist ethos, in which racist behaviour will be appropriately and swiftly identified and dealt with. It will also mean the service will continue to be driven by unwelcome events rather than by taking control of its own agenda.

Standards, training and recruitment

1.30 The good work that has gone into designing National Occupational Standards and the Integrated Competency Framework (see paragraph 3.5) needs to be carefully scrutinised and assessed at all stages of its development for its effects on racial equality.

1.31 There were already signs of improvement in the screening process before *The Secret Policeman* was broadcast, but the new processes are still at an early stage of development and their effectiveness needs to be kept under constant scrutiny.

1.32 There is still some way to go before the content and delivery of training and education programmes for officers of all ranks are of a uniformly good standard to persuade those taking part in them of their value and relevance to their work. The damage done by treating 'race and diversity' as a purely knowledge-based and self-contained

addition to training in order to achieve a level of ‘political correctness’ will take some time to cure.

1.33 There are dangers that progress on all these fronts at national level may be adversely affected by uncoordinated local variations.

Managing behaviour

1.34 One key area that needs attention is the competence of managers in the service. This will involve training, as far too many managers currently ‘freeze in the headlights’ of any problem that involves or might involve race, with the result that ethnic minority staff who make complaints find that their complaints are unnecessarily escalated, and that they become targets of victimisation, while white staff against whom the complaints are made to feel they are being unfairly treated as well. Add to that the universally held view that the formal procedures are too formal, too lengthy and too legalistic and that they rarely if ever leave either party with a sense that justice has been done, and the need for change, as already suggested by Sir William Morris, and shortly to be supplemented not just by our recommendations but those of William Taylor, is evident. Such action as the service takes to deal with racist behaviour tends to concentrate on the superficial (for example, racist language) rather than on the subtleties underlying racist behaviour. We also believe that, on balance, the time has come for police officers, without losing their special status of ‘constable’, to be brought within the scope of ordinary employment law.

The future

1.35 This report is the result of a general rather than a named investigation. It will be a matter for the CRE to decide, having considered the report, what follow-up action it wishes to take in respect of our recommendations. However, we hope that, notwithstanding what we have said earlier about ‘self-sufficiency’, the CRE will wish to monitor progress in some way. In the short term, we suggest that a conference involving the principal players would be a sensible idea. In the medium term, the model of the Lawrence Steering Group, on which two of our number served for some time, might provide a possible basis for future work. We would certainly favour, either in addition or as an alternative (as we suggest in chapter eight on Governance and Accountability), consideration of a regular CRE-chaired forum along the lines of the September forum (see paragraph 8.9). In the long-term, the aim should be to implement all those recommendations that do not contain a timescale, or take suitable alternative measures, by the time of the next but one review of policies and functions due in relation to the race equality scheme in May 2008.

1.36 Finally, we would like to lend our support to the vision developed by ACPO representatives at the hearings and elsewhere. In broad terms, their vision is of a service that wants and needs to become a service fit for our times, by focusing on the question of racial equality in the same way that deficiencies in police investigation were dealt with some years ago. In that case, the focus produced the National Intelligence Model. A similar focus in the area of racial equality will achieve two things: first, it will help the

service to do similar work across all forms of equality; second it will help the service to move from being seen, and from seeing itself, as simply seeking to tackle crime and by implication certain sections of society, but as a service which, while retaining and improving its ability to detect crime and bring offenders to justice, is at the same time one of the key elements in building and preserving a fair society. We believe that this vision, built into the recruitment, training and management processes of the police service, will bring wider benefits than those which the individual recommendations of this report could ever bring. In the words of one of our commissioners, training must be supplemented and overlaid by education. The service outlined in that vision will become less and less attractive to recruits and serving officers of the kind so graphically displayed in *The Secret Policeman*. On the contrary it will be more and more attractive to recruits who will want to join and work with those within the service who are already striving to treat all sections of the public and all their colleagues with dignity and respect.

Chapter 2

THE RACE EQUALITY DUTY

Introduction

2.1 As we stated in our interim report, the race equality duty has been the most important development in race relations since the passing of the Race Relations Act 1976. It places a duty on most public bodies to act proactively to promote race equality. We consider the race equality scheme to be essential to publicly show how a body intends to promote race equality. Police forces and authorities were supposed to have schemes in place by 31 May 2002. As there is now a statutory framework for policy development and implementation in relation to race equality, we have included in this investigation an evaluation of progress in this area. This has taken place with an emphasis on those aspects of the race equality duty that relate, in particular, to our terms of reference. The full wording of the legislation can be found at appendix 1, see general Statutory duty and accompanying Order.

What we said in the interim report

2.2 We sampled 15 police force schemes and five police authority schemes for the interim report, and discovered that only one met what we considered to be minimum standards for schemes. We also found that three authorities appeared to have no scheme at all. Furthermore, most forces and authorities sampled did not have compliant employment monitoring duties. This is a separate specific duty, but we always strongly advise that the arrangements for this duty are specified in the scheme.

2.3 Following these findings we recommended in the report that the 19 cases of non-compliant schemes should be forwarded to the CRE's legal services and enforcement directorate for action. We also made a series of recommendations to develop and improve schemes, including that all forces and authorities review their schemes in the light of our report.

Developments since the interim report

2.4 At the launch of our interim report, the chair of the CRE accepted our recommendation to refer the 19 cases of non-compliant schemes to the legal services and enforcement directorate. The cases were transferred during the same week and the legal process was begun, independently of the investigation.

2.5 The Association of Police Authorities (APA) pointed out to us after the report's launch, that they were certain that all authorities had a scheme. We later found that, although the three police authorities did not respond to our requests for their schemes, including a failure to reply to our chair's correspondence, and despite having tried to

locate the three schemes on the individual authorities' website, they did have schemes after all. One of these, however, was only in draft form. The CRE took no further action on these three schemes.

2.6 Our legal services and enforcement directorate has kept us informed of developments in those cases that were referred, and we have now received a report that all cases have been closed, as all 19 forces and authorities have now published compliant schemes.

The compliance process

2.7 The legal affairs committee (the committee) oversees the performance of the legal services and enforcement directorate (the directorate). Compliance with respect to the specific duties is governed by section 71D of the Act, which gives the CRE the power to issue a compliance notice if a public authority fails to comply with any of its specific duties. The internal process is not immediately to serve such a notice, but to send a warning letter to the relevant body, informing them about how they are failing to meet the duty and setting a realistic time by which the body should address the failing. Accordingly, warning letters were sent to the 14 forces and five authorities. To date, the CRE has used an internally developed assessment template for assessing schemes, based on our code of practice and accompanying guidance.

2.8 Following this, all 19 bodies revised their schemes, and these were assessed by CRE legal officers. The committee took no further action in relation to all but three of the 14 forces. One of the three schemes had such a minor deficiency that the force was simply asked to rectify this problem, which it immediately did, and the committee decided to take no further action in that case. However, the committee decided that while the other two forces had significantly improved their schemes, there were sufficient problems with them to justify the serving of a compliance notice. Both forces have now submitted fully revised schemes and the committee has agreed that they are now compliant, and that no further action in this regard will be taken.

2.9 The committee remarked on the very good progress made by all the 19 bodies that had been referred to the legal services and enforcement directorate. The committee used this compliance process to consider whether any of the revised force schemes could be commended in some way for examples of good practice.

2.10 We were pleased to receive a report from the directorate on this issue and we welcome the result of this process. We are informed that two of the 14 police force schemes were of overall good quality, and that a further eight had many noteworthy sections. The directorate did not carry out a similar evaluation of the five police authority schemes, so it is possible that many or all of their five revised schemes also had many good elements.

Stakeholder response

2.11 We are aware that both The Association of Chief Police Officers (ACPO) and the APA responded constructively to the CRE's action to ensure that non-compliant forces and authorities were assisted in revising their schemes. ACPO produced a template for the action the CRE required to show that gaps were being addressed. We know that both bodies have urged all forces and authorities to revise their schemes in the light of our report. Sir David Calvert-Smith QC also accepted an invitation to speak at a conference for all forces organised by ACPO in relation to the race equality duty.

2.12 ACPO has been leading a joint initiative with other stakeholders to develop an interim action plan to address issues arising from our report. This is discussed more fully in chapter 8, on governance and accountability.

Stage two of the investigation – methodology

2.13 After the interim report, we decided to investigate to what extent schemes (including the employment monitoring duty) were being implemented.

2.14 We included both forces and authorities in our investigation, although some of the findings in relation to authorities are reported in the Governance and Accountability chapter.

2.15 We had hoped to report for the interim stage the results of our first questionnaire (the general questionnaire), which covered a variety of issues, including the race equality duty. This first questionnaire was sent to all forces and police authorities. As we reported, however, a number of questionnaires sent out on 21 April 2004 had not been returned in time for analysis for the interim report, and we were unable to consider the results until stage two. We therefore include some of the findings of the first survey in this final report.

2.16 As well as looking more generally at the race equality duty we focused on those parts relevant to the particular area under investigation; such as training, screening, grievances and discipline. We also continued to ask witnesses whom we interviewed in the second stage about their awareness of the duties within their own force.

2.17 During the second stage we sent out a further questionnaire to 15 forces and authorities, containing in particular questions about implementation of the race equality duty. We then surveyed the remaining 28 forces and authorities on grievances and disciplinary processes and training and screening. In each survey we also asked questions that were related to performance of the race equality duty. In this way, we covered all the forces and authorities in relation to the duty to some extent.

2.18 At the hearings we also asked stakeholders questions about the race equality duty that were relevant to their particular area of responsibility. Key points arising from these hearings are reported in chapter 8 on governance and accountability.

2.19 Some of the more specific findings from the answers to these questionnaires and from interviews with witnesses and stakeholders are also discussed in other chapters. Here we concentrate on the more general race equality duty issues.

2.20 As many of the questions concerning the race equality duty are about the whole workforce, in all cases in this chapter except where specified, staff are included with sworn police officers.

Findings and recommendations

Implementation of the employment monitoring duty:

2.21 Before the introduction of the Race Relations (Amendment) Act 2000, the RRA made racial discrimination in employment unlawful but it did not make ethnic monitoring compulsory. The specific employment monitoring duty changes this. It seeks to ensure that organisations are aware of any trends and patterns within their employment practices and policies that could indicate adverse impact on some racial groups.

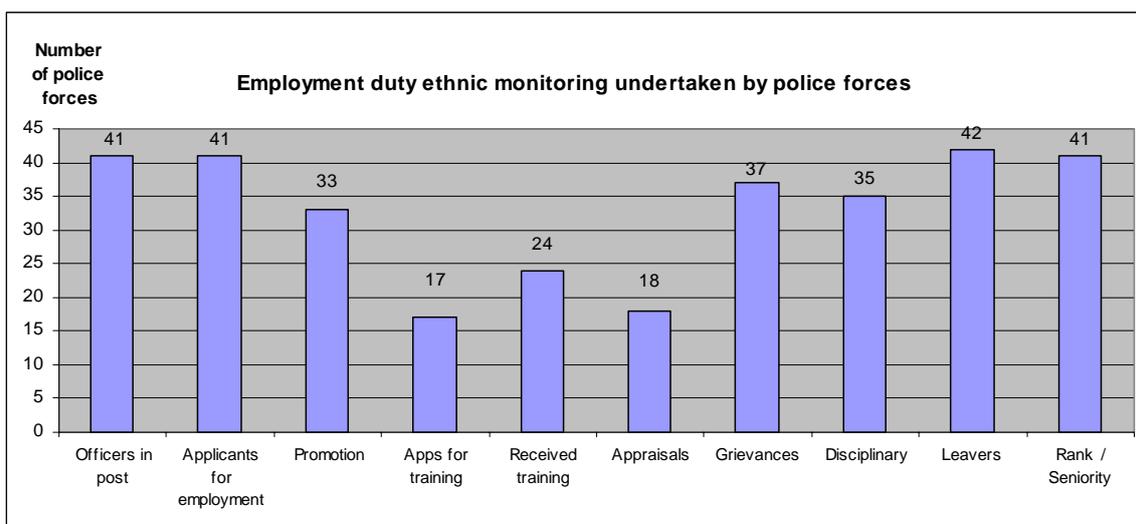
2.22 As a specific duty its aim is to assist the public authority to meet the general duty to promote race equality. If the authority fails to perform its monitoring requirements under the employment monitoring duty it is vulnerable to legal action by the CRE.

2.23 Under this duty arrangements have to be put in place to ethnically monitor many aspects of the employment process, from the point of application to the time an employee leaves, including any grievances, disciplinary action, training applied for and received, promotion and appraisals. If disparity is found, the employer can then look at why it may exist and take lawful steps to redress any problems and imbalances. For example, if an organisation finds that a disproportionately large number of ethnic minority staff are leaving in the first year of employment, steps should be taken to find out why this is happening. Once any problem is identified steps can be taken to change the trend. Ethnic monitoring of these trends and patterns should be an ongoing process. The duty requires the results of this monitoring to be published annually.

The general questionnaire

2.24 In our general questionnaire sent to all forces in the first part of the investigation, 42 forces answered a question asking about monitoring and publishing employment data.

2.25 The figure below outlines the employment monitoring carried out by the forces as expressed in our first survey.



2.26 We found that none of the forces monitored all of the components of the employment monitoring duty. Most forces had in place systems for recording the ethnic origin of staff and officers. All 42 forces that responded to this question reported that they monitor leavers, and almost all monitor staff by rank and seniority. The majority also stated that they monitor grievances, those subjected to disciplinary action, and applications for promotion. Far fewer forces, however said that they monitored in relation to applicants for training and appraisals.

2.27 Most of these forces published the data that they collected in some format, although some limited circulation of the publication to their police authority only. However, as we report below, we later found that some of the claims did not match the monitoring information they provided us later.

Applications for training and those who receive training

2.28 Of the 42 forces which responded to the question, only 24 recorded the ethnicity of those who receive training. Only 17 forces monitored the ethnicity of those who applied for internal training.

2.29 We have heard from the National Black Police Association and some other witnesses that those areas of policing which are considered to be high profile and which may lead to better opportunities for promotion are denied to many ethnic minority officers, who often have difficulties in getting trained in these areas. It is only by tracking the ethnicity of those who apply and then receive training and investigating any disproportionality that an organisation can understand whether it needs to make any changes to its policies.

Appraisals

2.30 Only 18 of the 42 forces which responded to the question on appraisals said that they ethnically monitored their appraisals. There is a requirement that any appraisal system which carries benefits or detriment must be monitored. The CRE has advised that all appraisals should be ethnically monitored, since it is difficult to say when an appraisal may be taken into account for promotion, or disciplinary action, or for pay negotiations at some future date, even where appraisals are not directly linked to pay increments.

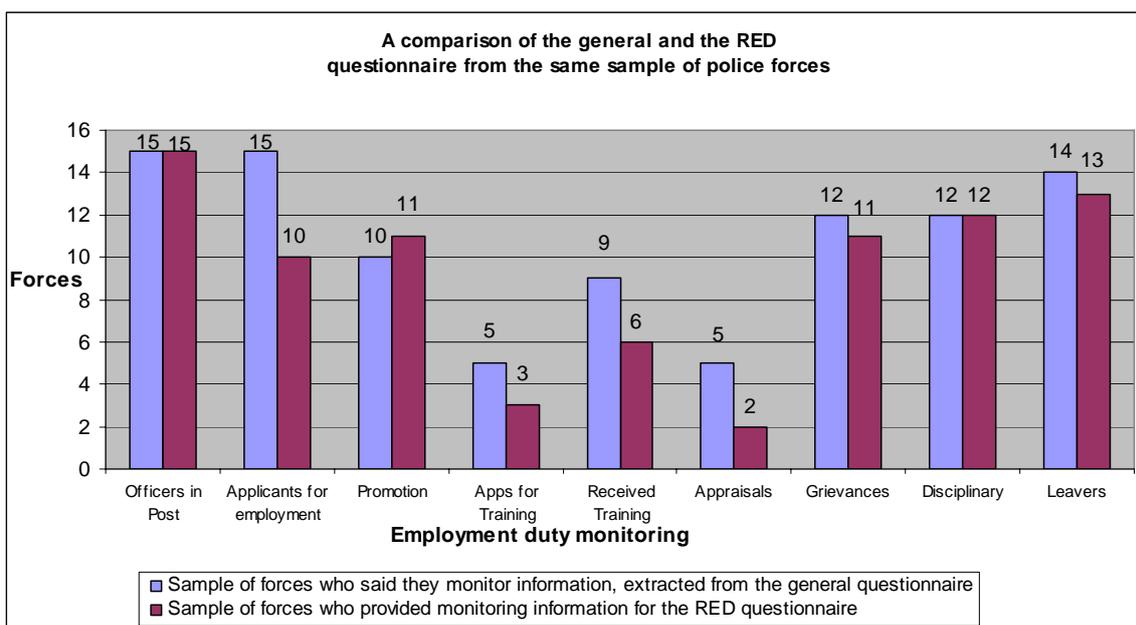
2.31 We are aware from our visits to forces that the personal development review process is not always consistently implemented, therefore monitoring in this area should help to identify any gaps in implementation of the overall process.

RED questionnaire

2.32 We asked 15 police forces more detailed questions in a separate questionnaire on employment monitoring in order to test the accuracy of some of the responses to the first questionnaire.

2.33 The pattern of results appears to suggest that some forces had initially informed us that they were monitoring certain types of practice, but when asked to present the figures to us for further analysis they were unable to do so. This is most clearly illustrated when reviewing the responses for monitoring numbers of applicants for employment, those who apply for and receive training, and the monitoring of appraisals. Although the second questionnaire asked more specifically for monitoring information on officers in particular rather than staff as a whole there was no indication that this was a reason for the disparities in the answers.

2.34 The chart below highlights a sample of 15 forces that had been asked in the first questionnaire what employment monitoring they carried out and whether they were then able to provide this information in response to the second questionnaire



Use of ethnic categories

2.35 There was a variation in the categories of ethnicity used by the forces. The largest group of forces (34) stated that they used the Census categories (as the CRE's guidance advises). However six used other non-standard or aggregated ethnic categories.

2.36 We have further evidence from the work that we carried out in particular areas (such as monitoring grievances) which is reported elsewhere. It indicates that monitoring arrangements are not always as robust as they should be and that while forces may say that they monitor particular areas, they cannot necessarily provide the monitoring information readily.

2.37 ACPO stated at the October hearings that a new IT system was being set up which should provide this information for all forces in a consistent manner. However this requirement was brought in December 2001, to start by May 2002, and it is now 2005. We welcome the idea of a national and consistent method of data gathering for all forces. But while the system is being developed forces must ensure that they gather the required data and publish it annually. If they continue to fail to do so, they could face legal action for failing to comply with the employment monitoring duty.

2.38 Clearly, all forces should monitor their employment practices and the method of monitoring should be consistent across forces. We were encouraged that there was some monitoring taking place, but concerned that there was not full compliance with the employment monitoring duty by many forces and that there was some variation between some forces' replies to the first and second questionnaires.

2.39 Counting heads is not an end in itself. The data needs to be processed and considered in order to track trends, spot disproportionality and answer allegations of

unfairness. The word ‘monitoring’ itself indicates that the process is not static, but continuous. The employment monitoring duty, like the other specific duties, was brought in to assist employers to meet the overarching general duty to promote race equality.

2.40 We were therefore disappointed to discover that although a majority of the forces gathered at least some of the data required by the legislation, very few appear to do anything with it other than publish or report it to an internal or authority committee.

2.41 Because of the government-set targets for recruitment, we are in no doubt that police forces do pay attention to the recruitment figures and analyse them to some extent for information on how to attract the best candidates from all racial groups. Many forces told us that their data revealed recruitment problems and that they had considered various positive action measures (we discuss some of them in the chapter on Recruitment and Screening) to address under-representation.

Recommendations

- Chief officers should ensure that all police forces put in place their arrangements as required under the employment monitoring duty and both their arrangements and the monitoring information gathered should be readily available for regular inspection and scrutiny. This action should be carried out immediately in order to address non-compliance of the employment monitoring duty.
 - Chief officers should ensure that if after a monitoring exercise a force finds any disproportionality or if there are a significant number of complaints about unfair race-related practices in any area, the force should investigate to check for any discriminatory practices and take remedial action.
 - Police authorities and Her Majesty’s Inspectorate of Constabulary should, within their scrutiny or inspection frameworks, automatically require forces to provide this monitoring information for the relevant period, including any annually published material, and to identify any steps taken or proposed to address racial disparities.
 - For national consistency, Chief officers should ensure that all forces use the 16+1 Census categories for ethnic monitoring, referred to in the Commission for Racial Equality’s *Ethnic Monitoring: a guide for employers* (which includes further optional categories)
 - Occasionally it may be necessary to aggregate categories for tracking and trending especially when numbers are very small. In these cases, Chief officers should ensure that forces should adopt the 5+1 Census categories.
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Race equality scheme duty and police forces

2.42 As above, findings relevant to other chapters are discussed in those chapters, and overall issues are raised here.

2.43 At stage 1 we looked at a sample of forces in order to see whether their race equality scheme itself met the required minimum standard for the legislation. At stage 2 we looked at implementation of some of the arrangements within the schemes, and tested some of the answers we had received to the first questionnaire, which went out to all forces and police authorities. There is a danger that a scheme may become a document which is not used to underline the daily work of an organisation. Like the employment monitoring duty, the duty to publish a scheme was imposed in order to assist organisations to comply with the overarching general duty to promote race equality. Failure to implement a scheme adequately could lead to a challenge in the High Court for judicial review by the CRE or other interested party on the grounds that the general duty to promote race equality has been breached.

2.44 Below we report on some key findings with regard to the overall issues contained within the schemes. Specific issues such as training are covered in the relevant chapter.

Ownership of the race equality scheme

2.45 We believe that compliance with the race equality duty should be at the heart of a management structure and the champion of such work in an organisation should be one of its most senior officers.

2.46 When we asked 15 forces who had overall responsibility for managing and monitoring their schemes and associated action plans, reviews and outcomes in this area, we were given the following breakdown:

- a. chief constables were responsible for two of the force schemes;
- b. assistant or deputy chief constables were responsible for eight of the force schemes;
- c. a chief superintendent, a chief inspector and a commander were responsible for one scheme respectively; and
- d. 'diversity managers' were responsible for two schemes.

2.47 However, when the same 15 forces were asked who had responsibility for managing the day-to-day implementation of the scheme, the majority of forces told us that this would be done by their diversity manager or equivalent. Only one force relied on a multi-ranked structure to conduct this task.

2.48 Successful implementation of any properly constituted scheme will take time and effort, especially at the beginning when baselines are being established. We also accept

that the learning curve for each organisation at the beginning of this process is very high. However, proper resources must be put in to develop the necessary processes, skills and expertise. While this work can be driven and managed to some extent by any diversity or equality team, in order to really become part of the mainstream, race equality issues must be embedded within the organisation. As we stated in the interim report, race equality should never be a bolt-on to other processes, it must be an integral part of the process itself.

Recommendations

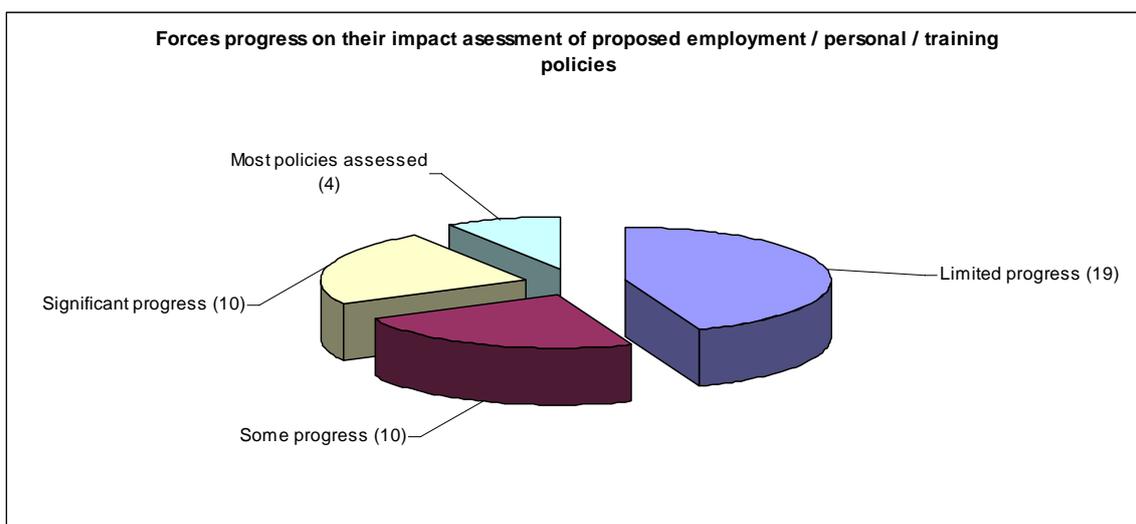
- Responsibility for the delivery of the general duty to promote race equality and the implementation of its accompanying specific duties (and any action plan supporting these duties) should fall to either the chief constable or at the very least an Association of Chief Police Officers rank officer or equivalent.
- Chief officers should ensure that any diversity manager has the support of a multi-ranked and cross-departmental team to assist in the implementation, management and review of the race equality scheme, including representatives from the main staff support groups and staff associations.

Assessing and consulting on the effects that any proposed policies may have on the promotion of race equality and publishing results:

The general questionnaire

2.49 In our general questionnaire we asked all 43 forces how many race impact assessments and related consultations had been carried out.

2.50 14 out of the 43 forces that answered this question informed us that they had carried out such assessments on a significant number, if not all, of their policies. Many of these gave specific examples of this work. The rest reported some or limited progress in this area.



2.51 Of the 43 forces, 14 reported that they publish the results of such assessments and consultations on their websites, and a further 11 informed us that they sent a report to their police authority or senior management. This latter form of reporting does not, in our view, constitute publishing results.

2.52 We also asked all forces to inform us as to what action they took if an impact assessment on a proposed policy revealed a potentially adverse impact on race equality. It is clear from the answers that we received that the task of carrying out race impact assessments was considered to be a difficult one, and many respondents indicated that they would welcome advice and guidance on this issue.

RED and training questionnaire

2.53 We investigated race impact assessments and consultations further with our questionnaire to 15 forces asking if they had assessed their proposed policies (in relation to employment, personnel and training), for relevance to race equality. Eleven of the 15 forces said they had carried out this initial assessment.

2.54 However only eight of the 15 forces told us that they had conducted a full impact assessment process on those proposed policies that had been assessed as having relevance to race equality.

2.55 The implication of this response is that three forces, having assessed that a particular proposal had some relevance to race equality, nevertheless implemented the proposal without carrying out a full race impact assessment and consultation. A further four did not even take the first step, which is to find out if the proposed policy has any relevance to race equality. In doing so all seven forces would be ignoring their own schemes, (if their schemes were compliant), and would be vulnerable to allegations of breach of the overarching general duty to promote race equality.

2.56 We asked these same 15 forces about the procedures they used to carry out race impact assessments. Four did not respond to this question, and the rest said they used an internally developed audit procedure. We have not seen these procedures and therefore cannot comment on their efficacy. It is clear however that much more work needs to be done in this area.

2.57 Section 5 of the training and race equality chapter reports on the findings of the general questionnaire and a further questionnaire sent to another eight forces on training issues. When asked, 'Are the individuals who carried out the race impact assessment trained to do so?', 12 forces answered yes, five answered no and four said not applicable. However, when these same forces were asked what type of training this was, only three reported that it had specific race or equality impact assessment content. The others reported on providing general equality and diversity training.

2.58 One of the elements of the RES duty deals with the need for staff to have appropriate training in order to fulfil the overarching general duty to promote race equality and the accompanying specific duties. It was not by chance that this element of the duty was imposed. It was recognised that ensuring proper monitoring and data gathering, understanding how to carry out race impact assessments and how to monitor for adverse impacts, would be new to many organisations. If officers are required to carry out fairly new and initially at least complex tasks without the relevant training and support, they are being set up to fail.

2.59 The CRE has produced a statutory code and non-statutory guidance on the race equality duty, which includes information on carrying out race impact assessments and consultations. These documents can be obtained free from our website. However, recognising that there was a need for further guidance and in conjunction with the Home Office's Race Equality Unit, the CRE has produced a guide for race impact assessments specifically, which can be accessed through our website: <http://www.cre.gov.uk/duty/reia/index.html>.

2.60 We are aware of and welcome the fact that ACPO has already arranged seminars on the implementation of aspects of the race equality duty, including impact assessments. However we note that many forces appear to have developed their own processes for carrying out assessments and from experience, we expect these will display a range of good and less good practice. We are of the opinion that this is an area of process development that could be led by ACPO.

Recommendations

- The Association of Chief Police Officers should develop as soon as possible a framework for race impact assessment and related consultations, using the web-based Commission for Racial Equality framework as a template for development.
 - Chief officers should ensure that staff involved in policy development are fully trained on the race impact assessment process, in accordance with the training component of the race equality scheme duty.
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Monitoring current policies for adverse impact

2.61 Carrying out impact assessments of proposed policies helps to ensure that no new processes or strategies are developed without paying careful attention to any possible problem relating to race equality. Arrangements for monitoring current policies for adverse impact is another element of the race equality scheme, which, if put into practice, ensure that during the lifetime of the implementation of a particular policy attention is paid to any discriminatory effects of the policy. If problems are found, a body must consider how to address it.

2.62 The methodology for such monitoring is similar to that used for a race impact assessment.

2.63 Of the 15 forces questioned, in our stage 2 questionnaire just over half stated that they did monitor policies for adverse impact. On further questioning, six identified that no adverse impact was identified, whereas four identified stop and search as a problem area, three said that recruitment had been identified as having an adverse impact, and two considered that promotion processes could be a problem.

2.64 While it is encouraging that there were some tangible results in this area, there appeared to be an over-reliance on pure ethnic monitoring figures to identify adverse impact, as opposed to a more detailed survey involving a more qualitative analysis.

2.65 If raw data shows a possible disproportionality in the way in which a particular process is working, then more work must be done in order to identify exactly where in that process the disproportionality is taking place. It will then be necessary to scrutinise that particular area in order to identify why the difference is occurring. This may mean carrying out surveys, looking at research carried out elsewhere, interviewing staff and officers, or consulting with community or staff groups.

Recommendation

- The Association of Chief Police Officers should develop as soon as possible a framework for monitoring for adverse impact, to assist forces in carrying out monitoring of their policies.
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Police authority race equality scheme findings

2.66 This section covers information gleaned from a number of sources, a general questionnaire that went to all authorities, a more specific one that went to 15 authorities, and more detailed questions that were either asked through further questionnaires or directly in visits by team members. Here we draw on main themes, rather than focus on each and every aspect of the race equality scheme requirements. Other trends and patterns relating to police authorities are brought out in other sections of this report.

2.67 All authorities reported to us that they had an action plan to support their own schemes. We have also incorporated the employment monitoring duty within these questionnaires, as we consider that arrangements to fulfil this specific duty should fall within any scheme.

2.68 Many authorities answered some of the questions meant for them (eg questions on carrying out impact assessments) as if they were answering on behalf of their forces and as if the issue was not applicable to them as a body subject to the RES duty.

Impact assessments general questionnaire

2.69 We asked authorities if they had assessed their proposed policies (in relation to employment, personnel and training) for relevance to race equality. Only four stated that they had carried out this initial assessment. Nineteen answered not applicable to this question.

2.70 On the other hand, 26 of the 41 authorities that responded stated that no disparities were identified with impact assessments they had carried out. This last response is inconsistent with the information gleaned on whether impact assessments are carried out or not, which indicated that very few had undertaken this exercise

2.71 When asked how they published the results of impact assessments, 23 authorities either answered not applicable to this question or that they did not have any system in place. Seven other authorities stated that they reported to a committee, but in our opinion this does not amount to publication. Only 11 properly published results – through their websites or, in the case of one authority, in its annual report. Publication is a requirement in the RES duty.

2.72 We are left with the impression that most police authorities may be unclear about their role in relation to race impact assessment, given that very few have carried them out and that even fewer have published the results and the apparent inconsistency in their replies.

Training-general questionnaire

2.73 The majority of authorities who responded to our questions on staff training on the race equality duty (as opposed to general race training) said that they had identified training needs in this area. However, very few gave further information on what they would be doing to address this need.

Recommendations

- police authorities must ensure that they carry out race impact assessments and consult on any proposed policies that are relevant to race equality as required under their race equality scheme. They should publish their results, indicating any amendments made to the policy following such an exercise.
- police authorities should in general ensure that arrangements within their schemes are implemented. This includes monitoring policies for adverse impact, publishing employment monitoring data relevant to employment of staff, where applicable, and training staff on the race equality duty.
- The Association of Police Authorities should assist authorities by developing impact assessment guidance as soon as possible.
- We take the opportunity to restate a recommendation in our interim report, which was that police authorities (as well as police forces) review their schemes and publish revised versions by May 2005. We should add here that we do not expect the five authorities who were referred for enforcement action to carry out this recommendation, since they responded satisfactorily to the enforcement action by revising their schemes in a compliant manner.

Conclusion

2.74 As will be clear to readers of this report, there is sometimes a gap between what forces and authorities claim to be doing to meet the race equality duty and what they are actually doing, as indicated by the answers to questions and our visits. Of particular concern is the lack of comprehensive ethnic monitoring in accordance with the employment monitoring duty, as well as systematic procedures to address both monitoring and impact assessment requirements across the service.

2.75 If producing a compliant race equality scheme is the first step towards compliance with the overarching general duty to promote race equality, the

implementation of all the arrangements within the scheme must be the next. We have found that some police forces and authorities are taking steps towards this implementation, but others are very far behind. Even those that are making progress need to continue to develop this work.

2.76 Neither police forces nor authorities can be complacent about their response in relation to the race equality duty. There is still a long way to go before they address all aspects of their work. We have focused only on employment-related issues in accordance with our terms of reference, and have found many gaps. It may be that these gaps are replicated in service delivery as well, as our assessment of a sample of schemes for the interim report would indicate.

2.77 Public bodies in general are working towards a greater understanding of what needs to be done to promote race equality. Race impact assessments and monitoring for adverse impact are causing many of them concern as they begin to grapple with the processes. While we recognise that there has been a steep learning curve for many policy makers to get to grips with this new process, it should be stated that many of the questions that need to be asked are not complex, and, some might say, no more than common sense. Moreover training still has an important part to play in equipping staff with the necessary skills to undertake these important tasks. It takes time, commitment and leadership to ensure that the right processes are put in and to be vigilant in making sure they are implemented.

2.78. We would also add that the requirement to have in place schemes and employment monitoring arrangements has now been in existence for almost three years and we would expect all public authorities to be able to fulfil their legal responsibilities as a minimum requirement. At best these arrangements should be being effectively implemented to ensure compliance with the general duty to promote race equality. Both forces and authorities should, by now, be able to show in employment matters and service delivery more generally that they are fulfilling their requirements in relation to race equality.

2.79 We are pleased that at present there appears to be a public commitment from stakeholders within the police ‘family’ to take responsibility of this agenda and to take forward recommendations from our interim report, this report and other relevant sources. We do however urge all those involved in this process to ensure that the current momentum is not lost once this report is published and there is a continuing commitment to ensure that the recommendations made here and in the interim report are acted upon.

List of recommendations

1. Chief officers should ensure that all police forces put in place their arrangements as required under the employment monitoring duty and both their arrangements and the monitoring information gathered should be readily available for regular inspection and scrutiny. This action should be carried out immediately in order to address non-compliance of the employment monitoring duty.
2. Chief officers should ensure that if after a monitoring exercise a force finds any disproportionality or if there are a significant number of complaints about unfair race-related practices in any area, the force should investigate to check for any discriminatory practices and take remedial action.
3. Police authorities and Her Majesty's Inspectorate of Constabulary should, within their scrutiny or inspection frameworks, automatically require forces to provide this monitoring information for the relevant period, including any annually published material, and to identify any steps taken or proposed to address racial disparities.
4. For national consistency, Chief officers should ensure that all forces use the 16+1 Census categories for ethnic monitoring, referred to in the Commission for Racial Equality's *Ethnic Monitoring: a guide for employers* (which includes further optional categories).
5. Occasionally it may be necessary to aggregate categories for tracking and trending especially when numbers are very small. In these cases, Chief officers should ensure that forces should adopt the 5+1 Census categories.
6. Responsibility for the delivery of the general duty to promote race equality and the implementation of its accompanying specific duties (and any action plan supporting these duties) should fall to either the chief constable or at the very least an Association of Chief Police Officers rank officer or equivalent.
7. Chief officers should ensure that any diversity manager has the support of a multi-ranked and cross-departmental team to assist in the implementation, management and review of the race equality scheme, including representatives from the main staff support groups and staff associations.
8. The Association of Chief Police Officers should develop as soon as possible a framework for race impact assessment and related consultations, using the web-based Commission for Racial Equality framework as a template for development.
9. Chief officers should ensure that staff involved in policy development are fully trained on the race impact assessment process, in accordance with the training component of the race equality scheme duty.

10. The Association of Chief Police Officers should develop as soon as possible a framework for monitoring for adverse impact, to assist forces in carrying out monitoring of their policies.
11. Police authorities must ensure that they carry out race impact assessments and consult on any proposed policies that are relevant to race equality as required under their race equality scheme. They should publish their results, indicating any amendments made to the policy following such an exercise.
12. Police authorities should in general ensure that arrangements within their schemes are implemented. This includes monitoring policies for adverse impact, publishing employment monitoring data relevant to employment of staff, where applicable, and training staff on the race equality duty.
13. The Association of Police Authorities should assist authorities by developing impact assessment guidance as soon as possible.
14. We take the opportunity to restate a recommendation in our interim report, which was that police authorities (as well as police forces) review their schemes and publish revised versions by May 2005. We should add here that we do not expect the five authorities who were referred for enforcement action to carry out this recommendation, since they responded satisfactorily to the enforcement action by revising their schemes in a compliant manner.

Chapter 3

THE STANDARDS FRAMEWORK

Introduction

3.1 During the first stage of the investigation we became increasingly aware of the relevance of the recently introduced national standards framework to all the areas we were examining. The competencies and behaviours set out for the use of all police forces in 2002 and 2003 (which have continued to be developed) were clearly intended to form the foundation for recruitment and selection, training and performance appraisal, and at least to inform the required treatment and conduct of officers. Early in the second stage of the investigation, therefore, we examined these standards and their suitability for promoting race equality.

3.2 Skills for Justice (SfJ) is the organisation charged with setting the operational standards for practice in the agencies comprising the criminal justice sector, including the police service. Like other sector skills councils it is a company limited by guarantee and operates under licence from the Department for Education and Skills (DfES).

3.3 Its predecessor, the Police Skills and Standards Organisation (PSSO), came into being as a result of government appointment of a board, representing employers and key stakeholders, in 2001. In April 2004 PSSO was succeeded by SfJ, with a remit to cover other criminal justice agencies as well. There is a chief executive, three directors and about 55 staff.

3.4 About half of SfJ's funding comes from the Sector Skills Development Agency, which is an executive agency of the DfES. The rest comes from membership fees from employers, paid on behalf of the 43 territorial police forces in England and Wales by the Home Office.

3.5 A key part of PSSO's (now SfJ's) work has been the development of the National Competency Framework (NCF). This stemmed from work by a large metropolitan police force in the late 1990s to define activities and behaviours for the purposes of management. 'Activities' are actions that a police officer may carry out as part of his/her duties, such as stop and search. 'Behaviours' is a more generic term to describe approaches which may inform a police officer's conduct in any situation, such as respect for race and diversity. There are currently 18 core functions – such as investigation or intelligence – each of which has activities and behaviours at different levels of responsibility. They can be combined into role profiles (ie job descriptions or person specifications) and SfJ has a bank of about 400 role profiles (for example, beat constable or custody sergeant) which forces may use 'off the shelf', or adapt. One of the behaviours was until recently entitled 'Respect for Diversity' and must be included in every police

officer's role profile. It is also used as the basis for the 'Respect for Diversity' competency, one of seven which police officer applicants must now demonstrate to a basic level in the SEARCH assessment centre (see chapter 4 below on 'Recruitment and Screening').

3.6 The other mechanism is the system of National Occupational Standards (NOS) which PSSO published in August 2003. It comprises over 200 standards, including NOS 1A4 to 'foster', and NOS 1A5 to 'promote' equality, diversity and rights, one of which (according to rank) must be included in every role profile. They are also designed to be used in diversity training. Other relevant standards include 1A1, 'Use police powers in a fair and reasonable way', which includes acting in accordance with human rights and equality legislation.

3.7 The existence of two mechanisms, each of which has functions the other lacks but which substantially overlap, perhaps owes more to history than design, and the aim is ultimately to combine the two. Meanwhile they are jointly referred to as the Integrated Competency Framework (ICF).

3.8 PSSO was the body which developed a nationwide system of Performance and Development Reviews (PDRs), a staff appraisal system which police forces were required to trial in 2003-04 and implement fully in 2004-05. Each officer's role profile, on which he or she is to be appraised, is drawn from appropriate NCF activities and behaviours (including 'Respect for Diversity') and NOS Standards (including 1A4 or 1A5, concerning equality, diversity and rights). This is considered further in chapter 7 below on 'Performance and Development Reviews'.

3.9 A further tool which SfJ has produced is its 'Skills Foresight Report 2004', which seeks to identify the skills required across the whole range of policing operations. It does however note that little use was made of its predecessor's (PSSO's) corresponding report the previous year.

3.10 Finally, SfJ has an important function of working towards the development of recognised policing qualifications, such as NVQs or foundation degrees, which accredited bodies may bestow on police officers and civilian staff to validate their successful completion of training.

What we said in the interim report

3.11 We made only a brief reference to Her Majesty's Inspectorate of Constabulary's (HMIC's) 2003 report on PSSO, which praised its output and efficiency. We observed that the ICF did not appear yet to have influenced the design of diversity training, nor the diversity element in foundation training.

Developments since the interim report

3.12 From 1 November 2004 the NCF 'Respect for Diversity' behaviour was re-titled 'Respect for Race and Diversity', with amendments and additions to its text to make it in many places race-specific. We are advised that this was at the initiative of the Lawrence Steering Committee. An immediate effect of this was the corresponding change in the SEARCH competency (see chapter 4 below on 'Recruitment and Screening') though presumably it will also lead to a change in every officer's role profile.

3.13 Secondly, towards the end of November 2004 the Home Office and its relevant partners published detailed prescriptions to forces on the future model of foundation training (including its race and diversity component) and of post-probationary race and diversity training. The objectives for both are derived from the NOS.

Methodology

3.14 Following detailed study of documentation from SfJ on the NCF, NOS, Skills Foresight Report and the development of policing qualifications, officers from our formal investigation team interviewed the staff leading on these areas. In particular they looked at how far, and how appropriately, race equality considerations had been mainstreamed into policing standards. In addition the SfJ's chief executive contributed to our forum in September 2004, and gave evidence to our hearings the following month. Following this, officers explored how ICF may have affected in practice - in relation to race equality - the conduct of SEARCH, training, Personal Development Reviews and other human resources practice, during visits to a sample of police forces.

Findings and recommendations

3.15 When we visited SfJ in July neither the director of research & development, nor her three junior colleagues (responsible for different published 'toolkits') were aware of the race equality duty, nor had they heard of race equality schemes.

3.16 SfJ is, as pointed out by its chief executive in evidence to our hearings, a company limited by guarantee and not a public authority. Nevertheless its functions in identifying standards and skills for criminal justice agencies are almost entirely of a public nature.

3.17 Under section 71(5) of the Race Relations Act, the Home Secretary has the power to make an order to bring bodies under the general duty to promote race equality. Specific duties can then be imposed on any body subject to the general duty under section 71(2) of the Act. However, sub-section 71(5) limits the remit to those bodies which have a public function and states that the duty must relate to that public function. We recognise that SfJ has a mixture of public and private functions but we do not see why the organisation should not be subject to the duty with respect to its public functions.

Recommendation

- Skills for Justice should become subject to the general duty to promote race equality and the specific duty to produce a race equality scheme, as the Commission for Racial Equality has already proposed to the Home Office.
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3.18 One of the three ‘tool kits’, the Skills Foresight Report, included diversity among the skills required in some activity areas, such as victims and witnesses, but not in others where it might be expected, such as gun crime and street crime. The explanation was that this was the consensus of consultees, but it transpired that consultees were mainly police bodies, with community bodies – if invited to comment – certainly not ‘chased’.

3.19 The other two main ‘tool kits’, the National Competency Framework (NCF) and the National Occupational Standards (NOS), featured diversity more often but still more in the sense of understanding and respecting people’s differences and treating everyone lawfully rather than championing equalities. There was also a sense of diversity being about the soft side of policing, for example meeting the dietary needs of those in police custody, rather than the hard side, such as deciding who is in police custody in the first place.

3.20 An illuminating example is given in Skills for Justice’s guidance to the NOS. There are over 200 standards which can be combined to form role profiles (such as beat constable) and activity profiles (such as making arrests). Forces can either take these combinations ‘off the shelf’ or amend them to fit local arrangements, for the purposes of management – principally appraisals and the design of training. All role profiles (job descriptions) must include either standard 1A4, to ‘foster’, or 1A5, to ‘promote’ people’s equality, diversity and rights, according to rank. However, the example given of an activity profile, for searching individuals, raises a concern about how this works in practice. The profile stresses the requirement to search within the provisions of the 1984 Police and Criminal Evidence Act (PACE), for example with reasonable grounds for suspicion; to deal with individuals in an ethical manner “recognising the individual’s needs in respect of diversity, human rights and personal dignity”; and to comply with human rights and diversity legislation. It is not made explicit though that selecting someone for a search on wholly or even partly racial grounds is unlawful racial discrimination. Rather the impression gained is that once there are minimum legal grounds for suspicion, under PACE, a search may be made, and diversity features in how it is conducted – not whether. What is needed is a further requirement for a consistent standard in selecting who to search, as between members of majority and minority groups. If this is implicit it needs to be made explicit.

3.21 It is noticeable that NOS 1A4 and 1A5 were ‘developed by the Care Sector Consortium (CSC 01)’. We were advised that it was not unusual for units to be borrowed and/or amended from other sectors. In this case it would appear that a care sector focus predominantly based on caring for individuals, and only secondarily on enforcing the law, may have been carried over inappropriately into provisions for the policing sector.

3.22 Although the NOS were published only in August 2003 there is no express indication that they took into account the race equality duty; and given the general unawareness of the duty identified in paragraph 3.15 above, it is very unlikely that they did.

3.23 We have however been assured that the NOS will be kept under review and regularly revised.

3.24 During our visits to police training establishments there was a general view by those who use the NOS that the system had been a considerable step forward, but that there was room for improvement. One senior manager at Centrex, for example, said the system (with particular regard to diversity) was certainly better than what went before, and a force training manager felt that the time was ripe for a review in the light of initial experience.

3.25 We welcome the additions and changes made to the Respect for Diversity NCF behaviour, with effect from 1 November 2004, which make it more race-specific under the revised title 'Respect for Race and Diversity'.

Recommendation

- Skills for Justice should monitor for any adverse impact on race equality its priority policies and functions in accordance with the race equality duty. The priorities should be:
 - a. To monitor its policy and function of consultation, to ensure that groups representing the widest possible spread of ethnic minority communities are proactively consulted, that feedback is indeed secured from them and that it is fully taken into account.
 - b. To review and revise all National Occupational Standards relating to race equality, to ensure that they appropriately reflect the general duty to promote race equality. Specifically, race equality should be part of all operational and employment decisions and actions, and any standards drawn from other sectors should be appropriately adapted to law enforcement work.
 - c. To review the revised ‘Respect for Race and Diversity’ behaviour after one year of operation, to determine what improved outcomes it may have achieved and what if any further changes may be needed to move ‘respect for differences’ on to ‘committed and positive promotion of race, sex and other equalities’.

3.26 In general the NOS and NCF (together known as the Integrated Competency Framework, or ICF) are difficult for the non-specialist to understand. One senior police officer remarked at our hearings that the director of Skills for Justice was ‘the only one who understands it’, and while this was a light-hearted comment it did reflect a widespread feeling amongst officers that we interviewed and is a view that we share. If the tools can be made more accessible to the non-specialist it would facilitate more effective use of the standards, including those relating to race equality.

Recommendation

- In its ongoing reviews of all materials, Skills for Justice should seek to simplify them and make them accessible to the general reader.
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List of recommendations

15. Skills for Justice should become subject to the general duty to promote race equality and the specific duty to produce a race equality scheme, as the Commission for Racial Equality has already proposed to the Home Office.
16. Skills for Justice should monitor for any adverse impact on race equality its priority policies and functions in accordance with the race equality duty. The priorities should be:
 - a. To monitor its policy and function of consultation, to ensure that groups representing the widest possible spread of ethnic minority communities are proactively consulted, that feedback is indeed secured from them and that it is fully taken into account.
 - b. To review and revise all National Occupational Standards relating to race equality, to ensure that they appropriately reflect the general duty to promote race equality. Specifically, race equality should be part of all operational and employment decisions and actions, and any standards drawn from other sectors should be appropriately adapted to law enforcement work.
 - c. To review the revised Respect for Race and Diversity behaviour after one year of operation, to determine what improved outcomes it may have achieved and what if any further changes may be needed to move 'respect for differences' on to 'committed and positive promotion of race, sex and other equalities'.
17. In its ongoing reviews of all materials, Skills for Justice should seek to simplify them and make them accessible to the general reader.

Chapter 4

RECRUITMENT AND SCREENING

Introduction

4.1 Our terms of reference for this investigation did not include an examination of the 'positive action' steps that forces have taken since 1999 to address the Home Secretary's targets on the recruitment, retention and progression of ethnic minority officers and staff. Nevertheless, our ninth term authorised us to investigate any employment practice which might be relevant to the other terms; and during our inquiries evidence came to light regarding positive action in recruitment that we consider may impact indirectly on the treatment of ethnic minority officers. We have therefore addressed this in section 1 of this chapter.

4.2 Our first term of reference authorised us to investigate processes for 'screening out' racist candidates during the recruitment process, and we examine this in section 2 of this chapter.

Section 1: Positive action in recruitment

4.3 In March 1999, a month after the Stephen Lawrence inquiry report, the Home Office published 'The Home Secretary's Employment Targets' for the police and other services. The targets were for the recruitment, retention and progression of ethnic minority officers and staff. The 'recruitment' ones actually related to 'representation', and for police officers aimed for the 2% ethnic minority proportion in 1999 to increase to 3% in 2002, 4% in 2004 and 7% in 2009. This final figure equated to parity with the ethnic minority proportion of the available working population (albeit calculated as at the late 1990s) and translated into individual force targets relating to their local populations. This ranged from one small constabulary, whose 2009 target was 1%, to a large metropolitan force, whose target for that year was 25%.

4.4 Despite progress, the national 'milestone' target for 2002 of 3% was not reached in that year, when the figure was 2.6%, nor indeed quite by 2003, when the figure was 2.9%. These and subsequent figures are taken from the Home Secretary's Annual Report on the targets of May 2004.

4.5 The target for retention was simply parity between the white and ethnic minority wastage rates. By 2002/03 these were the same or very similar for white and ethnic minority officers with more than six months' service, but (though they are not given) 'Figures for the under six months' band for 2002/03 show higher proportions of minority ethnic than white officers leaving the service'.

4.6 The progression targets were also parity but were staged over time by rank. The first target was achieved by 2003, ie just over 9% of both ethnic minority and white officers with 5-10 years' service were sergeants, and the next target, for inspectors, was close to achievement.

4.7 The police service has taken the targets very seriously, with many forces having approached the Commission for advice since 1999, and there are some notable examples of 'positive action' within the provisions of the RRA to encourage and/or prepare ethnic minority potential applicants. Despite the increase in ethnic minority officers by a half by 2003, however, it would appear that the service is not on course to meet the 2009 target of 7% representation.

4.8 During our investigation of the treatment of ethnic minority trainees we were advised of an incident at a training centre when trainees had been asked to indicate how long they had had to wait before appointment, and the ethnic minority trainees had been embarrassed at the resultant indication that their waiting times had been shorter. This was related both by a staff organisation and the training centre concerned. Subsequently we received evidence from senior sources in two forces that successful ethnic minority candidates were often offered appointments more quickly than successful white candidates.

4.9 In the autumn of 2004 Her Majesty's Inspectorate of Constabulary (HMIC) published its report of a thematic inspection on 'National Recruitment Standards'. Chapter 7 noted that 'For the first time in many years, a large number of forces have a surplus of successful candidates'. This implied no shortage of applicants generally, seeming to confirm the commonly reported situation of waiting lists on which applicants would wait some time before being considered, and/or, where successful, appointed. Crucially, HMIC found that:

Forces would welcome guidance at a national level on the order in which applicants should be appointed. Some forces are choosing to target under-represented groups ahead of other successful applicants....Surprisingly, forces are often aware of the potential discrimination claims they may face from any of these actions, but have chosen to manage the risks involved....Elements of the police service may well be breaking the law by indulging in positive discrimination.

Accordingly the Inspectorate recommended 'that, with immediate effect, the Advisory Group on National Recruitment Standards (AGNRS) review the protocol on the use of waiting lists...'

4.10 We would go further than this. Treating applicants for employment on a waiting list less favourably than others on racial grounds, including in terms of waiting times, clearly amounts to unlawful direct discrimination contrary to sections 1 (1) (a) and 4 (1) of the Race Relations Act. Whatever the merits of changing the law to allow this, the Commission cannot condone a breach of the current statute. No police force may lawfully treat any candidate less favourably than others on racial grounds, for example by giving candidates from other racial groups earlier assessment or appointment.

4.11 The question remains as to whether the Race Relations Act should be amended to allow candidates from underrepresented racial groups to be considered or appointed sooner than white candidates 'ahead of them in the queue', ie who have waited longer since they applied or were assessed as suitable. The arguments in favour of this would be:

- a. It would not involve any 'lowering of standards', ie it will be only the order of appointment, not whether or not someone is appointed, that would be at issue.
- b. At the current rate of progress it will be some, and possibly many, years beyond 2009 before the Home Secretary's target of an ethnically 'representative' police service is reached.
- c. Meeting this target is essential for eradicating institutional racism in the police service. If momentum towards the 'tilt point' – ie where ethnic minority officers are numerous enough to impact on the service's culture – is slowed, then the lack of change may in itself discourage ethnic minority applicants, and so further defer the achievement of the target, perhaps indefinitely.
- d. This principle has already been recognised and adopted within the UK, in recruitment to the Police Service of Northern Ireland (which in fact goes further by having a 50:50 quota in annual recruitment by religious affiliation, until the minority community is proportionately represented.). This is because it is regarded as absolutely essential, in order to move from a society marred by discrimination, division and tension, quickly to secure a police service which is not seen as comprising and serving mainly the majority community. The current relatively lower level of inter-communal strife in Britain (than was the case in Northern Ireland) and the smaller size of its minority communities are not valid reasons for failing to apply this logic.

4.12 The Metropolitan Black Police Association recommended consideration of applying the Northern Ireland practice to ethnic minority recruitment and also made the following points:

- a. The ethnic minority proportion of Police Community Support Officers (PCSOs) in the Metropolitan Police District is 35% [compared with 6.5% of sworn officers]. 'With disproportionately high numbers of BME PCSOs deployed on challenged inner city estates, in all weathers, while predominantly white 'omnicompetent' and 'fully sworn' colleagues are employed in 'crime fighting', investigative, supervisory and managerial roles, it is not difficult to foresee community perceptions of a lower status 'black tier' of frontline policing'.
- b. The 'tilt point' referred to above (which they cite academic sources as estimating to be between 15-30%) is indeed crucial as the critical mass at which ethnic minority officers may impact on the culture. In addition, below that level ethnic minority groups are likely to be absorbed by and pressured to conform with the

prevailing culture, detracting from their value to police/ethnic minority community relations, and being liable to induce ‘bicultural stress’ resulting from the pressure to deny and suppress their identity.

- c. Hence ‘the current “trickle” of BME recruits into the MPS ensures that BME officers are indeed submerged into the majority culture’.
- d. An estimate from an authoritative source is cited: ‘At the present BME recruitment rate it will be 2035 before the MPS achieves a truly representative mix’.
- e. Positive discrimination in police recruitment (in this case quotas) is not unique to Northern Ireland. Details are given of its operation, and the arguments that secured its adoption, in the city of Amsterdam from 1988 and more recently in the Boston (USA) Police Department.

4.13 As against this, the arguments against the proposed change would be:

- a. It is morally wrong to make a candidate wait longer than others on the grounds of his/her race or colour, over which he/she has no control. It is not fair that a small number of individual white people should, through no fault of their own, bear the burden of remedying the overall historic pattern of discrimination against ethnic minority people.
- b. This injustice – if not accepted as real, then certainly perceived – would greatly strengthen the ‘backlash’ within and beyond the police service, focusing and giving arguments to those opposed to moves towards race equality, and providing greater tacit support and cover for racist officers.
- c. The move would undermine the position of all ethnic minority officers, by giving grounds for the smear that they are only in post because of their race or colour.
- d. The proposal directly contradicts the whole guiding principle of the RRA, which is to outlaw less favourable treatment on racial grounds on a universal basis.
- e. The ending of this universality, ie that the Race Relations Act cuts all ways and does not privilege any group, would be likely to reduce public support for the Act (and not only amongst the white majority) and deprive Commission staff and other race equality workers of a crucial argument in their promotional work.
- f. The comparison with Northern Ireland is misleading. After 30 years of armed conflict, and in the context of many other exceptional measures in the Good Friday agreement to favour one community or the other (eg prisoner releases), it was Parliament’s view that a limited period of discrimination was necessary. This does not however address the examples of similar practice in other countries. But also, those so discriminated against in Northern Ireland do have the opportunity to

apply to other forces in the UK, which would not be the case with the proposed measure.

- g. The Race Relations Act's current provision for 'positive action' is finely judged as a means of levelling the playing field for underrepresented groups without breaching the principle of equality of opportunity. While some police forces have used it to good effect (and indeed the 50% rise in ethnic minority police officer numbers since 1999 is likely to have been aided by the access courses, focused recruitment and support mechanisms for ethnic minority recruits of which we are aware) it is unlikely that every force has used this provision to the full. Similarly the higher leaving rate of ethnic minority officers in the first six months should be diagnosed and remedied, if necessary by 'positive action' support mechanisms, before the inflow of such officers is controversially increased.
- h. The 7% target for 2009 has spurred much effort, and some achievement, but it may not have been realistic in terms of the overall levels of recruitment allowed since 1999. It would be more reasonable to apply an actual recruitment target, for example that ethnic minority appointees should constitute 7% (or, in the light of current population figures, 9%) of annual intake, which should be achievable and would not require NEW quotas.

Recommendations

- Regardless of whether the Race Relations Act should be amended to allow positive discrimination, all chief officers should ensure that their forces should review their positive action steps with regard to the recruitment and retention of underrepresented racial groups, and to ensure that they reflect best practice within the police service.
- The Home Secretary should add an appropriate annual intake target to the existing employment targets, as a more immediate and direct measure of performance regarding ethnic minority recruitment.

4.14 One staff organisation from whom we took evidence proposed a change, relating to the Metropolitan Police Service (MPS) but possibly with wider application, which they believed would result in officers more attuned to the particularly rich multicultural mix of the capital. Our team members noted that it might also increase the proportion of ethnic minority applicants and appointees without contravening or amending the Race Relations Act. The organisation suggested that the MPS should consider applications only from candidates who had been domiciled (for a certain period of years) in the MPS area, Greater London. This would mean that their pool of applicants would be roughly 25% ethnic minority [the figure of course from which the target is drawn] rather than the undoubtedly rather lower figure resulting from the fact that the MPS tends to attract applicants from across the country.

4.15 This relates only to London, but the MPS has a very big challenge to recruit sufficient ethnic minorities to achieve its target of 25%. Moreover, as the MPS employs a fifth of all officers in England and Wales any progress towards its target would have a considerable impact on progress towards the national target.

4.16 Such a move would discriminate against non-residents of London, and the possibility remains that the suggested requirement or condition might constitute indirect racial discrimination, on the grounds that MPS recruitment is mostly from within the UK, and white people are a considerably larger proportion of the UK population outside London than within it. However, we believe it is likely that the requirement or condition could be shown to be justifiable on the grounds that a period of prior residence in London as a civilian will provide relevant useful familiarisation for those who then police it. The CRE will therefore seek to discuss this possibility with the MPS, and with the Association of Chief Police Officers (ACPO) regarding any wider applicability.

List of recommendations

18. Regardless of whether the Race Relations Act should be amended to allow positive discrimination, all chief officers should ensure that their forces should review their positive action steps with regard to the recruitment and retention of underrepresented racial groups, and to ensure that they reflect best practice within the police service.
19. The Home Secretary should add an appropriate annual intake target to the existing employment targets, as a more immediate and direct measure of performance regarding ethnic minority recruitment.

Section 2: 'Screening out' racist recruits

Introduction

4.17 The 'screening out' of racist applicants during the recruitment process was the major issue raised by the Secret Policeman television programme. As a result of this our first term of reference focused on the effectiveness of screening processes in identifying those disposed to act in breach of the RRA.

4.18 Before 2002 there was no national system for the recruitment and selection of constables. While there was general guidance from the Home Office each force determined its own arrangements, including any methods of assessing candidates' attitudes towards diversity. In 2002 however the Home Office commissioned Centrex (the Central Police Training and Development Authority) to develop a national assessment centre for the use of all forces. It should be noted that an 'assessment centre' is not a geographical place but a technical term for a method of selection based on job related exercises, which has increasingly supplanted the traditional 'job interview' amongst employers over the past two to three decades. The occupational psychologists in Centrex's Examinations and Assessment (E&A) section subsequently consulted on, designed, tested and validated a suite of written and oral exercises which were successively adopted by police forces in the eighteen months to May 2004. In the financial year 2003/04 about half of the roughly 12,000 candidates who were shortlisted by forces were assessed by this assessment centre, which is known as SEARCH (Selection Entrance Assessment for Recruiting Constables Holistically). In 2004/05 virtually all, if not all, shortlisted candidates in England and Wales will have undergone SEARCH.

4.19 Centrex was and is also responsible for designing prescribed training to those who facilitate and assess candidates' performance in the exercises ('assessors') and also the quality assurers who guide and oversee that group and deliver refresher training to them on the first day of each local SEARCH process. In addition there is a Centrex quality assurer present at each process to ensure national consistency. Centrex has an ongoing responsibility to the Home Office to ensure and develop the robustness of the system.

4.20 SEARCH was designed to test applicants' potential in the seven competencies identified by the Police Skills and Standards Organisation (PSSO) (now Skills for Justice, (SfJ)) as required by new entrant constables, to the minimum level identified to be necessary. The competencies were 'Teamwork', 'Personal Responsibility', 'Community & Customer Focus', 'Effective Communication', 'Problem Solving', 'Resilience', and 'Respect for Diversity', and they reflected these National Occupational Standards (NOS: see chapter 3 above on the standards framework). In each SEARCH process every candidate undergoes four interactive (ie role acted scenario) exercises, two written exercises, two psychometric ability tests and one structured interview (where the interviewer may only ask the opening question on four topics, and certain prescribed

prompt questions when the interviewee finishes speaking in each case, each topic being allowed up to five minutes). Different exercises test different combinations of competencies, each competency being measured at least three times. The 'Respect for Diversity' competency is thus tested, amongst varying other competencies, in seven of the exercises. Unlike some other competencies, a pass in this competency is required in order to pass overall.

4.21 In addition to observation of exercises and assessment according to the marking guide, assessors are trained to be alert for any inappropriate speech or behaviour by candidates, for example swearing, disrespect, aggression or the expression of racist, sexist or homophobic sentiments, whether within the exercises or outside them. When this happens the observer completes an RfD1 form detailing the behaviour, and the quality assurers decide whether or not this merits a reduction in the marks awarded for 'Respect for Diversity'. As noted above, a failure to pass in this competency means that the candidate fails overall.

What we said in the interim report

4.22 We referred to the *Secret Policeman* television programme of October 2003 and the issue it raised, amongst others, of how racist recruits had been able to be selected, and whether they could have been screened out by the selection process. In this connection we quoted Baroness Scotland, speaking in the House of Lords a few days after the programme:

In conjunction with the forces, we have introduced new recruitment processes for police officers. These processes are already in place in 13 forces and are being phased in across the remainder of the service. Candidates' attitudes towards race and diversity are tested at least seven times across all exercises in the new assessment centre, including at interview. Those who do not meet the standard are not recruited, regardless of performance elsewhere in the assessments.

4.23 We noted therefore that the 'Respect for Diversity' competency within SEARCH was presented as a device for screening out those with racist (amongst other prejudiced) attitudes. We went on to outline SEARCH briefly, as it had been described to a member of our investigating team by the senior Home Office official responsible for it, the claimed compliance with British Psychological Society guidelines, and the cross-checking mechanisms and ongoing validity study to ensure robustness that had been explained. We noted that the racist officers in the television programme had been recruited by forces that had not yet adopted SEARCH.

4.24 We went on to relate our six week wait (in March–April 2004) to obtain a race breakdown of those passing and failing the 'Respect for Diversity' competency, the single sheet of raw data then received, and how our analysis of it showed statistically significantly higher fail rates for black and Asian candidates than white ones, and the same for Bangladeshi and Pakistani candidates compared with Indian ones. We expressed concern that a device presented as a way of screening out racists of the kind depicted in *The Secret Policeman* should actually have screened out a significantly higher proportion

of ethnic minority candidates than white ones. We were also concerned about the apparent unavailability of figures on this for six weeks, and the absence of any analysis of those which were received, and what this might suggest regarding the awareness of the pattern by Centrex and/or the Home Office.

4.25 We noted information indicating that a number of forces were amending or adapting SEARCH locally, and expressed concern at the implications of this for national consistency and robustness. We saw our ensuing task as determining how far the race equality duty had been fulfilled in the design and operation of SEARCH, and whether it was possible to ascertain that the process was ‘weeding out’ the right people.

Developments since the interim report

4.26 In August 2004 Centrex published a lengthy and detailed ‘Technical Report’ analysing data from the 6328 candidates who underwent SEARCH assessment centres in the year 1 April 2003–31 March 2004. Many patterns were identified and discussed, for example that ‘the interview added little to the final result’, and that female candidates performed significantly better than male candidates in all competencies, as did those aged 26-30 compared with other age groups, and graduates compared with non-graduates. Most importantly, from the point of view of this investigation, was the finding that:

White candidates performed significantly better than Visible Ethnic Minority (VME) Group candidates in all exercises and competency areas. Greatest differences were observed in the Written Communication, Oral Communication and Problem Solving competency areas and with the psychometric test...this should be closely monitored in future suites of exercises and consideration should be given to further exploratory analysis.

This confirmed the existence of significant race differences which we had identified in the ‘Respect for Diversity’ competency, from the raw data supplied to us in April 2004. The Technical Report set out a number of analyses testing possible reasons, such as overall differences between the racial groups in educational qualifications, but with results which were inconclusive on the population size of just over 6000. Notably, however, although the Report conveyed that over a third of ethnic minority candidates had a first language which was other than English, compared with under 1% of white British candidates, this was not tested for how far it might be a factor in the race differences. At our suggestion this has now been tested and found to be ‘a factor’, though we are advised its importance will not be assessable on last year’s population of candidates undergoing SEARCH, but may well be on this year’s population, which will be roughly twice as large.

4.27 In the summer of 2004 the Home Office agreed that Centrex’s Technical Report on 2004/05 should analyse not only shortlisted candidates undergoing SEARCH (last year just over 6000, this year prospectively about 12,000) but also the shortlisting stage (which last year featured over 55,000 candidates).

4.28 In October 2004 the Home Office advised us of their information that no forces had amended SEARCH. However, ten forces were adding a locally-framed interview of those who had passed SEARCH, which of course some candidates would pass and some fail. This was sometimes because SEARCH yielded more successful applicants than they could appoint, and/or because they wished to ensure candidates appreciated the demands of shift work etc, and/or to probe candidates' reasons for applying to their particular force. Another reason often cited was their wish to probe candidates' respect for race and diversity more freely than allowed by the pre-scripted interview within SEARCH.

4.29 In October 2004 HMIC published its report of a thematic review on National Recruitment Standards. Part of this report concerned SEARCH, on which key findings were:

- a. 'Respondents strongly believe in a national standard and a national framework'.
- b. 'There was no obvious evidence from the inspection that the assessment centre discriminated against any particular group, but the reasons for greater or lesser success rates for any group in comparison to all attendees or other groups must be established'.
- c. Forces had concerns about the highly prescribed nature of the interview and so some were adding a second, freer, interview. Permission should be given to 'a pilot group of forces to use in-depth probing in the interview' which 'should be subject to rigorous monitoring and evaluation'.

4.30 On 1 November 2004 the National Competency Framework (NCF) 'Respect for Diversity' behaviour became 'Respect for Race and Diversity', with amendments to make its content considerably more race-specific (see chapter 3 above on the standards framework). From that date the SEARCH competency in this area was correspondingly changed. Accordingly the RfD1 form referred to in paragraph 4.21 above was re-titled RfRD1.

Methodology

4.31 Three members of our investigation team attended a SEARCH assessment centre in early August, observing both the initial one day refresher training for assessors and the processing of two groups of candidates (four groups, in one officer's case). Between them they were able to observe all exercises, in many cases more than once. They were also able to study exercise and guidance documents, including much confidential material, and to clarify points with the assessment centre manager, assessors, quality assurers, floor managers and candidate coordinators.

4.32 In September 2004 extensive prior documentation from Centrex's Examinations and Assessment (E&A) section was obtained and studied, and followed up by interview. These inquiries included detailed probing on, and questioning of, the theoretical basis, nature and robustness of SEARCH, the fitness for purpose of the Respect for Diversity

competency and of the RfD1 form procedure, the process whereby and timescale within which the race differences in 2003/04 had been detected and addressed, the findings and non-findings of the Technical Report, and current and planned work to test and ensure the validity of the system and to identify and address 'adverse impact'.

4.33 The chair and chief executive of Centrex gave evidence about SEARCH, *inter alia*, to our hearings in October 2004, and subsequently clarified a number of points in writing.

4.34 Local application of SEARCH was examined in our questionnaires to forces. Meanwhile two members of our investigation team visited a second SEARCH process in November, again observing the initial refresher training day for assessors and the assessment of two groups of candidates. Particular attention was paid to how similar or different the process was in practice from the earlier observation in another locality, and what differences may have resulted from the changes made to the 'Respect for Diversity' competency to become 'Respect for Race and Diversity'. On this occasion there was an opportunity to observe the discussion by the quality assurers of the (now) RfRD1 forms submitted by assessors, which in some cases reported candidate behaviour which our officers had themselves observed.

4.35 Finally, written inquiries arising from all the above were put to members of the E&A unit at Centrex on issues including the training of assessors and quality assurers.

Findings and recommendations

4.36 SEARCH is clearly a carefully planned and tested selection tool developed by highly qualified occupational psychologists, in line with the professional standards of the British Psychological Society and international guidelines applying to assessment centres.

4.37 Research over the past three decades strongly suggests that assessment centres are significantly more accurate at predicting job performance than traditional interviews, and lessen the effect of conscious or unconscious bias in selectors.

4.38 Like HMIC in its National Recruitment Standards report, we have found widespread support in the police service for the principle of a scientifically designed consistent system, applied by staff who have all undergone the same training, to replace the previous patchwork of formal or informal interviews by selectors with varied training, ad hoc tests, outward bound courses etc.

4.39 Also like HMIC, we have however also found widespread reservations about the tightly scripted interview and exercises, which give an artificial air to the process and deprive selectors of the opportunity to probe applicants beyond the prescribed 'prompt' sentences.

4.40 In 2003/04 there was a significantly lower pass rate for ethnic minority candidates than white ones, and significant differences between some ethnic minority groups. In particular Asian women had a notably lower than average pass rate. Race differentials applied not only to the 'Respect for Diversity' competency, as identified in our interim report, but also (and actually to a greater extent) to each of the other six competencies, most markedly in the Oral Communication competency. We welcome HMIC's insistence that 'the reasons for greater or lesser success rates for any group in comparison to all attendees or other groups must be established'.

Recommendation

- Centrex should take all possible steps to ensure that the June 2005 Technical Report identifies the reason(s) for race differences in outcomes. Specifically the Report must, as has been undertaken, fully analyse the initial sift stage, comprehensively test for all non-race factors that may have contributed to any disparity, and analyse combined figures for the current year and the previous year where this will give more reliable conclusions. Centrex should publish its findings regarding the race differences, and the Home Office should publish an action plan in response.

4.41 Regarding prior 'impact assessment' of SEARCH, Centrex advised that it had not been feasible to 'dry run' SEARCH to test for such differences because, to give reliable results, such a test would have needed about the same number of dummy candidates as the actual number of candidates in the first year. We accept this. However, consultation is also a part of impact assessment, and the consultation process described by the E&A Unit did not extensively involve ethnic minority groups. We conclude that SEARCH, as a 'new policy', was not formally impact assessed, and that the consultation that was undertaken fell short of meeting the general duty to promote race equality and did not accord with the CRE's statutory Code of Practice and accompanying guidance documentation.

4.42 We are concerned at the timescale within which the emerging differences were detected and acted upon. It was maintained in an interview that until differences reached a level of statistical significance there was no basis to conclude that they were other than random. Indeed, this was confirmed in a written submission requested from Centrex after our hearings in October 2004, which said:

Whilst management data and routine monitoring can be used as an indication of an emerging pattern much caution has to be exercised with this....Only when findings are established with confidence can advice and action be appropriately directed....Where an emerging pattern is not statistically significant or is inappropriate due to low numbers then there is an increased possibility of an error in results. The error would be to conclude that candidates from a minority group do significantly less well than their white counterparts when in fact there is no difference.... *Whilst there have been differences in pass rates for some minority ethnic groups and these have been picked up through*

routine monthly and quarterly analysis it has been inappropriate to reach a conclusion until there can be confidence in the results (emphasis added).

We find this unduly cautious. The emerging pattern, which is a familiar one to the Commission from many other fields, should have been communicated to the Home Office as an emerging cause for concern, so that plans could have started much earlier to test for possible reasons. We cannot see that it had been so communicated to the Home Office during 2003/04 since it took the latter six weeks, from March – April 2004, to send us raw data on this unaccompanied by any analysis or comment (as noted in our interim report). We note though that in his covering letter, dated 24 November 2004, to the submission referred to above, the chief executive of Centrex said ‘It does strike me that the answers that are provided around the question about race differential *that was observed in early assessment centres* may be a little over reliant on statistical analysis. I am seized of the fact that we have to address perceptions about the process as well as statistical evidence’ (emphasis added). We do not feel though that this is only a matter of perception, but of the proper use of ethnic monitoring. It is too narrow to say that the race differences in most competencies, and overall, only reached a level of statistical significance – and therefore became a reason of proper concern – at the end of the year. We conclude that this was an overly technical approach, and that emerging differences should have been spotted as an ‘early warning’ of possible concern. Moreover we have suggested, and Centrex has accepted, that ongoing analysis of race differences should be conducted on the broad ‘5+1’ census categories as well as the full ‘16+1’. This is a cruder measure, but because of the larger number in each category any persistent differences would reach a level of statistical significance at an earlier stage.

Recommendation

- Centrex should proactively monitor race differences, establishing early warning triggers for possible adverse impact. To assist in this Centrex should (as it has informally agreed) collapse data from the 16+1 categories into the 5+1 groups.

4.43 A statistically significant race difference was discerned with the Oral Communication competency after six months, in October 2003, and it was decided that since the pass mark had been slightly over 50% it should be lowered to slightly under 50%, which would have the effect of lessening the race difference without compromising the validity of the test. The submission referred to at paragraph 4.42 above persuasively argues why this was technically the right solution and not ‘a fix’, and we accept this.

4.44 Centrex’s Technical Report of June 2004 contained a very detailed analysis of the race differences, and tested for several possible causes such as race differences in qualifications, but without conclusive results on the population of about 6000. Centrex believes that more conclusive results are likely from this year’s population of about 12,000.

4.45 In particular, next year's technical report will also analyse the initial sift stage of the process, which the E&A section believes may be more likely than SEARCH to underlie the race differences. A key hypothesis to be tested, briefly, is that very able ethnic minority candidates may apply to the police service less often than very able white candidates, that some sifters may respond by selecting less suitable ethnic minority candidates more often – to meet targets – and SEARCH accurately picks this up.

4.46 It is however notable that last year's Technical Report did not test how far other variables, including having or not having English as a first language (the rate of which differed markedly between white and ethnic minority groups) was a factor in the race differences. At our request the 'first language' variable was analysed further in autumn 2004 and found to be a significant factor. We asked if it could be determined more precisely how important a factor it was, and in early 2005 received the results of further analysis. The conclusion of this was that:

...it is observed that the profile of results for each minority group begins to fluctuate based on factors such as educational attainment, first language, sex and age. This suggests that the difference in performance observed based on ethnicity is not attributable to ethnicity per se but is probably caused by difference in the population profiles based on these other factors. That is, the different performances of different groups is a function of their educational attainment, first language, sex and age rather than ethnicity.

The results to date indicate a high likelihood that this is the case and not all of the difference observed across the ethnic groups is attributable to ethnicity. However, the next question is – *how much of the difference is not attributable to ethnicity and is attributable to other factors?* This is difficult to establish as it requires some advanced statistics known as Logit Analysis. (emphasis added)

The response goes on to say that an outside specialist has been engaged to work with Centrex staff to undertake this analysis, and that the findings will be shared with the CRE and other stakeholders. The aim is to produce findings in time for inclusion in the June 2005 Technical Report. We welcome this work, not least because of the other key information provided in early 2005, about pass rates since the introduction of new exercises in November 2004 compared with the previous year and a half. While these show that the differences between white and ethnic minority candidates overall slightly decreased, this was not the case for black, Pakistani and Bangladeshi candidates. While the figures for these individual groups since November 2004 are small, and must therefore be treated with caution, they are an example of the 'early warning triggers' that we referred to in paragraph 4.42 above. It is therefore encouraging that the Logit Analysis is being undertaken from February 2005, increasing the chance that results will be able to feed into the June 2005 Technical Report, and that month-by-month rather than just end-of-year analysis is clearly proceeding. We expect that Centrex, as a body subject to the race equality duty, will continue this practice.

4.47 In our interim report we referred to our difficulty in obtaining a racial breakdown from the Home Office of pass/fail rates of the 'Respect for Diversity' competency. More recently we asked the Home Office for the basic statistic of the percentage of applicants

to the police service who were of ethnic minority origin (we knew that 8.4% of those entering SEARCH were of ethnic minority origin, but not the percentage for those entering the earlier initial sift stage). The Home Office was not able, without disproportionate expenditure of resources, to supply this figure six months (now 11 months) after the end of the year concerned because, we understand, of incomplete returns from forces. Effective ethnic monitoring of key areas of employment, as required by the employment monitoring duty and the race equality scheme duty more generally, does entail the routine gathering of such data in a reasonably prompt timeframe.

Recommendation

- Chief officers should ensure that their forces provide Centrex and/or the Home Office with all data concerning recruitment and selection accurately and without delay.

4.48 It appeared to our team members that SEARCH was conducted remarkably similarly in the two forces where they observed it, probably because both forces were faithfully following the highly prescribed process laid down by Centrex. The only differences appeared to result from changes to the process made by Centrex in the interim.

4.49 One change was the ‘Respect for Race and Diversity’ competency, where the NCF behaviour had been made more race specific, but while this appeared to result in improved role-play exercises relating to race, it had not led to a substantively changed interview – recruits could still refer to conflict situations which had no relation to race, sex or other equalities.

Recommendation

- Centrex should review the scripted interview regarding:
 - a. its consistency of application;
 - b. how its content may be made more race-specific in line with the revised ‘Respect for Race and Diversity’ behaviour; and
 - c. its suitability as a continuing part of the process.

4.50 The Centrex video guidance used in the first day’s refresher training for assessors prompted an RfR&D1 form (prospective downgrading/failure) for using the word ‘coloured’, even though the actor-candidate concerned described firm action she had taken to address racist abuse. We conclude that this is an inappropriate response. Language as an indicator of respect for race and diversity needs to be considered in context.

Recommendation

- Centrex should provide appropriate training and guidance to equip assessors effectively to demonstrate balance and sound judgement in assessing the use of language. Centrex should ensure that quality assurers are trained specifically on the 'Respect for Race and Diversity' component to enable them to ensure the consistency and reasonableness of assessor response.
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4.51 Ethnic minority applicants disproportionately received RfR&D1 forms in 2003/04, including specifically for 'racism'. Our team members' observation of the quality assurers discussing the forms, and deciding whether to penalise the candidates, gave them doubts as to how well the quality assurers are trained on this, despite their real efforts to be fair. We subsequently ascertained that the four-day quality assurer training course devotes only one hour to the RfR&D1 form and its use (though references are made elsewhere), the focus of the hour being a study of seven specimen forms to determine whether the assessors who submitted it had provided enough detail to enable a decision to be made. There is no apparent focus on consistent criteria, or inculcating an awareness of cultural differences of expression, nor is there any practical training such as role-play. The information we obtained about this area in the assessors' training course appeared to show a similar level of coverage.

Recommendation

- Centrex should review its use of Respect for Race and Diversity 1 forms to ensure no adverse impact on race equality takes place.
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4.52 The interview remained highly scripted and interviewers' frustration at being unable to probe freely was palpable. The E&A section at Centrex however stressed that moving from this would admit more possibility of bias, and that it would be better to abandon the interview altogether in favour of an extra role play. (The Technical Report, as noted above, found that it added little to the final result). The constraints of the prescribed interview may be one reason why ten forces have (as noted in paragraph 4.28 of this chapter above) applied an additional, locally-framed, interview to those who have successfully passed SEARCH, as a further selection tool. As cited in paragraph 4.25 of this chapter above, in our interim report we expressed concern about information suggesting some local variations in SEARCH, and the implications of this for national consistency. In evidence to our hearings in October 2004 a senior Home Office official explained that in the long-term SEARCH should be a uniform process, but that the Home Office did not want to impose it. They were seeking to achieve this by persuasion, and hoped that as forces used SEARCH they would gain more confidence in its robustness and come to see that additional tools were not needed. However, we remain concerned at the unknown effect on race equality of these uncoordinated local initiatives.

Recommendation

- Centrex should review the 10 forces which currently apply an additional interview to those candidates who have passed the screening programme SEARCH to determine the effect of this in terms of race equality. Other forces should await the outcome of this review before making any addition or variation to SEARCH.
-

4.53 We also observed that assessors, who partake each time for a fee, were in large part retired or serving police officers or civilians, with in one case a ‘resting’ actor and in another a teacher on school holidays, ie those able to attend periodically for a few days. It is true that their training covers diversity, we saw several instances of assessors thoughtfully identifying ‘disrespect’ for race and diversity, quality assurance measures are in place, and nationally ethnic minority assessors are proportionately represented. However, the current system is neither fully community-based, for example it excludes many of those in full-time employment, nor on the other hand is it conducive to professional standards in that assessors are engaged only a few weeks or days per year, so constraining their development and maintenance of expertise through frequent practice. It appears likely to us that if professional assessors were used by groups of forces they could work full-time, which would develop their expertise and contribute to consistency of practice between forces.

Recommendation

- Centrex and the Home Office should consider creating full-time assessor posts, to work regionally and/or nationally, to expand the pool of those available and to facilitate the development of professional expertise.
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4.54 The question we first sought to address – does SEARCH (through its ‘Respect for Race and Diversity’ competency) screen out racist recruits – remains a matter of differing expert opinions. The competency clearly tests general tolerance and considerateness more than attitudes to race equality, even with the revised text. There was broad agreement from within the Centrex E&A section with the observation that the theory underlying this must be that there is a correlation between general ‘decency’ and not being racist, sexist or homophobic etc. As such, it was conceded that the process would not identify a generally enlightened person who had just a particular prejudice, eg against Gypsies and Travellers, Germans or gay people (unless one of the exercises happened to be about that group) but it was stressed that no system is absolutely watertight. The contention that there could be a direct psychological test for racism was contested, and indeed Centrex is publishing a critique of a number of different psychological instruments which claim to be able to do this. There appears to be no objective way of testing whether any given scheme has screened out the right people, and only the right people.

Recommendation

- If the reason(s) for any continuing race differences are not identified in the Technical Report 2004/05, the Home Office should commission an independent review of the screening programme SEARCH and publish the findings.
-

List of recommendations

20. Centrex should take all possible steps to ensure that the June 2005 Technical Report identifies the reason(s) for race differences in outcomes. Specifically the Report must, as has been undertaken, fully analyse the initial sift stage, comprehensively test for all non-race factors that may have contributed to any disparity, and analyse combined figures for the current year and the previous year where this will give more reliable conclusions. Centrex should publish its findings regarding the race differences, and the Home Office should publish an action plan in response.
21. Centrex should proactively monitor race differences, establishing early warning triggers for possible adverse impact. To assist in this Centrex should (as it has informally agreed) collapse data from the 16+1 categories into the 5+1 groups.
22. Chief officers should ensure that their forces provide Centrex and/or the Home Office with all data concerning recruitment and selection accurately and without delay.
23. Centrex should review the scripted interview regarding:
 - a. its consistency of application;
 - b. how its content may be made more race-specific in line with the revised 'Respect for Race & Diversity' behaviour; and
 - c. its suitability as a continuing part of the process.
24. Centrex should provide appropriate training and guidance to equip assessors effectively to demonstrate balance and sound judgement in assessing the use of language. Centrex should ensure that quality assurers are trained specifically on the 'Respect for Race and Diversity' component to enable them to ensure the consistency and reasonableness of assessor response.
25. Centrex should review its use of Respect for Race and Diversity 1 forms to ensure no adverse impact on race equality takes place.
26. Centrex should review the 10 forces which currently apply an additional interview to those candidates who have passed the screening programme SEARCH to determine the effect of this in terms of race equality. Other forces should await the outcome of this review before making any addition or variation to SEARCH.

27. Centrex and the Home Office should consider creating full-time assessor posts, to work regionally and/or nationally, to expand the pool of those available and to facilitate the development of professional expertise.
28. If the reason(s) for any continuing race differences are not identified in the Technical Report 2004/05, the Home Office should commission an independent review of the screening programme SEARCH and publish the findings.

Chapter 5

TRAINING AND RACE EQUALITY

Section 1: Race equality training strategy

Introduction

5.1 The BBC documentary *The Secret Policeman* highlighted the conduct of a number of trainee officers at a police training centre, and prompted fundamental questions about how police training does and should address racism and discrimination within the police service. Accordingly the terms of reference of this investigation required an examination of issues of race and discrimination in the provision of probationary and non-probationary training. We were also authorised to investigate implementation of the race equality scheme and employment monitoring duties, the latter of which includes requirements to monitor, by ethnicity, access to training in general. Training has therefore been a major focus of our inquiries.

5.2 Since the mid-1990s forces have provided race and diversity training in a number of contexts, including not only ‘stand alone’ workshops but also in their management and specialist training and – recently in ‘trial’ and ‘pilot forces’ – foundation training. We consider that a coordinated rather than an ad hoc approach to this provision is desirable, to avoid the dangers of piecemeal programmes, gaps and duplication, and to provide a coherent vision of what outcomes are required and how they will be achieved. In the second stage of our investigation, therefore, we sought some basic indications of how far police forces and their authorities had set out a framework for progress.

What we said in the interim report

5.3 While we examined the provision of foundation training, and of post-probationary ‘Community and Race Relations’ or ‘Race and Diversity’ programmes, we did not at that stage address other aspects of training (as we do now in the other sections of this chapter below), nor did we consider how far all provision in this area was guided by a coordinated strategy.

Developments since the interim report

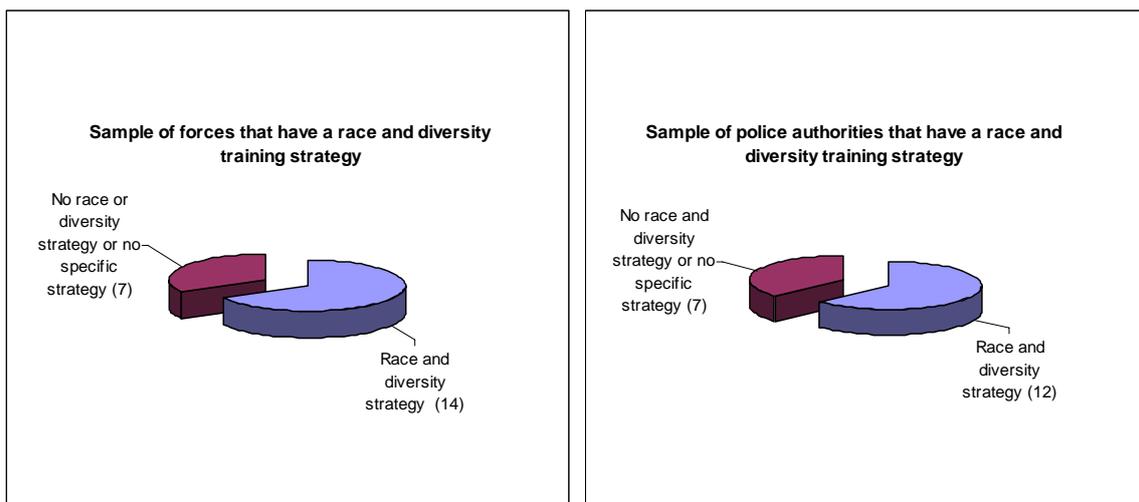
5.4 We do not have evidence of any substantive developments regarding strategy since June 2004.

Methodology

5.5 We explored this area via questions in the wide-ranging RED questionnaire sent to 15 forces (from which 13 responses could be used in the analysis) and a similar questionnaire sent to 15 police authorities (from which 11 could be used), both in September 2004. The same material plus additional questions were included in a specific training questionnaire sent to eight further forces in October 2004, and a similar one to their (eight) police authorities. We subsequently visited three of the latter eight forces to examine training, during which we explored any points needing clarification.

Findings and recommendations

5.6 Fourteen of the 21 forces whose responses we could use, said that they had a race and diversity training strategy, but seven – a third – said they did not, or had ‘no specific strategy’. Similarly 12 of the 19 police authorities surveyed said that they had such a strategy for their members and staff, but 7 (37%) said they did not.



Recommendation

- Chief officers of police forces and chairs of police authorities which have not developed a race and diversity training strategy (either as a ‘stand alone’ document or part of another) should do so.

5.7 Most of the forces who said they had a strategy submitted a copy as requested, and these showed a wide variety of structure and content. A few were short (for example 2.5 sides of A4 paper in one case, one side in another) and set out basic principles. While these contained valuable points, for example that all trainers would be qualified to include diversity in all training sessions, role-specific diversity training would be provided and community involvement would be key to delivery, these documents hardly

amounted to a strategy. Others comprised a historical introduction, with emphasis on the Stephen Lawrence inquiry report etc, followed by what was essentially a timetabled action plan. A few examples, however, exhibited many good features. One set out crucial principles (a rejection of ‘one size fits all’), some useful background, a section on ‘What we have achieved’, and a list of which training was to have race and diversity included as a priority (such as stop and search training) and why. It ended with a pithy set of short, medium and long-term objectives. Provided this is complemented with a timetabled action plan, it will clearly serve as a workable ‘road map’ for the force concerned.

Recommendation

- The Association of Chief Police Officers should develop and publish guidelines on a force race and diversity training strategy, identifying and drawing on existing good practice, and all chief officers should ensure that their forces review and revise their strategies accordingly.

5.8 Of the 12 police authorities who said they had a race and diversity training strategy, only one supplied a copy of a document that we considered met this definition. This one had many good features, setting out the overall outcomes sought and measurable objectives, explaining how they would be met, naming those responsible for specific actions and ending with a clear timetabled action plan. Of the remaining 11, only three authorities attached a document that appeared to relate in any way to the request. One authority submitted its strategy in response to the report by Her Majesty’s Inspectorate of Constabulary (HMIC), entitled ‘Diversity Matters’ (which covered some of the relevant ground); another provided a timetabled action plan; and a third submitted a race equality scheme action plan which included reviewing the diversity content of two specialist courses. One other authority that said it had a strategy responded to the next question, requesting a copy, by saying: ‘Our strategy is to train all members and staff. We will use [consultants] as training providers. Please refer to our revised Race Equality Scheme chapter [number] which was sent to you recently.’ On examination however the scheme had only one reference to training, viz: ‘Officers and members of the Police Authority will have received, or are scheduled to receive, training in diversity, in particular duties under the Race Relations (Amendment) Act 2000.’ It appears from this that the authority, and perhaps others, interpreted having a strategy as having an intention or an approach rather than a document. Overall, our sample of nearly half the police authorities in England and Wales suggests that very few have a written race and diversity training strategy. Encouragingly, though, one (and perhaps others) has a document which appears generally ‘fit for purpose’.

Recommendation

- The Association of Police Authorities should develop and publish guidelines on an authority race and diversity training strategy, identifying and drawing on existing good practice, and all police authorities should review and revise their strategies accordingly.
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5.9 Sixteen of the 19 authorities surveyed said that they scrutinised their forces' race and diversity training, but the general lack of provision to us of authorities' own race and diversity training strategies meant that we received no detail of how this was done. The one such document that we did receive said only that one objective of training was to 'know how [force name] promotes equality, in its policies and training', but it is possible that further detail lies in other documents that we did not request.

5.10 In the more detailed questionnaire on training that we sent to eight authorities, four said that they scrutinised the effectiveness of the race and diversity element 'threaded into' any other training provided by the force, but four said they did not; and six said that they had a role in reviewing how officers are selected for training generally, but two said they did not. Altogether, therefore, some authorities do not scrutinise the race equality dimension of their forces' training, and some that do may not scrutinise some key elements.

5.11 We recommend that police authorities carry out this scrutiny in our recommendation following paragraph 5.187 in section 7 below of this chapter, on the inclusion of race equality within other training.

List of recommendations

29. Chief officers of police forces and police authorities which have not developed a race and diversity training strategy (either as a 'stand alone' document or part of another) should do so.
30. The Association of Chief Police Officers should develop and publish guidelines on a force race and diversity training strategy, identifying and drawing on existing good practice, and all chief officers should ensure that their forces review and revise their strategies accordingly.
31. The Association of Police Authorities should develop and publish guidelines on an authority race and diversity training strategy, identifying and drawing on existing good practice, and all police authorities should review and revise their strategies accordingly.

Section 2: Trainers and race equality

Introduction

5.12 Effective training and development on race equality can only be delivered by skilled and knowledgeable trainers. As HMIC notes, ‘...the delivery of quality training and development requires the deliverers themselves to be properly selected, skilled, developed, and supported’ (page 5, ‘Training of Trainers 2004 Inspection’). Following the launch of the Stephen Lawrence Inquiry Report, and the subsequent delivery of the community and race relations (CRR) training programme; the role and effectiveness of trainers in providing race and diversity training has come under closer scrutiny by both the Home Office and HMIC.

5.13 In addition, the introduction of the race equality duty means that the police service has a legal obligation to include race equality within all the relevant areas of policing. Crucially, this means that all police trainers, and not just ‘race and diversity specialists’, have a role to play in including and reflecting race equality in their training. Different types of trainers, therefore, will need to be able to address race equality in different ways.

5.14 For the purposes of this investigation, the following groups of trainers have been identified as having a key role in providing race equality training:

- a. probationary trainers/tutor constables;
- b. race and diversity ‘specialist’ trainers; and
- c. general (and non-race and diversity specialist) trainers.

5.15 Issues relating to probationary trainers are dealt with in the chapter on foundation training. The focus of this chapter is on how both race and diversity ‘specialist’ trainers and other generalist trainers are effectively including race equality in their training. The effectiveness of the selection, support, and induction of trainers is scrutinised. Findings and recommendations are made about the skills and knowledge of trainers, and crucially, the training they receive. The wider issue of the representation of ethnic minority trainers is also considered.

What we said in the interim report

5.16 The majority of the groups and individuals interviewed made critical and negative comments about their experiences of the trainers used by the police service. Many of these criticisms were made by serving ethnic minority officers. Broadly speaking, the interviewees made similar comments about both probationary and post-probationary trainers, although the more negative comments were directed at probationary trainers. The main issues raised included the following:

- a. There were very few, if any, ethnic minority trainers.
- b. There were reported incidents of bullying, and indifference to race equality issues, by probationary trainers.
- c. Trainers often appeared to treat diversity in a superficial way.
- d. Many trainers did not appear to have the confidence to tackle race equality issues in a classroom setting, others were uncommitted, and a few hostile.
- e. Trainers were seen as reluctant to challenge racist attitudes.

5.17 These comments mirror the findings of HMIC's inspection reports into probationary training 'Training Matters' (January 2002), and also its thematic inspection into post-probationary training 'Diversity Matters' (March 2003).

5.18 One of the main issues highlighted by HMIC in 'Diversity Matters' is that there are not clearly defined standards that trainers are expected to reach in the area of race and diversity. HMIC also identified particular concerns in relation to the implementation of the CRR programme, notably evidence of 'trainer burnout' and a lack of support for trainers from senior management. One of the main reasons for the disappointing results of the CRR programme was the calibre or inexperience of some of the trainers. Overall, there was a strong impression that many probationary and post-probationary trainers lacked the skills, knowledge and support to provide effective training on race and diversity issues.

Developments since the interim report

5.19 In September 2004, HMIC published their thematic inspection report 'Centrex – Training of Trainers 2004 Inspection'. Centrex is the main provider of police training, and the aim of the inspection was to examine how trainers are trained, developed and supported. In particular, the inspection scrutinised the effectiveness of the Trainer Development Programme (TDP), which is the main course that enables personnel to deliver training, and also the Race and Diversity Trainers Programme (RDTP).

5.20 On 24 November 2004 the Home Office, the Association of Chief Police Officers (ACPO) and the Association of Police Authorities (APA) launched the Police Race and Diversity Learning and Development Programme – the force-wide strategy for improving performance in relation to race and diversity (for ease of reference this is referred to as the 'race and diversity strategy'). This strategy places specific responsibilities on key stake-holders to ensure that all trainers are suitably skilled and supported.

5.21 As part of the race and diversity strategy, the Home Office commissioned a quality assurance (QA) of the introduction of the CRR programme. The aim of the project was to work towards establishing a common standard for CRR training and a

competency framework for trainers. This project was complemented by the 'Gap Audit' also commissioned by the Home Office, to identify the current position of police forces in relation to the national learning requirement for race and diversity. Both of these projects have significant findings and implications for trainers and training providers throughout the police service. The findings of both these reports are due to be disseminated more widely within the police service as part of the launch of the race and diversity strategy.

5.22 One of the most significant developments is the learning and development skills framework (L&DSF) currently being drafted by Centrex. The L&DSF was due to be completed in November 2004 and implementation is due from March 2005. Initially, the L&DSF aimed to set out the competence framework for all trainer, tutor and assessor roles in Centrex. However, as part of the race and diversity strategy, it will have a national remit for all forces and will build on the quality assurance report commissioned by the Home Office. The significance of the L&DSF is that for the first time, the police service is trying to establish the relevant standards and skills needed for all its trainers. This also includes the relevant skills and knowledge that trainers will need to reach when delivering the national learning requirement for race and diversity.

Methodology

5.23 The emerging findings identified in the interim report were based upon detailed scrutiny of a number of reports including the HMIC thematic inspections 'Training Matters' and 'Diversity Matters'. These findings were supplemented by witness testimony given to the CRE from officers, trainers, and other relevant stake-holders.

5.24 In stage 2 of the investigation further work was undertaken to investigate the role and effectiveness of police trainers and training providers. This involved:

- a. a questionnaire specifically on training issues sent to a sample of eight forces and their corresponding authorities;
- b. interviews with key stakeholders and main training providers;
- c. further witness testimony from officers and police trainers;
- d. evidence accrued from key stakeholders at a series of hearings held in October 2004;
- e. visits by CRE officers to three police forces to interview relevant staff and officers; and
- f. critical examination of relevant documents and reports; in particular those outlined in the section on the main developments since interim report.

Findings and recommendations

Selection of trainers

5.25 The selection processes for race and diversity trainers (and other types of trainers) are variable and inconsistent. There is evidence that many officers are approached informally to apply for training posts with little understanding of what the role might entail. For example, Centrex has issued guidelines to forces on who might be suitable for the Trainer Development Programme (TDP), but they have no role in the selection process. As a result, it was reported to the CRE, course directors have had to encourage unsuitable candidates to discontinue the course, as they had no input into how the applicants were selected. This is wasteful of resources.

5.26 The inconsistency of the selection procedures is reinforced by HMIC and the 'Gap Audit' commissioned on behalf of the Home Office. The audit notes that selection and induction of trainers is 'variable' and '...generally unable to deliver against ... the National Learning Requirement for Race and Diversity' (page 4). HMIC make similar observations in 'Training of Trainers': 'The processes for the selection and deployment of trainers across Centrex were found to be inconsistent and examples were found of some individuals delivering training or supervising its delivery without the development required to equip them effectively to undertake their roles' (page 22, 'Training of Trainers').

5.27 The concerns about the selection of trainers also apply to the selection of external trainers contracted by the police service to deliver race and diversity training. Recommendation 7.1 of HMIC's inspection report 'Diversity Matters' proposed that the Home Office should review the selection procedures for trainers by February 2004. It is notable that while the quality assurance report did cover selection issues, a separate review was not completed by the Home Office. The Home Office indicated to a member of the CRE team in summer 2004 that selection guidance would be produced for forces by autumn 2004. However, the development of the learning and development skills framework (L&DSF) for trainers has now superseded this work, and will also apply to external trainers. Implementation of L&DSF is due to commence from March 2005. Whilst the framework is a welcome development, there was scope for the Home Office to have progressed this area of work more quickly.

5.28 Concerns about the selection of trainers were also voiced to us by stakeholders at the series of hearings held in October 2003. The APA reported that they believed that trainers were not rigorously selected and therefore forces will not have trainers with the right skills. The APA called for a new approach to be taken in how people were employed as trainers. These concerns were also echoed by Centrex, who raised concerns about how systematically trainers were selected. Centrex identified a resistance by officers to apply for training jobs, and pointed out that in the context of who was selected for Centrex courses, Centrex could only apply a 'veto' on an application.

Recommendation

- Chief officers should ensure that their forces use the learning and development skills framework as a basis for the selection of trainers. The Home Office should monitor the progress in meeting this recommendation through the Police Race and Diversity Learning and Development Programme Board.
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Induction and support for trainers

5.29 The induction and support mechanisms for trainers are inconsistent. The Home Office commissioned 'Gap Audit' describes the induction for trainers as 'variable, in some cases ad hoc, and not formalised...' Likewise there is evidence to suggest that trainers do not receive adequate support from senior management. The audit states: 'There would appear to be little or no information about how forces address the behaviour of learners that may cause emotional or physical discomfort to race and diversity and/or generic trainers'.

5.30 These findings are also complemented by the quality assurance (QA) report on the CRR programme. The report notes that a 'lack of structured support and debriefing is a particular issue for black trainers, especially police trainers'. It is also striking that, of the 35 forces who responded to a questionnaire sent to forces for the 'Gap Audit', 11 forces reported that they do not have support networks for their race and diversity trainers. These findings are also reinforced by a number of interviews we conducted with police trainers who felt that they did not have enough support from their force. The demands of delivering race and diversity training have been noted elsewhere, but the concerns around issues such as 'trainer burnout' will remain unless robust and effective support and induction mechanisms are put in place introduced.

Recommendation

- Chief officers should ensure that their forces establish appropriate support mechanisms for trainers. The Home Office should monitor the progress in meeting this recommendation through the Police Race and Diversity Learning and Development Programme annual reporting process.
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Skills and knowledge for trainers

5.31 There have been widespread concerns that many race and diversity trainers do not have sufficient skills and knowledge to equip them to deliver effective training. The quality assurance report on the introduction of the CRR programme states that 'on the whole, trainers had good facilitation skills but there was little expressed evidence...of knowledge of key underlying issues in relation to power, oppression...and personal aspects of discrimination' (page 6, QA report).

5.32 Witness testimony given by both groups and individuals reinforces the view that many race and diversity trainers lack the relevant skills and knowledge. As part of the ‘Gap Audit’ project commissioned by the Home Office, the training of race and diversity trainers was considered in light of the national learning requirement (NLR) on race and diversity. The report notes that, ‘in a number of forces, learning (for race and diversity trainers) is left to “on the job” experiences’ (page 4, ‘Gap Audit’). The audit concludes that the training of these trainers is ‘variable’ and ‘generally not in line with the NLR’ (page 4, ‘Gap Audit’).

5.33 Despite the concerns about the range of skills and knowledge of trainers we also found evidence of good practice. On a number of visits to forces during the investigation we were impressed by the professionalism, skills, knowledge and personal commitment of many of the trainers we spoke with. We also commend a number of the ‘civilian’ trainers we interviewed, who were delivering effective training courses in a challenging environment.

Training of trainers

5.34 Centrex, the Central Police Training and Development Authority, is the largest single training provider for the police service. While the majority of police trainers will have completed a Centrex training course, it is important to note that many forces also employ external trainers, and trainers who do not hold a Centrex training qualification. However, given the predominant role of Centrex, the effectiveness of their courses will have a direct bearing on the capability of forces to deliver the race and diversity strategy for improving police performance in the areas of race and diversity.

5.35 The two main Centrex courses which equip trainers with the skills and knowledge in the area of race equality are as follows:

- a. Trainer Development Programme (TDP). The majority of police trainers complete this course, which takes six weeks.
- b. Race and Diversity Trainers Programme (RDTP). A course offered to ‘specialist’ race and diversity trainers with a three-week classroom-based component.

HMIC has raised concerns that both these courses, in their current format, may not adequately meet the needs of the police service to equip their trainers with the requisite skills and knowledge in the area of race equality. Part of the rationale for the HMIC inspection ‘Training of Trainers’ was specifically linked to concerns about capabilities of the trainers featured in *The Secret Policeman*. Overall, the HMIC inspection makes a number of critical findings about Centrex trainers’ courses (including the TDP), particularly about their lack of strategic focus and shortcomings in quality assuring their programmes in a consistent way.

5.36 These criticisms have a direct bearing on how well trainers are equipped to deliver race and diversity issues. This is reinforced by the HMIC finding that ‘some of

the skills that forces in particular require of trainers are also not presently covered [in the TDP]...for example, delivering race and diversity on a mainstreamed basis (both the 'Training Matters' and 'Diversity Matters' inspections found that most trainers were ill equipped to deliver mainstream race and diversity content)' (page 32, HMIC 'Training of Trainers').

5.37 These findings are reinforced by Centrex's own evaluation of the TDP programme conducted in 2002 which states that 'the TDP course does not fully equip student trainers to apply the principles of EO/CRR and diversity in their working environment without further experience and/or training' (page 54, TDP 2002 Evaluation, Centrex). The limitations of the TDP are also compounded where trainers are not given sufficient support by their forces. As one senior manager commented to the CRE, 'The pressure on forces to provide trainers means that in many cases they are thrown in at the deep end'.

5.38 The strengths and weaknesses of the TDP are recognised by Centrex, and the provision of the Race and Diversity Trainers' Programme' (RDTP) is an acknowledgement that delivering post-probationary training on race equality requires additional skills and knowledge. One of the main concerns raised by a senior manager to the CRE about the RDTP is that whilst the course has a three-week classroom-based element, many forces fail to recognise that this is only one component of a two-year programme. One well-placed senior manager voiced concerns to the CRE that many forces are deploying race and diversity trainers without sufficient support and development.

5.39 It is also notable that the RDTP is not a mandatory requirement for police race and diversity trainers. This reinforces the impression that the police service does not have a clear over-arching standard for the role of race and diversity trainer.

Recommendation

- Centrex and chief officers should make completion of the Race and Diversity Trainers' Programme (or equivalent) a mandatory requirement for all in-force police race and diversity trainers. Those attending such training should be assessed against the relevant National Occupational Standards and only employed to provide race and diversity training if assessed as competent against these standards. Centrex and chief officers should put in effective support mechanisms to enable participants to complete the full programme.
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5.40 These concerns about the RDTP are also underscored by the findings of the HMIC inspection ‘Training of Trainers’. HMIC states that:

There is some evidence to show that customers have little knowledge or understanding of the purpose/objectives of this course (page 14, ‘Training of Trainers’).

This product is not specifically linked to the ICF (page 14, ‘Training of Trainers’).

The current route for training people to deliver race and diversity training is not wholly fit for purpose’ (page 46, ‘Training of Trainers’).

5.41 We welcome the coverage of race and diversity in ‘Training of Trainers’ but note that no specific recommendations were made on these issues. Given the critical findings, we feel that this was a missed opportunity to formulate an effective response to the shortcomings that were identified.

Recommendation

- Centrex should review both the Trainer Development Programme and the Race and Diversity Trainer Programme in light of the race equality duty.

Representation of ethnic minority trainers

5.42 Whilst there is a clear need for the police service to ensure that trainers are appropriately skilled, trained, and supported, there is also strong evidence that the police service needs to tackle the under-representation of in-force ethnic minority trainers. The ‘Police Sector – Skills Foresight 2004’ report, produced by Skills for Justice (SfJ), states that ‘only 1.6% of police trainers are minority ethnic, lower than the national percentage of 2.88% for all police officers’ (page 183, Skills Foresight 2004).

5.43 However, the under-representation of ethnic minority in-force trainers may in part follow from the fact that trainers need some experience as officers, and ethnic minority officers are a smaller proportion of those with longer service. We suggest that, until this position changes with time, opportunities should be made available for more civilian trainers so that external trainers from ethnic minority backgrounds could apply, thus achieving a higher level of ethnic minority trainers in policing.

5.44 Whilst there is a good deal of ethnic monitoring of in-force trainers, it is also clear that there is a lack of similar monitoring of external or civilian trainers. SfJ reports that ‘Most forces found some difficulty in being able to provide a full and accurate picture of the training provided by them or by others’ (page 179, Skills Foresight Report 2004).

Recommendation

- The Home Office and the Association of Chief Police Officers should devise a national programme of positive action to prepare and encourage ethnic minority trainers to apply for trainer posts. All chief officers should ensure that their forces monitor, by ethnicity, both in-force and external trainers.
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Future developments

5.45 The implementation of the learning and skills development framework will also be a significant development for the police service, as it attempts to set out the standards and competencies required by trainers. It is particularly welcome that the consultation on the L&SDF specifically addressed the competencies required of race and diversity trainers. A comment made from one person at the consultation (and later reported to the CRE) was that the role of ‘race and diversity trainer’ was ‘only suitable for black and Jewish people’. However, this comment did not reflect the overwhelmingly constructive engagement of participants in the consultation.

5.46 The L&DSF has the potential to be a useful tool for the police service in addressing the skills and knowledge required by all trainers to provide race equality and diversity training where appropriate and this will clearly require responsibility to be taken across the police service. It is also essential that the L&DSF adequately reflects the race equality duty and that race and diversity is appropriately included within all the relevant trainer roles.

Recommendation

- The Home Office and Centrex should review the learning and development skills framework to ensure it adequately reflects the race equality duty. All stakeholders should ensure that the learning and development skills framework for trainers is effectively implemented.
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5.47 Whilst the L&DSF is a step forward in identifying and setting out the relevant skills and competencies for police trainers, the provision of this framework is only part of a wider necessary response to the question about the professional status of police trainers. Several senior managers reported to us that the role of trainer has a low status which does not reflect the important work they do. As we also noted in the section on foundation training, for many officers the role of recruit trainer remains a brief interlude from their operational duties and is not a major boost to their career development. Consequently, trainer roles may not always attract the ‘brightest and best’ applicants.

5.48 In their inspection report ‘Training of Trainers’, HMIC make a number of recommendations which might indirectly improve the status of training and trainers (eg, workplace trainer assessment linked to continuous professional development

(recommendation 4.1) and recognition of accredited prior learning and experience (recommendation 6.5). However, we believe there is greater scope within the police service to take action to raise the professional status of police trainers (all of whose functions are subject to the race equality duty, regardless of the race and diversity element of their subjects). Consideration might be given to:

- increases in pay and/or rank;
- professional qualifications; and
- developing a structured and high status career path for trainers, which replaces short-term training secondments with long-term appointments. (Long-term training appointments could be buttressed by short secondments back to operational duties to maintain skills).

Recommendation

- The Home Office and the Association of Chief Police Officers should produce proposals for raising the professional status of police training so that it attracts the 'brightest and best' applicants.

5.49 Although many of the recommendations made by HMIC in 'Training of Trainers' are directed at Centrex, they have implications for the police service as a whole. All the key stakeholders are due to respond to the 'Training of Trainers' report by March 2005. This represents a major opportunity for the police service to address many of the issues also raised in this section, and coordinate a response. Given the publication date of this report, the main stakeholders identified in this section will require additional time to formulate a systematic response to 'Training of Trainers' which takes account of our recommendations. With HMIC's agreement, we have suggested that all stakeholders should respond to 'Training of Trainers' by the end of April 2005.

Recommendation

- In their response to Her Majesty's Inspectorate of Constabulary's report 'Training of Trainers', the Home Office, Association of Chief Police Officers, Centrex and Skills for Justice should consider and make due reference to the relevant issues raised in this report. The Home Office, in liaison with the other bodies listed above, should draw up a service-wide timetable for addressing these issues by the end of May 2005, with progress reported on a regular basis.
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List of recommendations

32. Chief officers should ensure that their forces use the learning and development skills framework as a basis for the selection of trainers. The Home Office should monitor the progress in meeting this recommendation through the Police Race and Diversity Learning and Development Programme Board.
33. Chief officers should ensure that their forces establish appropriate support mechanisms for trainers. The Home Office should monitor the progress in meeting this recommendation through the Police Race and Diversity Learning and Development Programme annual reporting process.
34. Centrex and chief officers should make completion of the Race and Diversity Trainers' Programme (or equivalent) a mandatory requirement for all in-force police race and diversity trainers. Those attending such training should be assessed against the relevant National Occupational Standards and only employed to provide race and diversity training if assessed as competent against these standards. Centrex and chief officers should put in effective support mechanisms to enable participants to complete the full programme.
35. Centrex should review both the Trainer Development Programme and the Race and Diversity Trainer Programme in light of the race equality duty.
36. The Home Office and the Association of Chief Police Officers should devise a national programme of positive action to prepare and encourage ethnic minority trainers to apply for trainer posts. All chief officers should ensure that their forces monitor, by ethnicity, both in-force and external trainers.
37. The Home Office and Centrex should review the learning and development skills framework to ensure it adequately reflects the race equality duty. All stakeholders should ensure that the learning and development skills framework for trainers is effectively implemented.
38. The Home Office and the Association of Chief Police Officers should produce proposals for raising the professional status of police training so that it attracts the 'brightest and best' applicants.
39. In their response to Her Majesty's Inspectorate of Constabulary's report 'Training of Trainers', the Home Office, Association of Chief Police Officers, Centrex and Skills for Justice should consider and make due reference to the relevant issues raised in this report. The Home Office, in liaison with the other bodies listed above, should draw up a service-wide timetable for addressing these issues by the end of May 2005, with progress reported on a regular basis.

Section 3: The race equality content of foundation training

Introduction

5.50 At the time of the Stephen Lawrence inquiry report (1999) the broad outline of initial training for newly appointed constables was set out in the Police Training Council's Probationer Training Strategy of 1993. The aim was '...to ensure that everyone working in the police service develops the Knowledge, Understanding, Skills, Attitudes and Behaviour (KUSAB) required to meet the present and future needs of the police service'. There were two providers of probationer training, the Peel Centre at Hendon, north London, for Metropolitan Police recruits, and National Police Training (NPT, since April 2002 known as Centrex) at its various regional centres, for recruits to all other forces. The Hendon syllabus comprised an initial 18 weeks' residential training at Hendon, 10 weeks' street duty experience supervised locally by tutor constables, and five one-week modules at Hendon spread over the remainder of the two-year probationary period. Recruits to all other forces underwent two weeks' induction in their own force, 15 weeks' residential training at an NPT centre (such as Bruche in Cheshire, for forces in that area), followed by varying arrangements for street duties practice and the other components required for completion of the two-year probationary period.

5.51 In anticipation of the Stephen Lawrence inquiry report, the 'diversity' element of the residential 18 or 15 weeks' component (which has come to be known as foundation training) was greatly extended from a few hours to approximately four days. The training providers were also encouraged to build diversity issues, as appropriate, into other parts of the foundation training.

5.52 The BBC programme *The Secret Policeman* featured foundation trainees at Centrex's Bruche centre. We wanted to investigate how far foundation training can and should seek to address racially stereotypical or prejudiced attitudes, and if so whether and how it could be made more effective at doing so.

What we said in the interim report

5.53 We concluded that while hardened racists must be screened out at the recruitment stage, there was evidence that training could address less ingrained racial attitudes based on ignorance or uninformed assumptions, and that therefore training – including foundation training – should have this function.

5.54 We noted the persuasive findings of HMIC's thematic report 'Training Matters' (January 2002) on the Probationer Training Programme (PTP), identifying its general lack of ownership, direction or a learning requirement, its '1940s' instructional style, and

its lack of any national structured evaluation strategy. We particularly noted the findings about ‘...the current ‘conveyor belt’ system of training with an emphasis on knowledge and procedure’ which left ‘little time within the PTP to explore attitudes and behaviour’, and the conclusion that ‘The amount of attitudinal and behavioural development in PTP is inadequate’. On the diversity element in particular, we cited the findings that the ‘current programme is inclined to focus on information relating to race and gender’, and that ‘many trainers do not feel confident in delivering diversity inputs, as their training has not prepared them sufficiently’. We quoted the striking conclusion that ‘so much now cries out to be done as a result of a lack of effective oversight in respect of the PTP’.

5.55 We reported the concerns expressed to us in evidence, mostly from ethnic minority officers and staff associations, about the quality or commitment of many trainers regarding diversity, the often superficial treatment of these issues, the concentration on ‘correct’ language which could even help ‘stealth racists’ to avoid detection, and the perceived lack of support from senior officers. We also related testimony about instances of official intimidation of anyone complaining about these matters and some accounts (albeit few that were about very recent events) of racist harassment of ethnic minority recruits by other trainees. A number of witnesses had also stressed the dominant ‘bar culture’, which they felt reinforced macho and anti-diversity attitudes. Finally, we referred to evidence, from a small number of (post-probationary) diversity trainers, of surprising ignorance of basic factual information about diversity among some of their trainees who had recently undergone foundation training. We noted that we had received very little evidence that was positive. On the key question of training affecting attitudes on race, therefore (and considering also HMIC’s findings above) we said: ‘Overall the evidence we have received and considered points, with a remarkable degree of unanimity, to probationary training that has not generally attempted to go beyond conveying knowledge, and that has not always succeeded in doing this.’

5.56 We concluded that the Home Office’s work to respond to ‘Training Matters’ had initially proceeded only slowly, the first substantive step being a statement of principles produced one and a half years after the report, in June 2003. We did however welcome the steps taken since then on a new approach to foundation training, and said that ‘In the second stage of the investigation we will seek to assess how far this is likely to ensure the effective delivery of KUSAB with regard to racial equality.’

5.57 We expressed concern about the 30 per cent cut to Centrex’s budget in 2004/05, and said we would ascertain whether this was assessed for its impact on race equality and make recommendations accordingly.

5.58 Finally, in the light of a substantial amount of witness evidence, we recommended the effective provision of pastoral care and a safe complaints process for probationary trainees.

Developments since the interim report

5.59 The principles set out in June 2003 had included a move to local, community-based, and where possible non-residential delivery of foundation training. In spring-summer 2004, at about the time of our interim report, the Home Office-convened stakeholder group overseeing the response to 'Training Matters' (by then the Initial Police Learning and Development Programme Board, or 'Programme Board') was trialling local delivery of the existing syllabuses. Thus the Metropolitan Police Service syllabus was delivered away from the Hendon site in two local centres, albeit by Hendon trainers; and the Centrex syllabus was delivered by five provincial forces, using their own trainers.

5.60 Meanwhile the Programme Board and its Executive of Home Office officials and other representatives continued to develop a new curriculum mapped to the National Occupational Standards, including 1A4, 'Foster people's equality, diversity and rights'. Successive drafts were produced of guidance and specifications for 22 modules, including one with the same title as standard 1A4. A substantial amount of latitude was however allowed in timing, sequence and training methods.

5.61 In and around October 2004 five forces started to pilot local delivery of the new model, whose 22 modules broadly replace the long initial residential component of the Probationer Training Programme and the subsequent street duties stage. A major feature is the use of real streets, shops and police stations etc instead of the simulated facilities at training centres, with members of the public as role-players instead of police personnel. Some classes take place in local colleges and some facilitation is by community and other outside contributors.

6.62 Beyond this, however, there is a wide variety of practice, in order to test and compare what does and doesn't work well. Perhaps the biggest innovation is taking place in two forces which are spreading the training over the whole two-year probationary period, to form a course leading to a foundation degree awarded by a local university, whose academic staff also contribute to teaching.

5.63 On 18 November 2004 the Home Office circulated the final version of the programme's learning manuals to all forces. Their covering letter advised that 'Draft versions have already been made available to the five pilot forces....and these older documents should now be discarded'. The pilot forces had therefore had to start on the basis of draft documents, but it appears that the final text is not substantively different from the most recent preceding drafts.

5.64 During the pilots the great majority of foundation trainees are, of course, continuing to undergo the existing training at Hendon or Centrex. But the plan is to proceed with a small number of 'early adopter' forces in spring 2005 (using the new syllabus, adapted as appropriate in the light of the pilots) leading to universal adoption of the model in 2006.

Methodology

5.65 We studied extensive documentation on the work of the Programme Board, and interviewed the leader of the Programme Executive and his colleagues at length at the end of July 2004. We then received and studied subsequent documentation from the Programme Executive as it was produced, securing clarification where needed.

5.66 We studied current course materials and many other documents from Centrex, interviewed the head of foundation training during an extended visit to Bramshill in September, and studied further documentation which had been identified as relevant during the visit.

5.67 Our inquiries were informed by contributions to our forum in September by the chair and chief executive of Centrex, the director of training and development for the Metropolitan Police Service, and others, and their evidence to our hearings in October.

5.68 Also in September and October we sent survey questionnaires to all forces and police authorities which included questions on training, with a sample of eight focusing particularly on this area, and we analysed the responses.

5.69 In November we visited Hendon where we interviewed the head of foundation and probationer training and other managers responsible for particular areas, including local delivery of the new syllabus, and again they were supplemented by the examination of further written material identified as relevant during the visit. Also in November similar visits were undertaken to two other forces.

Findings and recommendations

5.70 As we set out in our interim report, while hardened racists must be screened out at the recruitment stage, there is evidence that training can address less ingrained racially prejudiced attitudes based on ignorance or uninformed assumptions. We conclude therefore that training – including foundation training – should have this function.

5.71 The serious criticisms of foundation training at Hendon and Centrex made by HMIC in ‘Training Matters’ (January 2002), which we endorsed in our interim report on the basis of witness evidence, have not been fully addressed. It is true that both have made some efforts to improve trainee welfare provision (for example in regard to racial harassment), and Centrex in particular has acted firmly in proven instances of racial harassment and has made other changes to encourage an atmosphere more conducive to diversity. However, neither institution had revised its syllabus content after ‘Training Matters’ nor after *The Secret Policeman*, and many of the course materials dated from several years ago. The Hendon course materials contained only a single sentence referring to the race equality duty, noting that it required ‘public authorities’ positively to promote race equality; and while the trainers’ notes for each module at Centrex bore a brief reminder that the body was subject to the duty, there was no guidance on how, or

whether, this should be translated within the delivery of the module. By no means all foundation trainers at Centrex, and few at Hendon, had undergone training as race and diversity trainers, and although Hendon had ‘imported’ specialist diversity trainers to reinforce foundation trainers in those sessions, there was mixed evidence on how far this may have helped to develop the latter. Meanwhile, at a force outside London that we visited, which is piloting local delivery of the new syllabus, all the foundation trainers had undergone training as race and diversity trainers and showed a firm grasp of the issues, confidence in dealing with them, and a keen personal commitment to race and other equalities.

Recommendation

- Centrex and chief officers should ensure that all foundation trainers should complete training, to qualify them as race and diversity trainers, which is as comprehensive as the current three-week Centrex course. Those attending such training should be assessed against the National Occupational Standards for race and diversity trainers and only employed to deliver the Initial Police Learning and Development Programme (IPLDP) if they meet these standards.

5.72 Senior managers at both establishments staunchly defended the quality and integrity of their foundation trainers (in response to the severe criticisms from witnesses in our interim report, for example that they commonly disparaged coverage of diversity). They did however concede that foundation trainers often felt unsure and nervous and could be stilted in delivering the diversity element, that there remained an emphasis on facts and figures rather than skills and attitudes, and an over-emphasis (one said ‘an obsession’, another ‘a fixation’) on ‘correct’ terminology. It is clear that not only must foundation trainers themselves be better trained on diversity issues, but that so long as delivering foundation training remains a brief interlude in operational deployment, which is not a major boost to career development, it will not systematically attract the ‘brightest and best’ applicants who are needed to deliver the diversity component with verve and inspiration.

5.73 We suggest a specialised career path for trainers in the recommendation following paragraph 5.48 in section 2 above of this chapter, on trainers and race equality.

5.74 Neither Centrex nor Hendon used consultancy or academic trainers to deliver or co-deliver the diversity content of foundation training – in contrast to post-probationary diversity training, where this is not uncommon. While there is an advantage to police officers delivering the training, particularly for ensuring that the issues are included in training on operational practice, there is a strong case for considering what use may be made of the expertise and often wider contextual knowledge of outside diversity specialists.

Recommendation

- Centrex and chief officers should identify where the use of external consultants and trainers will improve the effectiveness of foundation training, and engage such outside contributors where appropriate.
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5.75 Ethnic minority applicants are underrepresented amongst foundation trainers, though probably less so in comparison with the ‘pool’ of experienced constables. Where they are in post they have often freely amended the syllabus to feed in their own personal experience, to the demonstrated satisfaction of their trainees, and – to their credit – their managers. We suggest a programme of positive action to prepare and encourage ethnic minority officers to apply for trainer posts, including foundation trainer posts, in the recommendation following paragraph 5.44 in section 2 above, on trainers and race equality.

5.76 Senior managers at both establishments had a vivid appreciation of the challenges and had taken sometimes bold individual initiatives, but seemed to lack an overall integrated strategy for embedding ‘respect for race and diversity’ into current foundation training that was evident elsewhere, such as in leadership training at Centrex. It is very possible that the knowledge that foundation training at Centrex centres and Hendon is ‘on the way out’ may have resulted in the direction of more attention and organisational support to developing the new devolved model. Overall though it appears that it would have been more difficult to infuse foundation training with a thorough ‘respect for race and diversity’ if it had remained at its current centralised locations.

5.77 The 30 per cent cut in Centrex’s budget resulted in the 15-week residential element of foundation training being reduced to 12 weeks. We were assured however that reduction in coverage solely affected areas other than diversity, and that both the four-day diversity module and the diversity elements of other modules had, as a matter of policy, been protected and were unchanged. On this basis we accept that an impact assessment of the move in relation to foundation training was not required. However, in paragraph 5.160 of section 6 below of this chapter, on ‘Leadership and Management Training’, we recommend an impact assessment in the light of evidence about the effect of the decision in that area of training.

5.78 The new model of a revised curriculum at devolved centres (Sunbury, Camden and others in London, and provincial forces instead of Centrex) was proposed in HMIC’s ‘Training Matters’ report in January 2002. Home Office action to implement the recommendations appears to have been slower than it could have been until the Secret Policeman programme in October 2003, when activity became more intense.

5.79 The trialling of the existing Centrex syllabus in a number of forces during spring–summer 2004, together with the trialling of the existing Hendon syllabus in a number of local centres elsewhere in London, received largely favourable feedback. The local trainers deployed in provincial forces have often been officers who had previously

delivered foundation training at Centrex on secondment. From the diversity viewpoint the macho ‘parade ground’ and ‘bar culture’ has been weakened, exercises in the community have been able to take place and the option to attend locally on a non-residential basis is more family-friendly. On the other hand local trainers in one largely rural force pointed out that their trainees would meet a less diverse mix of colleagues, though the trainers had also taken welcome initiatives to compensate for this, such as visits to more ethnically diverse areas. Altogether, we conclude that the move will be beneficial. One witness, commenting about a particular training centre, said: ‘I think part of that [anti-diversity] culture is caused by the residential nature of the training and things are likely to improve when the courses are delivered on a day-to-day basis’. Another witness, referring to a different training centre, expressed the view to us that so long as training remained in its current location the dead hand of that centre’s heritage and atmosphere would defeat the aims of any improved syllabus. Overall we conclude that the ‘fresh start’ is the best context for ‘fresh thinking’ on diversifying the whole culture of foundation training.

Recommendation

- Chief officers of forces in areas with smaller than average ethnic minority populations should introduce training initiatives such as conducting training relating to race and diversity jointly with forces that cover a more multiracial population, and should engage speakers and co-trainers from ethnic minority communities from those areas, as well as from within their own force areas.

5.80 When we interviewed Home Office officials in late July we queried why ‘race and diversity’ were not threaded in to various modules, and the response was to note our queries so as to identify any gaps. The outcome has been that these issues do now feature in areas where we questioned their absence. As far as can be ascertained the curriculum does appear to facilitate the effective addressing of trainee attitudes on race equality, but ‘the proof of the pudding’ will be the Home Office’s evaluation in the early part of 2005. We note with concern, however, that there is no reference in the Home Office programme materials – the ‘Force Learning and Assessment Manual’ and three appendices, and the ‘Student Officer Learning and Assessment Portfolio’ – to the race equality duty.

Recommendation

- The Initial Police Learning and Development Programme Board should supplement the materials published in November 2004 with an addendum giving full guidance on meeting the training needs of foundation trainees with regard to the race equality duty.

5.81 The Home Office took the decision to devolve the development of training materials to the pilot forces, so that local variations of circumstance could be addressed. There is evidence that, in at least a large proportion of the pilot forces, previous

foundation training materials are being re-used with little change – notwithstanding that the new curriculum has advisedly been mapped to the Integrated Competency Framework, whereas the old ones pre-dated it. A senior Centrex manager advised us that he and colleagues had taken the view that at least ‘core’ materials should be developed nationally, for amendment and/or supplementation locally, and some forces have told us they would have welcomed this. We were advised that Centrex has indeed done some work on such development in the belief that the Home Office would come to see the need for it. More recently we have learnt that Centrex is producing ‘learning descriptor documents which detail specific learning outcomes’ to supplement the ‘module control documents’ published by the Home Office in November 2004. We have also been advised verbally that these are complemented by core course materials in the sense of pre-reads for trainees, trainer notes or briefs for role-play exercises. We welcome this development, for while local variation is desirable, there is a core content of race and diversity whose standard should be determined centrally. Also the experience of the pilots suggests that some forces may otherwise retain old materials when new ones should be developed.

Recommendation

- Before the Initial Police Learning and Development Programme is introduced to further forces the Home Office should finalise core training materials for the race and diversity content, including coverage of the race equality duty, drawn from materials that have been drafted by Centrex, and any effective examples developed by the pilot forces.

5.82 In October 2004 the Programme Board’s Executive was succeeded by a ‘Central Authority’, with similar membership, to oversee the continuing move to devolved foundation training on the new syllabus. (However the Programme Board itself continued in existence). In December we learnt that the Central Authority had delegated quality control and other developmental functions to a new unit at Centrex, and in January 2005 we were advised that a position of race and diversity advisor to the Central Authority is also to be created. We welcome these moves, but believe that an independent assessment of the process, including the effectiveness of the race and diversity element in addressing attitudes and behaviour, should be undertaken once the new model is in full operation.

Recommendation

- Work by the Central Authority, the Initial Police Learning and Development Programme Board and Centrex to maintain national minimum standards in foundation training should be reviewed by HMIC not later than 2007, as a follow-up to ‘Training Matters’, and this should include an in-depth focus on the race and diversity element.
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5.83 'Trial' forces were required to meet the cost of local delivery out of their existing budgets, and 'pilot' forces have been promised only partial reimbursement next year by the Home Office. The 30 per cent cut in Centrex's budget has not therefore been re-distributed to forces who are assuming the foundation training function. It is undesirable that the move towards improved foundation training should be used as a cost-cutting exercise by Government, at the expense of police budgets. There is no evidence yet that this has necessarily had an adverse effect in the area of foundation training, but there is some evidence to suggest this may be so in the area of leadership training, and perhaps elsewhere, and our recommendation of an impact assessment following paragraph 5.160 in section 6 below of this chapter, on leadership and management training, reflects this concern.

List of recommendations

40. Centrex and chief officers should ensure that all foundation trainers should complete training, to qualify them as race and diversity trainers, which is as comprehensive as the current three-week Centrex course. Those attending such training should be assessed against the National Occupational Standards for race and diversity trainers and only employed to deliver the Initial Police Learning and Development Programme (IPLDP) if they meet these standards.
41. Centrex and chief officers should identify where the use of external consultants and trainers will improve the effectiveness of foundation training, and engage such outside contributors where appropriate.
42. Chief officers of forces in areas with smaller than average ethnic minority populations should introduce training initiatives such as conducting training relating to race and diversity jointly with forces that cover a more multiracial population, and should engage speakers and co-trainers from ethnic minority communities from those areas, as well as from within their own force areas.
43. The Initial Police Learning and Development Programme Board should supplement the materials published in November 2004 with an addendum giving full guidance on meeting the training needs of foundation trainees with regard to the race equality duty.
44. Before the Initial Police Learning and Development Programme is introduced to further forces the Home Office should finalise core training materials for the race and diversity content, including coverage of the race equality duty, drawn from materials that have been drafted by Centrex, and any effective examples developed by the pilot forces.
45. Work by the Central Authority, the Initial Police Learning and Development Programme Board and Centrex to maintain national minimum standards in foundation training should be reviewed by HMIC not later than 2007, as a follow-up to 'Training Matters', and this should include an in-depth focus on the race and diversity element.

Section 4: Post-foundation race and diversity training

Introduction

5.84 The Stephen Lawrence inquiry report made a series of recommendations in relation to Race and Diversity training, including recommendation 49 which stated that ‘all police officers, including CID and civilian staff, should be trained in racism awareness and valuing cultural diversity.’

5.85 The response to this recommendation was coordinated by the Police Training Council (comprising the Home Office, the Association of Chief Police Officers, and the Association of Police Authorities – now the Police Training and Development Board (PTDB)). Subsequently, all forces initiated a post-probationary programme, which often comprised a compulsory one- or two-day CRR (‘Community and Race Relations’) training session. The CRR training was overseen by the race and diversity sub-group of the Lawrence Steering Group.

5.86 By the end of 2003, most officers had attended a CRR workshop, although at least two forces are still implementing this programme. The majority of forces still arrange the workshop for those officers who began their post-probationary service after the initial implementation finished.

5.87 In March 2003, HMIC published their report ‘Diversity Matters’, a thematic inspection of the training provided to police officers and staff in support of race and diversity. Initially, the ‘Diversity Matters’ steering group (a sub-group of the PTDB) was set up to oversee the response to the 50 recommendations in ‘Diversity Matters’. At this stage there were two main oversight groups for race and diversity training:

- a. The race and diversity training sub-group of the Lawrence Steering Committee.
- b. The Diversity Matters Steering Group.

5.88 In March 2004, these two groups were amalgamated to streamline accountability and give a unified approach to race and diversity issues. Currently, the Police Race and Diversity Learning and Development Programme (PRDLDP) Board has the main responsibility for oversight and reports directly to the PTDB.

What we said in the interim report

5.89 In the interim report we outlined what we considered the objectives of race equality training should be for the police service. HMIC states that the following areas are critical to effective training: knowledge, understanding, skills, attitudes and behaviour (KUSAB). ACPO makes it clear that an effective police service is one that is not

institutionally or individually racist or discriminatory and that delivers equal treatment by equally meeting the needs of different groups. In addition, the police service is bound by the general duty to promote race equality. In our view, the objectives of race equality training should be to equip officers with the knowledge, understanding, skills, and attitudes to make sure their behaviour meets these demanding standards on race equality

5.90 We also outlined our emerging findings about the CRR programme, which were largely based on group and individual submissions. Most of this evidence came from ethnic minority officers and staff associations, and was critical of forces' race and diversity training. Some of the main issues raised were as follows:

- a. Some staff remained hostile to race and diversity training, and avoided attending, or attended but did not participate.
- b. Race and diversity training was ignored by senior officers.
- c. Most of the trainers were white.
- d. Some white officers treated the training 'as a big joke'.
- e. CRR training was largely seen as tokenistic.

5.91 The critical comments about the CRR programme were also reinforced by HMIC in their inspection report 'Diversity Matters'. Whilst HMIC reached the overall conclusion that the CRR training was 'reasonably efficient...but not totally effective'; they were critical of the programme, and critical areas which were highlighted include the following:

- a. Many course participants were unable to show any real understanding of terms 'institutional racism/discrimination'.
- b. The majority of learners felt they were being coerced to be politically correct.
- c. There was a lack of commitment and leadership within the police service.
- d. Some trainers were of poor calibre, and there was a lack of support for trainers in general.
- e. The learning needs of different ranks and roles were not identified. A 'one size fits all' or 'sheep dip' approach was taken.

5.92 'Diversity Matters' made 50 recommendations for the police service relating to race and diversity training issues. Under a protocol agreed in 2003, the Home Office is the lead agency responsible for coordinating the response to the recommendations. HMIC expressed its concern to us about drawing up timescales and measuring performance

against these. HMIC believes that it was mainly the Secret Policeman documentary that made this a more urgent priority for the police service.

5.93 At the interim stage of our investigation we expressed our concern at the progress made in implementing the recommendations in 'Diversity Matters'. We recommended that the follow-up training to the CRR programme should not be a 'one-size fits all' approach. We said we would ascertain progress made in response to 'Diversity Matters' and make recommendations relating to any programme that succeeded the CRR training. We also stressed that training needs to reflect fully the requirements of both the general and specific duties under the Race Relations Act.

Developments since the interim report

5.94 On 24 November 2004 'A strategy for improving performance in race and diversity 2004–2009: The Police Race and Diversity Learning and Development Programme' was launched at the Association of Police Authorities (APA) conference (for ease of reference, this will be referred to as the 'race and diversity strategy' in this report). Ownership for the delivery of the strategy lies with the Home Office, chief constables, ACPO and the APA. The strategy will be coordinated by the Police Race and Diversity Learning and Development Programme Board.

5.95 The race and diversity strategy is the central part of a package of initiatives and materials for the police service to improve performance relating to race and diversity following the roll out of the CRR programme. The main elements of the race and diversity strategy include:

- a. a five-year implementation plan for the race and diversity strategy;
- b. a business case for race and diversity learning and development;
- c. the ACPO national learning requirement;
- d. a quality assurance exercise and an evaluation of the CRR programme commissioned by the Home Office;
- e. the APA guide 'Involving communities in police learning and development';
- f. the national implementation of the Performance and Development Review (PDR) process; and
- g. the national implementation of the Integrated Competency Framework (ICF).

5.96 Led by ACPO, the partners have also produced an 'Interim Race Equality Action Plan for the Police Service' which also includes a series of actions related to race equality training.

Methodology

5.97 Following the detailed scrutiny of a number of reports including the HMIC thematic inspection report 'Diversity Matters', we conducted interviews with staff, officers, and trainers on issues related to race equality training. The interim report captured many of the findings of officer's experiences of the CRR programme.

5.98 To supplement this information, and further investigate the issues arising from emerging findings we undertook additional work. In particular:

- a. a questionnaire sent to 15 forces and authorities which included questions on post-foundation race equality training;
- b. a questionnaire specifically on training issues sent to eight forces (these were 8 different forces from the 15 referred to above) and their corresponding authorities;
- c. interviews with key stake-holders;
- d. interviews with main training providers;
- e. further witness testimony from officers and police trainers;
- f. evidence from key stake-holders at a series of hearings held in October 2004;
- g. visits by CRE officers to three police forces to interview relevant staff and officers; and
- h. critical examination of key draft documents and reports relating to various aspects of the race and diversity strategy.

Findings and recommendations

Evaluation and quality assurance of the CRR programme

5.99 The majority of police forces held CRR workshops for all their officers and staff by mid-2003. HMIC published its thematic inspection 'Diversity Matters' in March 2003. As part of their response to the inspection, the Home Office commissioned their own quality assurance and evaluation of the CRR programme.

5.100 Overall, both the quality assurance and the evaluation reports reinforce many of the issues and concerns we identified in the interim report based on witness testimony and also support many of HMIC's findings in 'Diversity Matters'. Some of the key findings from the quality assurance exercise include the following:

Course content tended to be very broad and general with limited emphasis upon community and race relations and rather more on diversity.

Few Trainers appeared to be comfortable in using examples of how they themselves were subjected to professional socialisation through 'canteen culture' in the Police and even less comfortable with examples of how colleagues assume automatic collusion with malpractices when dealing with black people in operational settings (e.g. beat policing, stop and search, traffic, CID).

5.101 These findings were also broadly supported by the evaluation commissioned by the Home Office of the CRR programme. Overall, the evaluation concludes that although the training was well received by a large number of officers, it has "not made a major impact on forces". The main reasons identified by the evaluation include:

- a. lack of a clear strategy with regard to training and other initiatives;
- b. lack of coherent objectives;
- c. cynical views on the rationale for training;
- d. defensiveness on the part of some police officers;
- e. inability to relate training to the demands of the role; and
- f. lack of consistent organisational and managerial support for the learning.

5.102 These findings are also supported by the questionnaire responses we received from police forces and authorities following the interim report on their training arrangements. Only four of the eight forces sampled could offer clear and detailed training objectives for their CRR training. Similarly three out of the eight forces could not provide detailed information about their evaluation arrangements. Whilst the sample

size was undoubtedly small, it suggests that the police service is not consistently delivering race equality and diversity training to the same standard.

5.103 There is also evidence that some police authorities could take a more active role in monitoring forces' training. Two out of the eight police authorities who received a questionnaire from us stated that they did not scrutinise the race and diversity training of their respective forces.

5.104 These findings reinforce our view that race equality training requires skilled management effectively to support its delivery. There is a real potential for 'backlash', particularly amongst some white officers, and the delivery of race equality training remains far more 'politicised' and sensitive than the delivery of other types of training (for example, health and safety legislation). A submission to the CRE by Unison suggests that these are also issues that affect police staff, as well as officers. Unless the police service is prepared systematically to address these issues, then learning and development on race and diversity issues will continue to be limited.

Slow progress in implementing the recommendations in 'Diversity Matters'

5.105 Since April 2003 the Home Office, through the Police Race and Diversity Learning and Development Programme, has been working with the main partners to implement the recommendations of HMIC's report 'Diversity Matters'. The overarching aim has been to develop a framework for future race and diversity training.

5.106 As noted in our interim report, the implementation of the recommendations in 'Diversity Matters' has not progressed as quickly as envisaged by HMIC. Many of the recommendations have been implemented a year later than anticipated. For example, the recommendation for the police service (overseen by the Police Development and Training Board) to identify the constituents of national learning requirement by October 2003, was not finalised until late June 2004. Similarly, although HMIC recommended that ACPO's guidance on involving communities in training should be issued in September 2003, it was eventually published in November 2004.

5.107 It is not wholly clear how far the delay in meeting the recommendations was due to unrealistic deadlines set by HMIC or how far it was a result of inaction by the Home Office. One stakeholder interviewed suggested that the HMIC deadlines were overly optimistic. However, there has also been a lack of an adequate explanation from the Home Office about the longer time-scale. It seems that until the Police Race and Diversity Learning and Development Programme Board was formed in March 2004, which in turn appeared to be spurred on by the screening of *The Secret Policeman*, there was a lack of clear leadership and infrastructure to develop the work in this area.

‘Treading water’ on race equality training

5.108 The knock-on effect of the longer time-scale in setting the future race and diversity framework for the police service is that the majority of forces appear to have been ‘treading water’ on race and diversity training for the past 18 months. Most forces held CRR workshops for all their officers and staff by mid-2003 and reduced the programme to a residual level from that point. Understandably, many forces were reluctant to embark on new race and diversity training as they were awaiting the launch of the national learning requirement (NLR).

5.109 Whilst in most forces there has been a hiatus in activity, some forces have stated that they have been building race equality into other training courses they run, and a small number have also trialled a follow up to CRR training. Two forces that our team members visited were still rolling out their initial programme of race and diversity training. There was still some degree of trainee resistance to the training (to the extent of hate mail to one civilian trainer) in one force, and in the other there were indications of ‘trainer overload’.

‘Late starters’ on the CRR programme

5.110 However, these two forces who began the CRR training later than other forces have used this delay to their advantage. In one force they began the CRR programme in early 2002 (it will run until June 2005), but this enabled trainers to observe CRR training elsewhere and avoid some of the main pitfalls. For example, in both forces the course was delivered progressively to different groups of staff, namely senior managers, middle-managers, junior officers and staff. In one force the training for the first two groups of staff lasted five days, and this reportedly enabled trainers to tackle trainee ‘resistance’ in the initial days. In the other force the CRR training was developed as a modular programme for different groups of staff.

5.111 Another significant positive feature of the training in one force was that the content was clearly linked to operational policing duties. The training for managers addressed race equality through leadership issues, while that for constables used stop and search examples. In the other force, one of the most positive features of the training was that it was explicitly linked to a wide-ranging ‘community audit’ project. The community audit researched the concerns and needs of a wide range of groups from the local community and sought their views and experiences about the way the force delivered its services. Case studies were based on ‘real-life’ examples, which gave them additional credibility for trainees.

5.112 A further positive feature in both forces visited was that the CRR training did not overly focus on issues related to language. The courses placed emphasis on respect and consideration when dealing with people, rather than the notion that if you ‘get the language right the rest will follow’. Many witnesses who gave evidence to us about the CRR training repeatedly felt that they were being patronised or that they were given a list of words they could not use without any context or understanding. These concerns were

voiced both by officers and police staff. One ethnic minority officer described this as 'being told when I should feel insulted'. The approaches taken by the two forces we visited appear to have avoided many of these problems.

Police 'race and diversity strategy'

5.113 The Home Office, ACPO and the APA launched the race and diversity strategy in November 2004, alongside the national learning requirement (NLR) for race and diversity. The NLR outlines the race and diversity learning and development needs for the police service. The NLR is linked to the National Occupational Standards (NOS), specifically NOS units 1A4 and 1A5 which relate to 'fostering' and 'promoting' race and diversity. Our reading of the NLR suggests that it is appropriately linked to the standards. However, this is qualified by our earlier recommendation that the standards should be revised to examine whether they could be made more dynamic and whether they sufficiently reflect the race equality duty. The NLR also sets out the need for 'generic' and 'contextualised' training which is a welcome step in addressing race equality learning and development needs without recourse to a 'sheep dip' approach.

5.114 The race and diversity strategy sets out the right underlying principles and we particularly welcome the target of ensuring that priority groups of staff are to be identified immediately, and assessed as competent against NOS unit 1A5 by 2007, with all other groups to be assessed as competent against NOS unit 1A4 by 2009. We also welcome the activities to ensure that race and diversity should be an integral part of other courses, and a move away from 'standard' courses given to all.

5.115 The race and diversity strategy also appears to set out an appropriate structure to deliver the stated aims. In particular, we welcomed the following elements:

- a. the appointment of race and diversity 'champions';
- b. published programme plan and annual progress reports from each force;
- c. future central support such as the development of core training materials; and
- d. annual assessment of progress by the Police Race and Diversity Learning and Development Programme Board.

5.116 Usefully, the race and diversity strategy clearly sets out a time-limited action plan, and is also clearly linked to the national implementation of the Performance Development Review (PDR) system as a key mechanism to identify learning and development needs on race equality issues.

5.117 The main stakeholders across the police service have welcomed the race and diversity strategy. At the stakeholder hearings held in October 2004, the Home Office reported that the strategy was an important part of the process in ensuring national consistency in the area of race and diversity. The Home Office acknowledged that for too

long the police service has shied away from identifying these standards, and stressed the importance of leadership in delivering the strategy. The Association of Chief Police Officers, amongst others, also welcomed the move away from the ‘sheep-dip’ or one-size-fits-all approach.

5.118 We welcome the Police Race and Diversity Learning and Development Programme strategy, in particular its steer towards ‘generic’ and ‘contextualised’ training.

Recommendations

- All stakeholders should give the highest priority to implementing their commitments and objectives in the Police and Race and Diversity Learning and Development Programme Strategy.
- Centrex, and chief officers via their training managers, should work towards the integration of race and diversity into the courses designed to meet the role-defined needs of groups such as constables, newly promoted sergeants and so on.
- Chief officers should ensure that their forces use Performance and Development Reviews (PDRs) to identify common and individual training needs in relation to race equality. Once identified, these training needs should be fed into the course design process and met, where appropriate, by external courses, projects or placements.

Issues and concerns relating to the race and diversity strategy

5.119 While we welcome the overall direction and framework of the race and diversity strategy, we have a number of substantive concerns about the strategy. A major concern is that it might not be implemented consistently and fully across the entire police service. As one senior manager remarked, ‘it’s unlikely we will be able to meet the Home Office’s expectations in implementing the strategy’. There are numerous pressures and demands on the police service, and we are anxious that the strategy remains a high priority for the police service, especially as the furore caused by the screening of *The Secret Policeman* subsides. A well-intentioned strategy will be a missed opportunity for the police service without rigorous implementation.

5.120 We are also concerned about the degree to which the Home Office has produced this strategy in accordance with the race equality duty and the need to assess and consult on the likely impact of proposed policies on the promotion of race equality. Similar to the Initial Police Learning and Development Programme, we have found a lack of evidence to suggest that this component of the RES duty has been implemented. This raises the concern that the race equality duty is not fully integrated into the work of the Home Office nor sufficiently reflected in the race and diversity strategy.

5.121 Concerns about the race and diversity strategy have also been voiced by the main stakeholders within the police service. At the stakeholder hearings held in October 2004, ACPO – whilst very supportive of the strategy – suggested that they did not believe that the definition of ‘race and diversity’ was clear enough, and that the performance indicators for the strategy could also be clearer.

5.122 At the stakeholder hearings, concerns were also raised with us about the National Occupational Standards (NOS) which underpin the race and diversity strategy. Whilst these concerns are outlined more fully in chapter 3 above, on the standards framework, they have a direct bearing on the race and diversity strategy. ACPO expressed a concern that the NOS framework is too complicated. The implication is that the complexity of the NOS may act as a barrier to achieving the outcomes in the race and diversity strategy. The APA also expressed concerns that the NOS are not sufficiently embedded in the police service. In addition, the National Black Police Association voiced concerns to us that NOS implementation had been generally poor. Unless this issue is addressed by all the main stakeholders, the impact of the race and diversity strategy is likely to be limited.

5.123 While we welcome the focus on ensuring officers are assessed as competent against NOS units IA4 and IA5, there are also at least two other NOS units with a specific race and diversity focus which could also be included as targets. Although NOS units 4B2 and 4B3 may affect a small number of staff (they relate to staff engaged in developing, designing and delivering plans and procedures for the promotion of equality), they will be integral to ensuring that the force is securing race equality outcomes.

Recommendation

- The Home Office, the Association of Chief Police Officers and the Association of Police Authorities (through the Police Race and Diversity Learning and Development Programme) should set a target for relevant groups of staff to be assessed as competent against National Occupational Standards units 4B2 & 4B3 by 2007.

5.124 We are also concerned that the strategy does not caution against a stress on ‘correct’ language rather than on developing the attitudes from which non-oppressive language will follow. The strategy could also place greater emphasis on the need to integrate race and diversity issues into other role-related training (for example, training for inspectors, or for experienced police constables).

Recommendation

- Chief officers should ensure that their forces emphasise in training the core ethic of respect and consideration of the full diversity of individual needs and groups, from which non-oppressive language will grow, rather than mechanistic lists of ‘correct’ and ‘incorrect’ terminology.
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5.125 As outlined in section 5 of this chapter below on training in the race equality duty, we are concerned that forces are failing fully to implement that element of the race equality scheme duty relating to the training of staff on both general and specific duties of the Race Relations Act. Many forces appear to have addressed the overarching general duty to promote race equality in their CRR training in only a very superficial way. For example, one training manager said that the only revision they made to their course was to invite a senior manager to mention the duty at the outset of the workshop. While there are two references to the general duty to promote race equality in the race and diversity strategy, this reads more as a ‘bolt-on’ than a central feature of the strategy. Forces may not be clear how they can systematically meet their statutory duties within the context of the race and diversity strategy. We refer to the recommendations following paragraph 5.144 in section 5 of this chapter below on training in the race equality duty, which say:

The Home Office (through the Police Race and Diversity Learning and Development Programme) should publish guidance to all forces giving detailed guidance on training in both the general and specific duties; and

Forces must analyse the training needs of all officers and staff with respect to both the general and specific duties and then meet them either within race and diversity training or separately.

5.126 It is likely that the strategy will focus on the learning and development needs of those officers and staff who are new to their roles. Given the competing demands for resources, we are also concerned that there may not be sufficient support for longer serving officers.

5.127 There is also greater scope within the strategy for the dissemination of good practice between forces. The race and diversity strategy could also make more explicit the value and resource of involving staff support associations.

5.128 We welcome the commitment by the Police Race and Diversity Learning and Development Board to continue to oversee and scrutinise the race and diversity strategy. However, we are concerned by the lack of detail in respect of the scrutiny role and also about the capacity of the Home Office effectively to monitor the full implementation of the strategy. It remains unclear how the Home Office will be supporting and challenging, as appropriate, those forces who are not fully implementing the strategy. These concerns are compounded given the longer than anticipated time-scales in meeting the HMIC recommendations. During the hearings held in October 2004, whilst Centrex welcomed

the race and diversity strategy, they also expressed concerns about a lack of clarity about who will be monitoring the strategy and how this will be done.

5.129 To this end, the monitoring process could usefully be complemented by an HMIC thematic inspection in one-two years time to chart progress since 'Diversity Matters'. We refer again to the recommendations following paragraph 5.144 in the training in the duty section of this chapter, which are quoted in full at paragraph 5.125 of this section.

Recommendations

- The Home Office should continue to scrutinise closely and oversee the Police Race and Diversity Learning and Development Programme (PRDLDP), ensuring the strategy is robustly quality assured. As part of its race equality duty, it should monitor the strategy for any adverse effect on the promotion of race equality.
 - Her Majesty's Inspectorate of Constabulary should carry out a thematic inspection in 2007 to measure the impact of change since the publication of 'Diversity Matters' in 2003.
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List of recommendations

46. All stakeholders should give the highest priority to implementing their commitments and objectives in the Police and Race and Diversity Learning and Development Programme Strategy.
47. Centrex, and chief officers via their training managers, should work towards the integration of race and diversity into the courses designed to meet the role-defined needs of groups such as constables, newly promoted sergeants and so on.
48. Chief officers should ensure that their forces use Performance and Development Reviews (PDRs) to identify common and individual training needs in relation to race equality. Once identified, these training needs should be fed into the course design process and met, where appropriate, by external courses, projects or placements.
49. The Home Office, the Association of Chief Police Officers and the Association of Police Authorities (through the Police Race and Diversity Learning and Development Programme) should set a target for relevant groups of staff to be assessed as competent against National Occupational Standards units 4B2 & 4B3 by 2007.
50. Chief officers should ensure that their forces emphasise in training the core ethic of respect and consideration of the full diversity of individual needs and groups, from which non-oppressive language will grow, rather than mechanistic lists of 'correct' and 'incorrect' terminology.
51. The Home Office should continue to scrutinise closely and oversee the Police Race and Diversity Learning and Development Programme (PRDLDP), ensuring the strategy is robustly quality assured. As part of its race equality duty, it should monitor the strategy for any adverse effect on the promotion of race equality.
52. Her Majesty's Inspectorate of Constabulary should carry out a thematic inspection in 2007 to measure the impact of change since the publication of 'Diversity Matters' in 2003.

Section 5: Training in the race equality duty

Introduction

5.130 Section 71(1) of the Race Relations Act places a general duty on listed public authorities – which include all police forces and police authorities – to promote race equality. The provision states that:

Every body or other person specified in Schedule 1A or of a description falling within that Schedule shall, in carrying out its functions, have due regard to the need -

- a. to eliminate unlawful racial discrimination; and
- b. to promote equality of opportunity and good relations between persons of different racial groups.

5.131 Additionally, the Race Relations Act 1976 (Statutory Duties) Order 2001 placed specific duties on many of the listed public authorities (again including all police forces and authorities) to help them meet the general duty to promote race equality. The Order is set out in full in appendix 1, but in summary it comprises requirements to:

- a. monitor, by ethnicity, staff in post, and applicants for employment, training and promotion;
- b. monitor by ethnicity (for employers with 150 full-time staff or more) those who receive training, benefit or suffer detriment from performance assessment procedures, are involved in grievance procedures, are subject to disciplinary procedures or who cease employment;
- c. publish annually the results of the above employment monitoring; and
- d. publish a race equality scheme which specifies those functions, policies and proposed policies assessed as relevant to the general duty to promote race equality and which sets out arrangements for the various steps involved in assessing and consulting on the likely impact of its proposed policies on race equality, for monitoring existing policies for adverse impact on race equality, for publishing results of assessments and consultation, for ensuring public access to information and services it provides, and for *‘training staff in connection with the duties imposed by section 71(1) of the Race Relations Act and this Order’* (emphasis added).

5.132 It is evident from this that appropriate training regarding both the general and specific duties is required in order to meet the overarching general duty to promote race equality, and that this is conceptually distinct from race equality or race and diversity training. It appears to us that such training must include the following points:

- a. the provision of necessary knowledge and skills to those entrusted with specialist responsibilities regarding the race equality duty, ie those responsible for reviewing the scheme, ‘impact assessment’ of policies and functions, and ethnic monitoring of employment patterns; and
- b. engendering an awareness and commitment by officers at all levels of what the duty on their employer requires of them in their work. This may of course be secured in effect by good race and diversity training, particularly as National Occupational Standards 1A4 and 1A5 on which it should be grounded stress the positive ‘foster’ and ‘promote’ rather than simply the avoidance of discrimination. But it is important that trainees appreciate that this emphasis has a statutory foundation and is not just good practice (as it was before 2001) and that they should consider examples of how their actions will contribute to it. This might include, for instance, careful probing which reveals that an incident is a racist incident, challenging or reporting racism by colleagues, making special efforts to consult ‘hard to reach’/‘fail to reach’ groups as well as others, or monitoring subordinates’ stop and search records and taking action on any which show a persistent racial skew when measured against comparable colleagues.

What we said in the interim report

5.133 Our section on the race equality duty noted from the sample of forces’ schemes that we examined that ‘Some schemes omitted entire components of the scheme, such as arrangements for training staff on the duties’. Where this occurred it seemed unlikely that such training was taking place. In the police authority schemes that we examined ‘Employment functions and policies were generally omitted from all five Schemes’ initial assessments of the functions and policies that were relevant to promoting race equality’. Once again this oversight suggested that training in these areas was not taking place.

We noted from our witness evidence that

....very few officers were aware of their force’s scheme, and those that were did not know what it contained or what it was for. Almost everyone we interviewed had not seen their force’s scheme, and many did not know about the amendments to the Race Relations Act. This meant they were ignorant of the four crucial changes affecting police forces, policing and legal liability:

- a. the statutory general duty to promote race equality;
- b. the statutory specific duties introduced to help forces to meet the general duty;

This was yet another indication that training, or at least very effective training, was not taking place in this area.

5.134 In the second stage of the investigation we undertook to ascertain progress on race and diversity training in response to HMIC's thematic reports 'Training Matters' and 'Diversity Matters', and added that such training 'must also properly take into account the requirements of both the general and specific duties under the Act'.

Developments since the interim report

5.135 We have obtained no evidence of significant further developments in the period since June 2004, beyond the content of the Home Office publications of November 2004 referred to in paragraph 5.137 below, under 'Methodology'. These were the initial police learning and development programme (IPLDP) 'Force Learning and Assessment Manual' and its three appendices; the initial police learning and development programme (IPLDP) 'Student Learning and Assessment Portfolio' and its two appendices; and 'A strategy for improving performance in Race and Diversity 2004-2009: The Police Race and Diversity Learning and Development Programme'.

Methodology

5.136 We asked a question about identification of training needs in this area in our questionnaire to all forces and authorities in spring 2004. We later explored this area via questions in a wide-ranging questionnaire sent to 15 forces (from which 13 responses could be used in the analysis) and a similar one sent to 11 police authorities, both in September 2004. The same material plus additional questions were included in a specific training questionnaire sent to eight further forces in October 2004, and a similar one to their (eight) police authorities. We subsequently visited three of the latter eight forces regarding training, having examined course materials, and further queried this area as well as others.

5.137 In November 2004 we examined the Home Office's foundation training (IPLDP) Manuals and its race and diversity training strategy document, referred to in paragraph 5.135 above, to ascertain what they prescribed regarding training in connection with the race equality duty.

Findings and recommendations

5.138 In response to our initial questionnaire of spring 2004, 37 (86%) of the 43 forces said that they had identified training needs in relation to both the general and specific duties. However, the responses to our more detailed questionnaires from a sample of 21 forces several months later suggested that a notably smaller proportion had actually delivered such training, as shown in paragraphs 5.139 and 5.140 below.

5.139 In response to our questionnaire question, ‘Are the individuals who carried out the race impact assessment trained to do so?’, 12 forces answered yes, five answered no and four said not applicable. Of the 12 who said yes, however, only three gave the content of the training as race or equality impact assessment. Some specified content that might have included this, such as training in the ‘Race Relations (Amendment) Act 2000’ or the ‘general duty’, but others referred to community awareness training, diversity training or Human Rights Act training, which seemed unlikely to focus on the mechanics of impact assessment. Altogether, therefore, of our sample of 21 forces certainly over a quarter, and possibly over a half, had not trained their impact assessors to carry out this function. This picture was complemented by information given at a conference in March 2004 called by the Metropolitan Police Authority to consult on their race equality scheme, when a speaker from the Metropolitan Police Service indicated that the training needs of impact assessors were at that time being identified in order to design training for them. Clearly this was a welcome development, but it did suggest that the need was only then being recognised.

Recommendation

- The chief officers of all forces and police authorities that have not yet done so should ensure the identification of all or any learning requirements of those with specialist responsibilities concerning the race equality duty, such as reviewing the scheme, impact assessment or ethnic monitoring of employment patterns. They should address how to meet these needs in the forces race and diversity training strategy. (See our recommendation following paragraph 5.6 in section 1 above of this chapter.)

5.140 Regarding non-specialist training in the race equality duty, 21 forces provided information. Twelve said that training on the general and specific duties was included in their race and diversity training strategy but eight said it was not and one said not applicable. Seventeen said they had provided training specifically on the duties since May 2002 but four said they had not. Of the 17, 15 indicated that they had covered it in diversity or CRR training, but it should be borne in mind that HMIC’s ‘Diversity Matters’ report, and our interim report, generally found widespread shortcomings in these programmes (though we have found exceptions in some which are still ongoing). The remaining two forces did not clarify the context in which training on the duties was delivered.

5.141 Of the 17 forces that had provided training, 15 had used internal trainers to deliver it, either solely or in partnership with external trainers. However, in answer to the question, ‘If your own staff provide the training, have they been trained on the general and specific duties?’, 11 of these forces said yes but four said no.

Recommendation

- Chief officers should ensure that the learning requirements of staff who deliver training in both the general and specific duties are also identified and addressed in their force's race and diversity training strategy.
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5.142 Our visits to a small sample of forces regarding training led us to conclude that, in those forces, training on the race equality duty was confined to a brief coverage within race and diversity training, with a focus on the wording of the law, and little or no specific linkage to the good practice that was, it is fair to say, encouraged elsewhere in the training.

5.143 In response to our initial questionnaire of spring 2004, 24 (83%) of the 29 police authorities who responded said that they had identified training needs in relation to the general and specific duties. However, the response from our large sample (19 authorities) several months later indicated that 13 (68%) had provided such training and 6 (32%) had not.

5.144 Overall, therefore, we conclude that training in both the general and specific duties has not been attempted in a sizeable minority of forces and authorities, which could constitute a breach of the general duty to promote race equality itself. We also conclude that in many cases where it has been delivered the coverage has been unduly brief and legally focused, and not sufficiently linked to operational practice.

Recommendations

- The Home Office (through the Police Race and Diversity Learning and Development Programme) should publish guidance to all forces giving detailed guidance on training in both the general and specific duties.
 - Chief officers must ensure that their forces analyse the training needs of all officers and staff with respect to both the general and specific duties, and then meet them either within race and diversity training or separately.
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5.145 In our consideration of foundation training (section 3 of this chapter above), paragraph 5.71, we noted that the course materials at Hendon contained only a single sentence referring to the general duty to promote racial equality, while Centrex's trainer notes for each module included a brief reminder of the duty but no indication of how, or whether, this should feature in the training. We were also seriously concerned that at least some of the forces piloting local delivery of the new curriculum appeared to be largely re-using the existing materials, and that the manuals, portfolios and appendices issue to forces in November 2004 made no reference to the duties. We repeat therefore the recommendations following paragraphs 5.80 and 5.81 above of this chapter, on foundation training, ie that

The Initial Police Learning and Development Programme Board should supplement the materials published in November 2004 with an addendum giving full guidance on meeting the training needs of foundation trainees with regard to the race equality duty.

Before IPLDP is introduced to further forces the Home Office should finalise core training materials for the race and diversity content, including coverage of both the general and specific duties, drawn from such materials that have been drafted by Centrex, and any effective examples developed by the pilot forces.

List of recommendations

53. The chief officers of all forces and police authorities that have not yet done so should ensure the identification of all or any learning requirements of those with specialist responsibilities concerning the race equality duty, such as reviewing the scheme, impact assessment or ethnic monitoring of employment patterns. They should address how to meet these needs in the forces race and diversity training strategy. (See our recommendation following paragraph 5.6 in section 1 above of this chapter.)
54. Chief officers should ensure that the learning requirements of staff who deliver training in both the general and specific duties are also identified and addressed in their force's race and diversity training strategy
55. The Home Office (through the Police Race and Diversity Learning and Development Programme) should publish guidance to all forces giving detailed guidance on training in both the general and specific duties.
56. Chief officers must ensure that their forces analyse the training needs of all officers and staff with respect to both the general and specific duties, and then meet them either within race and diversity training or separately.

Section 6: The race equality content of leadership and management training

Introduction

5.146 The biggest provider of training to develop officers and prepare them for progression within the police service is the National Police Leadership Centre at Centrex. At the time of our inquiries in September and October 2004 the Centre had 16 full-time trainers whose primary focus was the delivery of five major programmes, as follows:

a. Strategic Command Course

This is designed to prepare superintendents and chief superintendents to progress to ACPO ranks. It has comprised four modules of on average three weeks each plus some structured visits, taking 60–90% of participants' time over nine months. Two courses were delivered in 2003/04 with 49 participants on each.

b. Senior Leadership Development Programme

This course is also designed to improve the performance of superintendents and chief superintendents and has a two-week foundation module followed by a wide choice of modules, over an indeterminate period, open to participants according to their assessed training needs. During 2003/04 831 officers attended some part of the programme.

c. Senior Leadership Development Programme 2

This comprised a further seven modules added to (b) above, which were piloted in 2003/04. 221 officers attended some part of the programme (which will now be merged with (b) above in 2003/04).

d. High Potential Development Scheme

This is a programme to support the 'fast track' progression of officers from post-probationary constables to chief inspectors. The scheme comprises six modules of several days each. In 2003/04 481 officers completed the scheme.

e. Personal Action Programme

This comprises two 'positive action' programmes:

- i. Leadership Development for Senior Women. Two courses were run in 2003/04 (one for inspectors and one for chief inspectors and superintendents) attended by a total of 25 officers.
- ii. Personal Leadership Programme for ethnic minority officers. During 2003/05 266 officers and 235 staff attended this three-day module.

5.147 Centrex provision is complemented by in-force courses, by far the largest deliverer of which is the Metropolitan Police Service (MPS). At the time of our inquiries in November their Hendon Management School employed seven inspectors and eight trainers at the rank of sergeant, whose primary focus was delivering four major programmes, as follows:

a. Sergeants' Foundation Course

This is a nine-day module for newly promoted sergeants, to introduce them to their new responsibilities. Because of a previous shortfall of sergeants in the MPS the number of attendees has been large, with 1114 participants attending in 2003/04.

b. Inspectors' Course

This is a similar five-day module for newly promoted inspectors.

c. Custody Officers' Course

A 10-day module for officers newly appointed to this area of responsibility.

d. New Managers' Course

A three-day module for civilian staff newly promoted to management posts.

What we said in the interim report

5.148 We noted that, besides diversity training and the diversity element in probationer training, 'Diversity issues are also threaded into specialist training, such as senior command and stop and search courses'.

5.149 We also noted the attendance of several hundred ethnic minority officers and staff on the three-day Personal Leadership Programme, provided by Centrex in partnership with the National Black Police Association (NBPA). We quoted the NBPA president's remark that, while the syllabus was not designed specifically for ethnic minority participants, it was 'extremely powerful in its contents'.

5.150 Finally, we said that while the interim report focused on probationer and diversity training, we would examine leadership (and other training issues) in the second stage of the investigation.

Developments since the interim report

5.151 At Centrex, the Strategic Command Course was reduced in 2004/05 to six weeks' attendance over seven months, with some content (including some of the diversity coverage) transferred to the Senior Leadership and Development Programme 2.

5.152 A planned course for chief officers at Centrex, including race and diversity coverage, was put on hold due to the uncertainties caused by the large cut in Centrex's budget from June 2004.

5.153 The Personal Leadership Programme for ethnic minority officers (PLP) was initially cut from a planned 1200 places in 2004/05 to 900, because of Centrex's budget reduction. However, because of efficiency improvements (eg courses running closer to full capacity) by the autumn of 2004 501 participants had attended instead of the projected 375, giving an estimated attendance for the year of between 1000 and 1200.

5.154 Other developments, spanning the period before and after our interim report, are covered in our findings and recommendations section below.

Methodology

5.155 A member of our investigation team received concise but comprehensive documentation from the National Police Leadership Centre in August 2004, and we appreciate the fact that this featured summaries specially prepared for the purpose, together with key documents, rather than a mass of documentation requiring sifting. Our officer interviewed at length the Centre's director, together with her senior colleague with responsibility for race and diversity, during an extended visit to Bramshill in September 2004. After the receipt and study of further documentation identified as relevant during the visit, a further interview with the same two managers took place in October 2004,

followed by a telephone interview with another member of the team to clarify some particular points of detail.

5.156 Similarly our team received prior documentation from the Metropolitan Police Service (MPS) Management School, and in addition was able to examine the MPS's replies to the questions on training in our questionnaire survey. A member of our team then interviewed at length the head of the school and one of his colleagues during an extended visit to Hendon in November 2004.

5.157 Our questionnaire surveys to forces addressed the idea of bringing race and diversity issues into other training – including such leadership and development training as they provide – and this was followed up in visits to a small sample of other forces regarding training. These inquiries are covered in section 7 of this chapter below on the inclusion of race equality within other training.

Findings and recommendations

5.158 The director of the Leadership Centre at Centrex and her colleague supplied detailed and persuasive evidence of a comprehensive strategy to bring race and diversity issues appropriately into all the Centre's programmes. The director related that soon after her appointment in 2003 she began a review of the race and diversity content of each programme in the light of the respect for diversity behaviour in the National Competency Framework (NCF, dating from 2001) and standards 1A4 and 1A5 in the National Occupational Standards (NOS, at that time just published). It was found that the race and diversity content of some programmes needed more remedial action than others. The director explained that in this review, which was nearly complete (and in the design of new courses) each element in the NOS, ie each standard, was linked to the corresponding behaviour in the NCF and analysed for the learning requirement that it indicated. Thence objectives for each programme or course, in terms of what the trainee could demonstrate (knowledge, skill or attitude) were drawn up, and the training was designed or re-designed accordingly.

5.159 The director and her colleague were able to demonstrate how this worked in each programme. For example, it was clear from the syllabus that race and diversity was a major component in one of the Strategic Command Course's four modules, and that it featured appropriately in each of the other three. Three of the course's 10 learning outcomes concerned only race and diversity, which also featured to some extent in six of the remaining seven. Similarly, in the Senior Leadership Development Programme the two-week foundation module included consideration of the implications of the Stephen Lawrence inquiry report; the critical incident command module drew lessons from the same report and from the case of Victoria Climbié; the managing community partnerships module addressed, amongst other issues, those relating to asylum seekers; and the effective management of workplace relations module covered grievances, including those about discrimination and harassment. Moreover, following the review process described

above, the seven new modules added as ‘Senior Leadership Development Programme 2’ included one devoted specifically to fostering equality and diversity.

5.160 However, it is notable that the race and diversity content of the Senior Command Course has been reduced as part of the overall substantial shortening of that course, and that not all of this reappears elsewhere. Also the prospective chief officer course, with race and diversity content, was put on hold because of the (in effect) 30 per cent cut in Centrex’s budget for 2004/05.

Recommendation

- The Home Office should monitor the effect of the reduction in Centrex’s budget on the promotion of race equality and reflect its findings in the organisation’s budget for 2005/06.

5.161 The Leadership Centre’s director and her colleague supplied, immediately on request, ethnic breakdowns of attendance on all the programmes considered above. It was clear therefore that the forces’ requirement of the employment monitoring duty regarding ethnic monitoring of access to training was being met by Centrex. While Centrex did not have data on those who applied, it would be the responsibility of forces to monitor applicants they had nominated and not nominated, since they are the decision-makers at that point, albeit with Centrex written guidance (see section 8 of this chapter below, ‘Access to Training’). However, encouragingly the ethnic minority proportion of attendees nationally (in 2003/04) was mostly similar to, or above, the national figure for ethnic minority officers at appropriate ranks, ranging (apart from the small attendance on the Leadership for Senior Women course) from 2.7% on the Senior Leadership Development Programme 2 to 7% on the Senior Command Course. The only possible exception to this was the High Potential Development Scheme, which is for constables and chief inspectors. Concern about ethnic minority access to this programme was expressed at the National Black Police Association’s most recent national conference. While the ethnic minority attendance figure given by Centrex, at 3%, was only marginally below the national proportion at these ranks, it is notable that SEARCH ethnic monitoring shows that ethnic minority candidates are more likely to be graduates than are white candidates; for example Indian 37.8%, Pakistani 25.8% and black African 35.4%, compared with white British 22.7%. Conversely white British applicants contain the highest proportion of candidates with no formal qualifications. On the not unreasonable assumption that there is some correlation between educational attainment and high potential, the 3% figure referred to above might be a matter of concern, although the figures for graduates are of course for applicants, not appointees.

Recommendation

- The Home Office should consider whether there is evidence suggesting possible ethnic minority under-representation on the High Potential Development Scheme. If there is such evidence, it should commission research of a representative sample of forces, into selection, by race, for this programme, to identify and address any unjustifiable barriers to ethnic minority candidates.
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5.162 Information was supplied on current programmes and also on the Centre's Core Leadership Programme, which had been piloted since April 2004 and started to be introduced in October. It is a largely distance learning package open to post-probationary constables, sergeants and inspectors, and civilian staff at corresponding levels, to assist them to improve and prepare for promotion. National Vocational Qualification (NVQ) accreditation is being sought, as well as recognition of the training as a preparation for promotion exams.

5.163 There are 16 modules and trainees will 'pick and mix' according to locally assessed training needs. For accreditation forces must satisfy Centrex's criteria on the identification of training needs, local support of trainees and ethnic monitoring of take-up, with data collated centrally by Centrex's Examinations and Standards Unit. The Leadership Centre had also raised with the Unit the question of mapping OSPRE success rates against course participation – to evaluate the programme in terms of results – and the ethnic monitoring thereof, to identify whether any enhanced promotion rates differ by race.

5.164 The programme is mapped to the Integrated Competency Framework, including the 'Race and Diversity' behaviour and standards. One of the modules is on race and diversity and covers (at different levels as appropriate) canteen culture and the causes of discrimination, the effects of discrimination and leadership strategies to address and prevent it, and the legal responsibilities of leaders (at all levels) not to discriminate personally or vicariously and positively to promote race equality.

5.165 Race and diversity issues are threaded through six of the remaining 15 modules, and details were subsequently given in writing. For example, the PDR module considers bias, prejudice and discrimination in appraising staff, and the racist incidents and hate crime module considers the effect of racism on victims and communities, the importance of the Lawrence inquiry (victim-centred) definition and effective strategies, including multi-agency working.

5.166 The Centre's director agreed that it was a matter of concern that officers who were not seeking promotion would probably not participate, and would not be exposed, among other areas, to such consideration of race and diversity issues unless their force happened to have mandatory training for longer serving officers at each rank. She personally favoured working towards making participation in the programme mandatory, since its aim is to help officers to develop in their jobs and to be better fitted for sideways

moves, as well as preparing them for promotion. She felt the case for this was strengthened by the fact there was no longer a Centrex course for newly-promoted inspectors, though there is still one for newly-promoted chief inspectors.

5.167 We commend the attention to race equality coverage that has clearly been given in the design and implementation of this programme. We feel in principle that there are great advantages to providing race and diversity training within this and other leadership and development programmes, rather than as 'stand alone' courses, as officers will receive training according to their current or prospective roles, not through a 'one size fits all' approach. Equally importantly, race and diversity training to meet trainees' needs would be covered along with all their other new or prospective responsibilities, so ending the 'ghettoisation' of race and diversity training that we quoted ACPO as pointing to in our interim report. The challenge however is that not all officers will choose to apply to attend leadership or developmental training. A possible remedy for this would be to make it compulsory, so that every officer would undergo race and diversity training within foundation training, constable development training, newly-promoted sergeant training, sergeant development training, newly-promoted inspector training and so on, up the rank structure. We suggest that all forces should consider how to integrate race and diversity training in this way in the second part of our recommendation following paragraph 5.118 in section 4 of this chapter, above, on post-foundation race and diversity training.

5.168 The Personal Leadership Programme (PLP) for ethnic minority officers was strongly endorsed by the National Black Police Association (NBPA). Nevertheless testimony from a small number of ethnic minority witnesses was highly critical, describing it as an 'off the shelf' business management course from a consultancy that did not address the specific challenges faced by ethnic minority officers and staff. The director of the Leadership Centre said that on her appointment she had reviewed the pilot courses that had been delivered. As a result she had commissioned a leading member of the NBPA to 'map it to the ICF' and to ensure that diversity issues were 'mainstreamed' within it as and where appropriate. With the agreement of the consultancy, a revised programme had been delivered since mid-2003 which included, for example, building confidence to challenge inappropriate attitudes and practice. The director claimed that feedback since then had been consistently positive and suggested that the criticisms might have come from individuals whose direct experience of the programme pre-dated these changes. Whether or not this is the case, fresh tenders were to be invited in early 2005 for a PLP to meet learning requirements derived from the beginning from prescribed ICF standards and behaviours. We conclude that Centrex has acted commendably to develop and enhance this crucial programme.

5.169 The head of the Hendon Management School and his colleague supplied detailed information on the content of the school's programmes, including that relating to diversity. For example, key components of the Sergeants' Foundation Course were:

- a. an incident on a parade/march;
- b. a bomb incident;
- c. an incident of bullying within the team;
- d. managing issues for a Muslim officer (in this scenario a Muslim officer has joined the force against the wishes of her family);
- e. managing issues for a gay officer;
- f. dealing with a probationer who has a seemingly disproportionately high rate of stops and searches of ethnic minority people – exploring the issues and developing an action plan;
- g. dealing with a complaint about a caretaker on an estate who uses the term 'illegals', and how trainees might challenge this language; and
- h. dealing with a pregnant staff member who has been denied access to a training course.

5.170 It can be seen that race and diversity issues feature prominently and, it would appear, appropriately. The stop and search content in particular is notable, since the CRE's advice to the police service for some time has been that a key component of addressing race disproportionality is individual management by sergeants. (Whether or how this is done in practice is, we understand, currently being examined in research on stop and search commissioned by the government's Criminal Justice and Race Unit, but it is encouraging that Hendon training addresses it.)

5.171 We were advised that the course for sergeants and others tend to be participative rather than didactic, with a very positive attitude displayed (including on diversity) by the newly-promoted course members. Unwelcome incidents were mostly confined to instances of inappropriate language, but almost invariably of a sexist, not racist, kind. However, there was no formal monitoring in place to track less serious instances.

5.172 It is notable that the newly promoted Inspectors' Course is shorter, and it was confirmed that the diversity coverage was also shorter, the reasoning being that course members had already covered diversity in a management context in the sergeants' course.

5.173 Altogether this part of our inquiries confirmed our sense that programmes for officers embarking on, or aspiring to, new responsibilities may be the most positive context for delivering the learning requirement of the Police Race and Diversity Learning

and Development Programme, rather than ‘stand alone’ courses which can ‘ghettoise’ the subject. At the same time, though, this leaves a gap in coverage unless provision is made for development training for longer serving officers in each rank who have not secured promotion. We refer again therefore to the second part of our recommendation following paragraph 5.118 of this chapter above on ‘Post-Foundation Race and Diversity Training’, regarding how this may be carried forward.

5.174 We established from our inquiries that course content is designed by the MPS’s Training Standards Unit and only delivered by the Management School. Although the latter’s staff update content from time to time, to take account of new legislation and other developments, this does not appear to be systematic – it had not led, for example, to integrated coverage of both the general and specific duties under the Race Relations Act. The Management School does not have the authority fundamentally to re-model content in the way, for example, that Centrex’s Leadership Centre has, and we wonder whether the split between designers and deliverers is too reliant on good, flexible working relationships across departmental boundaries. Another boundary is that course content is submitted from all parts of Hendon to the Diversity Training Standards Unit for ‘diversity proofing’, and we were advised in that Unit of variations in the degree of cooperation that they received on this from different schools and units. (It will be recalled that at Centrex the Leadership Centre had its own manager with responsibility for race and diversity, suggesting that this was something they intended to include internally, rather than going ‘outside’ for a ‘kite mark’ from the ‘experts’). All of this potentially indicated that activity at Hendon could be affected by one link in the chain holding everything up and also that everyone could then blame other parts of the organisation.

Recommendation

- The Home Office should ensure that the division of responsibilities at Hendon regarding course design, race and diversity ‘proofing’ and provision is examined, to remove any unnecessary boundaries and lack of coordination between these functions.

5.175 We also had concerns regarding the ‘fitness for purpose’ of the race and diversity content of courses in practice. The courses delivered by the Management School were, we understood, designed before the publication of NOS standards in 2003, and had not undergone a fundamental revision since, or been systematically mapped against ICF, in the way that Centrex’s leadership programmes have been. The Management School’s head also conceded that its courses had not changed in any way as a result of the force’s race equality scheme. While some or much of the race and diversity content may be positive, there is clearly a need to review provision in the light of the race equality duty, and to define learning outcomes in terms of national standards in order to evaluate them accordingly.

Recommendation

- The Home Office should ensure that the management training programme at Hendon is reviewed in the light of the race equality duty, and that course objectives are derived from the behaviours and standards laid out in the Integrated Competency Framework, including those relating to race equality and diversity.
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List of recommendations

57. The Home Office should monitor the effect of the reduction in Centrex's budget on the promotion of race equality and reflect its findings in the organisation's budget for 2005/06.
58. The Home Office should consider whether there is evidence suggesting possible ethnic minority under-representation on the High Potential Development Scheme. If there is such evidence, it should commission research of a representative sample of forces, into selection, by race, for this programme, to identify and address any unjustifiable barriers to ethnic minority candidates.
59. The Home Office should ensure that the division of responsibilities at Hendon regarding course design, race and diversity 'proofing' and provision is examined, to remove any unnecessary boundaries and lack of coordination between these functions.
60. The Home Office should ensure that the management training programme at Hendon is reviewed in the light of the race equality duty, and that course objectives are derived from the behaviours and standards laid out in the Integrated Competency Framework, including those relating to race equality and diversity.

Section 7: Inclusion of race equality within other training

Introduction

5.176 Section 71(1) of the Race Relations Act places a general statutory duty on public authorities, including police forces and authorities, to have 'due regard' to the need to promote race equality. The duty came into force on 2 April 2001. The aim of the duty is to make race equality a central part of an organisation's functions. It follows that, as and where appropriate, race equality should be included in other training. Race equality will be more relevant to some training courses than others. For example, 'stop and search' training will clearly have a more significant impact on race equality than 'vehicle maintenance' training.

What we said in the interim report

5.177 At the preliminary stage of our investigation the inclusion of race equality within other training was not considered in detail. In the interim report, we recognised that in response to the Stephen Lawrence inquiry report, the Police Training Council (comprising the Home Office, ACPO and the APA – now the Police Training and Development Board) had increased the quantity of race equality training. This included threading diversity issues into specialist training, such as senior command courses.

Developments since the interim report

5.178 As noted elsewhere, on 24 November 2004 The Home Office and partners launched 'A strategy for improving performance in Race and Diversity 2004 – 2009: The Police Race and Diversity Learning and Development Programme' (the 'race and diversity strategy'). The race and diversity strategy states that the police service 'will work towards the goal of Race and Diversity issues being embedded in all learning and development programmes by 2006'.

5.179 To complement the race and diversity strategy, in late 2004, the Home Office sent forces the findings of a 'Gap Audit' identifying the current position of forces in relation to the national learning requirement (NLR) on race and diversity. A similar audit exercise was also conducted at Centrex.

Methodology

5.180 Our inquiries in this area comprised:

- a. questionnaires sent to eight forces, and their corresponding authorities, regarding training issues;
- b. extended visits to three forces to investigate training issues;
- c. critical examination of the main documents and reports relating to this area; and
- d. interviews with key stake-holders.

Findings and recommendations

5.181 There is a wide variation in the extent to which race and diversity issues have been brought into other training. For the ‘Gap Audit’ commissioned by the Home Office (referred to in section 2 of this chapter above, on trainers and race equality) questionnaires were sent to all forces requesting information about courses to establish how far they met the national learning requirement (NLR) for race and diversity. Thirty-nine forces responded and 68 learning programmes were scrutinised by the consultants. Most of the programmes examined by the consultants were race and diversity courses and so it is difficult to say how far forces have included race equality in other training programmes. While the ‘Gap Audit’ also usefully examines the content of a number of courses and identifies areas for revision, there seems further scope to review courses in the context of the race equality duty.

5.182 A similar ‘Gap Audit’ was conducted for Centrex courses. The report states that there is ‘considerable training material available to cover race issues’ in Centrex programmes. However, it also notes that ‘Within courses for a specialist market there is almost no acknowledgement of the NLR themes, this is often perceived as being outside the remit of the programmes’. This finding is also supported by the HMIC inspection report, ‘Training of Trainers’ which observes that ‘there is no coordination (at Centrex) regarding the Race and Diversity proofing of all the trainer programmes’ (page 14, ‘Training of Trainers’). Just as with forces, there is further scope for Centrex to bring race equality into their training programmes.

5.183 The Centrex ‘Gap Audit’ also examines the quality assurance function and role performed by Centrex. Centrex produces the ‘Models for Learning and Development in the Police Service – A Reference Guide for Training Managers and Practitioners’. This guide is one of the main tools used by forces to ‘quality assure’ their training programmes, and would be used to evaluate how far the course content needs to include race and diversity. The Centrex ‘Gap Audit’ states that the guide ‘is used widely within the service yet is not fully conversant with the National Learning Requirement’.

Recommendation

- Centrex should revise the guidance ‘Models for Learning and Development in the Police Service – A Reference Guide for Training Managers and Practitioners’ with immediate effect in respect of both the general and specific duties.
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5.184 The wide range in the degree to which race equality features in other training programmes is supported by the results of the questionnaires sent to forces by the CRE. Five out of eight forces provided a list of specialist and other training programmes that included some content on race equality. It was encouraging that in many of the specialist courses race equality was covered, although there appeared scope for further inclusion. For example, in one force which ran 15 types of firearms training courses, it was notable that race equality only featured in one of these courses.

5.185 In the responses, one force viewed the greater inclusion of race equality as ‘a new requirement placed on the service’ which would be addressed forthwith. However, a number of forces indicated that they regularly reviewed the content of their training programmes for their relevance to race and diversity. One force is also undertaking a review of its courses to assess their relevance to race equality using an internally developed template. This was a positive step, although the template supplied to us appeared to be rather basic. Perhaps the best practice we observed was that of the National Police Leadership Centre at Centrex. As noted in section 6 of this chapter above, the director had required a detailed analysis of every course and programme to assess relevance to race and diversity issues and how they would be addressed. This programme was almost complete and appeared to be thorough and comprehensive.

5.186 We also examined a number of examples of course material supplied by forces that indicated a wide range in the quality of embedding race equality as well as the quantity. For example, a stop and search module had many references to race and diversity issues that were relevant and helpful (though in our view constrained by the limitations of the National Occupational Standards on which the material was based). Another unit for Family Liaison Officers had less cross-referencing than seemed to be appropriate. This range in quality was supported by a senior manager in one force who commented that, “whilst there was a ‘golden thread’ of race equality in most of our courses, this ‘thread’ could be thicker in places”.

5.187 Whilst we would expect forces to ensure that race equality is appropriately included in their courses, we are also of the view that police authorities too have a role in scrutinising their force’s activity in this area. In questionnaires sent to a sample of authorities by the CRE, four out of eight reported that they scrutinised the effectiveness of the race and diversity element built into other training programmes. Authorities used a range of methods to perform this scrutiny role including diversity forums, steering groups and HR committees.

Recommendations

- Centrex, and all chief officers through their training managers, should set a timetable for and complete a review of all their programmes to determine, and if appropriate revise, the race equality content. All courses should be reviewed in respect of both the general and specific duties.
- The Home Office, the Association of Chief Police Officers and the Association of Police Authorities should develop guidance and a template for forces as soon as possible after the publication of this report, to support this review and ensure consistency.
- The Home Office should monitor progress on improving inclusion of race and diversity in the annual 'Police Race and Diversity Learning and Development Reports'.
- Police authorities should put in place mechanisms to oversee and monitor the inclusion of race equality within training programmes.

List of recommendations

61. Centrex should revise the guidance 'Models for Learning and Development in the Police Service – A Reference Guide for Training Managers and Practitioners' with immediate effect in respect of both the general and specific duties.
62. Centrex, and all chief officers through their training managers, should set a timetable for and complete a review of all their programmes to determine, and if appropriate revise, the race equality content. All courses should be reviewed in respect of both the general and specific duties.
63. The Home Office, the Association of Chief Police Officers and the Association of Police Authorities should develop guidance and a template for forces as soon as possible after the publication of this report, to support this review and ensure consistency.
64. The Home Office should monitor progress on improving inclusion of race and diversity in the annual 'Police Race and Diversity Learning and Development Reports'.
65. Police authorities should put in place mechanisms to oversee and monitor the inclusion of race equality within training programmes.

Section 8: Access to training

Introduction

5.188 The employment monitoring duty requires public authorities, including both police forces and authorities, to monitor applicants for training by ethnicity. Organisations with 150 or more full-time staff (which includes all 43 ‘territorial’ police forces) must monitor by ethnicity the numbers of staff who receive training. This duty came into effect on 31 May 2002, and public authorities must publish the results of this monitoring annually.

What we said in the interim report

5.189 We sampled 15 police force schemes and five police authority schemes and found that most did not have compliant employment monitoring duties. Please refer to chapter 2 above, on the race equality duty, for further information.

Developments since the interim report

5.190 Details of developments following the findings in relation to the sampling of force and authority schemes for the interim report, are given in chapter 2 above on the race equality duty.

5.191 We gathered information as described below in paragraph 5.192.

Methodology

5.192 The findings and recommendations in this section are based on the following evidence and information:

- a. a general questionnaire sent to 43 police forces for the interim report;
- b. a questionnaire sent to 15 forces focusing on the race equality duty, including training;
- c. a questionnaire on training issues sent to a different sample of eight forces (which included some of the questions asked to the sample of 15 forces referred to above);
- d. extended visits to three police forces regarding training issues;
- e. witness testimony from officers and trainers; and
- f. evidence given to the CRE by the main stakeholders at a series of hearings.

Findings and recommendations

5.193 Many forces are still not meeting the element of the employment monitoring duty which relates to training. In questionnaires sent to forces;

- a. 17 out of 21 forces indicated that they are not meeting the requirement to monitor applicants for training by ethnicity.
- b. 15 out of 21 of forces indicated that they are not meeting the requirement to monitor those who receive training by ethnicity.

5.194 We explored this area in visits to three forces. None of them had complied with the employment monitoring duty in relation to training, despite its coming into effect on 31 May 2002. In all cases senior managers reported that the delay was due to the introduction of new IT systems. In one force monitoring was due to begin using a new IT system in May 2005, but during our visit the force decided not to wait but to introduce manual systems by January 2005. While we accept that forces need to have adequate IT systems in place, there appears to have been a slow response to meeting this duty, and measures such as manual monitoring could have been implemented at an earlier stage by non-compliant forces.

5.195 Police forces were also asked about the selection procedures for officers to a number of operational training courses. There is much variation between forces on how they select officers for courses. Access to many training courses is often dependent on role. For example, newly promoted sergeants are automatically selected for the sergeants' course. It is equally important that forces address any barriers to promotion, alongside access to training.

5.196 In the questionnaire responses, forces indicated they used a range of methods for selection to operational training courses. These include formal application, line-managers' support and approval, and officers being nominated by supervisors. Many forces have devised their own procedures for selecting officers for training to suit their own needs. However, we are concerned about how fairly and consistently these procedures are applied, particularly where line-managers and supervisors can act as 'gate-keepers' to training opportunities. The lack of widespread monitoring undertaken by forces to monitor access to training means that forces do not have accurate information about what potential barriers might exist. During the course of the investigation the CRE received witness testimony from a number of serving ethnic minority officers who felt they were unfairly denied access to training courses.

5.197 More encouragingly, many forces were taking measures to encourage ethnic minority officers to apply for training opportunities. Of the 21 forces questioned by the CRE, 11 indicated that they were taking steps to promote learning and development opportunities to ethnic minority officers. Measures cited included holding open days and using career development interviews.

5.198 Police authorities also have an important role in scrutinising their forces in this area. Eight of the 19 police authorities that responded to questionnaires sent by the CRE indicated that they scrutinised how their force selected officers for operational training. There is clearly greater scope for more authorities to hold their forces to account in this area.

5.199 As we recommend in chapter 2 above on the race equality duty, all forces should implement their arrangements as required under the employment monitoring duty. This, of course includes the area of access to training.

Recommendation

- All chief officers should ensure that their forces review their training selection policies and procedures, and that they take action to ensure they comply with the general duty to promote race equality. Police authorities should scrutinise this review of selection policies and procedures. Through the Police Race and Diversity Learning and Development Programme, the Home Office, the Association of Chief Police Officers and the Association of Police Authorities should monitor and review the progress made by forces and authorities in meeting this recommendation.
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Chapter 6

MANAGING BEHAVIOUR: DISCIPLINE AND GRIEVANCE PROCEDURES AND EMPLOYMENT TRIBUNAL RACE CASES

Section 1: Introduction

6.1 In recent years there has been a move within the police service to modernise its employment practices, stemming from the Home Office modernising agenda, general trends in employment law towards workplace dispute resolution and more recently, reform of the police complaints procedure.

6.2 During 2004, prompted by the BBC documentary *The Secret Policeman* (and some high profile cases), the police service has been publicly challenged and scrutinised over its employment practices and their effectiveness whenever and for whatever reason race has been an issue.

6.3 Although the ensuing activity has encompassed most elements of managing workplace behaviour, racial discrimination is a central theme for all work done in the police service on these issues.

6.4 The terms of reference that we address in this chapter are:

- To discover whether recent recruits and other police officers have access to an effective complaints system in particular with respect to complaints of race discrimination, harassment and victimisation.
- To consider race-related disciplinary and grievance procedures and assess their efficacy.
- To assess whether adequate sanctions are used when inappropriate race-related conduct is found.
- To investigate the management of police officers of all ranks in order to ascertain whether there are effective methods to identify and address inappropriate race-related conduct promptly.
- To investigate the role of the monitoring and inspection bodies such as police authorities and Her Majesty's Inspectorate of Constabulary in assessing how police forces combat race discrimination and comply with the race equality duty.

6.5 In our interim report we set out our emerging findings based on the evidence offered to us by the witnesses who responded to our call for evidence, submissions from stakeholders, and from our own research, and we identified the questions and issues for closer examination in stage 2. When the interim report was published, on 14 June 2004, there were several developing areas with which we needed to keep pace, particularly on grievances and discipline. The new system for complaints against the police came into effect on 1 April 2004. Guidance on grievance handling in the police service was issued in the 'Fairness at Work' circular published on 30 April 2004. The Home Office commissioned William Taylor to review police officer discipline in April 2004. And finally, the Morris inquiry, commissioned by the Metropolitan Police Authority (MPA), examined overlapping areas, albeit with a focus on the Metropolitan Police Service (MPS), and reported in December 2004.

Methodology

6.6 We identified three strands of work for stage 2 of our investigation. These have enabled us to address the issues thoroughly by taking account of a broad spectrum of views. These strands are:

- a. contact with police forces and police authorities through a questionnaire and follow-up visits;
- b. further and more detailed discussion with the relevant stakeholders; and
- c. continuing contact with individual witnesses who were still responding to our call for evidence.

6.7 We were particularly keen to ensure that we engaged with the police forces and police authorities. Our terms of reference cover all 43 police forces and authorities; resources and time dictated that we could not approach all of them for all subject areas that were part of the formal investigation. We decided to investigate a sample group of 15 police forces in relation to the areas covered in this chapter on managing behaviour. We selected forces to cover a geographical spread, a range of metropolitan and rural forces, and those with high and low ethnic minority populations. We also took into account Her Majesty's Inspectorate of Constabulary's (HMIC) baseline assessments of force performance in human resources, professional standards and race and diversity. We chose forces that HMIC had assessed in April 2004 including those performing well in these areas and those not performing so well. The baseline assessment process is explained in section 7 of this chapter.

6.8 To get a rounded view of the activity of each force in the sample group, we designed questionnaires for each force and for each of the corresponding police authorities, Police Federation branch boards, and where available, the local Black Police Associations or similar organisations, referred to generally as the black police groups.

6.9 We sent out the questionnaires in August 2004 and the timetable for reply was tight. We are pleased to say that all police forces and authorities responded, as did 14 of the 15 Police Federation branch boards. We were disappointed to receive only five responses from the black police groups. However, not all of the 15 forces had a black police group and we recognise that there are resource issues for members who do not have full-time posts for their activities.

6.10 The questionnaires were our main means of obtaining information and were therefore ambitious. We combined requests for hard statistical data with questions asking for comment and opinion. We also asked open questions throughout so that the respondents could tell us about relevant issues which had not directly been covered by the questions. We requested detailed information on a case-by-case basis in relation to cases where disciplinary action had been taken against police officers for racial misconduct, for race grievances that had been dealt with by the forces and for employment tribunal race cases. We pooled the information for all of the 15 forces and analysed the case information to see what general conclusions we could draw.

6.11 We recognised that written questions and answers can have limitations and decided to follow up the questionnaires with visits to as many of the forces and authorities as resources allowed. Five of the forces were selected for a follow-up visit; their selection was guided by the broad principles identified above. The visits gave us a more personal and detailed view of those five forces. This in turn helped to flesh out our understanding of the questionnaire replies across the sample group.

6.12 We intended to visit only the forces and authorities, as we had given an assurance of confidentiality to the black police groups and Police Federation branch boards, undertaking not to disclose their replies to forces or authorities. We felt that it would have been difficult to preserve that confidentiality if we were to meet with them within the structure of the planned visits. However, we did meet representatives from four of the five black police groups and two of the five local Police Federation branches, either within the force visit programme or separately. Some representatives were prepared to speak to us openly, but some chose to keep part or all of our discussions and their questionnaire replies confidential.

Evidence from stakeholders and others

6.13 The second strand of work was for us to talk further with the stakeholders, organisations and groups that worked with or within the police service.

6.14 We met and worked closely with the following organisations: Her Majesty's Inspectorate of Constabulary (HMIC); the Association of Police Authorities (APA); the Association of Chief Police Officers (ACPO); the Independent Police Complaints Commission (IPCC); the Police Federation of England and Wales (Federation); the Police Superintendents Association of England and Wales (PSAEW); and the National Black Police Association (NBPA). For reference purposes there is a short profile of each of the stakeholders in appendix 5. We met representatives of all these organisations,

sometimes more than once and many of them provided helpful written submissions. We have incorporated their views across the various subject areas.

6.15 When we use the term ‘stakeholders’ in this chapter, we are referring to ACPO, the APA and the Home Office, as well as the inspection bodies and staff associations. We include the NBPA as a ‘staff association’ even though it is different in its constitution and objectives from the Federation and PSEAW. Police forces and individual police authorities are not included within our use of the term ‘stakeholder’, as their views are covered by the work we did with the sample group referred to above.

6.16 We also met Assistant Commissioner Tarique Ghaffur, to talk about his thematic report on the MPS. We kept in close contact with the review team working with William Taylor at the Home Office on police officer discipline and the team helpfully shared its evidence with us. We also monitored the web-based evidence accumulated by the Morris inquiry.

6.17 We benefited from the work done by our Commissioners over two events in September and October 2004. The discussions that we had with stakeholders at the forum we held under the ‘Chatham House’ rule in September gave us a good insight into many of the areas we consider in this chapter. The stakeholders also gave oral evidence at private hearings held in October.

6.18 There has been a recent attempt to bring together the ongoing work towards race equality in the police service arising from our interim report, the Stephen Lawrence inquiry, the HMIC report ‘Diversity Matters’ and the Home Office action plan ‘Breaking Through’. The resulting Interim Race Equality Action Plan was released in December 2004 and was produced by ACPO, in consultation with the Home Office, APA, Centrex and HMIC. It is still in its early days but we have expressed our support to ACPO and hope that the action plan is reviewed in the light of the recommendations in our final report. The action plan does cover issues of relevance to this chapter and we will be referring to it where appropriate.

Witness evidence

6.19 The third strand was to look at the evidence of the individual witnesses who responded to our call for evidence. At the time the interim report was published, we were taking evidence from individuals and continued to do so well into stage 2. We have reported more about this exercise elsewhere but we have included examples of their experiences of the grievance and discipline process and bringing employment tribunal race cases throughout this chapter.

Section 2: Discipline

Introduction

6.20 Police disciplinary procedures, derived from statutory regulations, were amended from 1 April 2004 to incorporate specific changes brought about by the Police Reform Act 2002, which also set up the IPCC. The regulations are now called the Police (Conduct) Regulations. Whereas we referred to them as the misconduct regulations in the interim report, for the sake of accuracy we will now refer to them as the conduct regulations.

6.21 We will be using the term ‘racial misconduct’ throughout this part of the report and by this we mean unacceptable conduct in the workplace that amounts to racial discrimination in its broadest sense. As we noted in our interim report, there is no specific ‘offence’ of racial discrimination defined by the conduct regulations.

What we said in the interim report

6.22 In the interim report we identified a number of areas for further consideration during stage 2 of the investigation. As William Taylor was conducting a detailed review of the conduct regulations (the Taylor review), we decided not to duplicate his work. We chose instead to focus our attention on those aspects of the disciplinary procedure that had particular relevance to our terms of reference. As a result the range of subjects covered in stage 2 of the investigation was slightly narrower than we had anticipated in the interim report. For example, we did not examine the detailed rules governing disciplinary investigations and disciplinary tribunal hearings. We did not examine cases heard by the Police Appeals Tribunal, because the legal complexity of the issues argued in individual cases was unlikely to tell us much about the process and William Taylor was reviewing the appeal structure. We did not look at the right to silence (which, the Police Federation pointed out to us, had been addressed by the amended conduct regulations), nor the use of public interest immunity, which would be considered by the Taylor review and which we thought would also be addressed by the IPCC in its guardianship role.

Developments since the interim report

6.23 The new police complaints system has brought increased accountability for, and scrutiny of, the behaviour of officers and staff. It is clear that the IPCC has already been a significant driver for change in the police service, extending beyond public complaints, to cover internal discipline. As a result the IPCC took on greater significance for our investigation than might have been expected. Consequently we looked in detail at the remit of the IPCC and how it may influence internal discipline for police officers, particularly in dealing with racial misconduct.

6.24 Although the new complaints system embraces the whole police family, (police officers and police staff, including special constables, community support officers and contracted escort and detention officers) internal discipline is still divided. Police officers are disciplined under the conduct regulations described above; police staff discipline is governed by the employment contract that exists between them and the individual police forces. This is one of the underlying reasons why the Home Office commissioned the Taylor review to consider ‘the relationship with arrangements for police staff [discipline] and any relevant developments flowing from the Home Office Workforce Modernisation programme’.

6.25 It seems inevitable that there will be at least some change to the police disciplinary procedure: by April 2005, the police service will have had a year’s experience of the new complaints system, and the recommendations from the Morris inquiry and Taylor review. The debate goes much wider than our terms of reference of course, and we have considered only those aspects of the police disciplinary procedure that would most affect the management of racist behaviour and the treatment of ethnic minority officers accused of misconduct.

Findings and recommendations

6.26 We will present our findings and corresponding recommendations under the following headings:

- a. Police conduct regulations: the case for change;
- b. Employment rights for police officers;
- c. Whether there is disproportionate treatment of ethnic minority police officers;
- d. How racial misconduct is dealt with in the police service;
- e. Informal action to address racial misconduct;
- f. The Code of Conduct;
- g. Sanctions for racial misconduct;
- h. Training;
- i. Professional standards departments;
- j. Discipline in training centres; and
- k. Oversight of internal discipline: a role for the IPCC?

Police conduct regulations: the case for change

6.27 In the interim report, we found growing dissatisfaction with the disciplinary procedure for police officers. When we looked further at this debate, we found quite different views among the stakeholders on the general question as to whether there was a need for change, with the Federation alone in its view that there was no need for comprehensive change. The Federation recognises that there are particular problems and has suggested ways to tackle these, but this did not justify a wholesale change to the conduct regulations, which had been drafted in 1999 and amended in April 2004. The Federation stated that changing the procedure so often did not help officers build up confidence in the system. The Federation feels that the existing system for ongoing consultation and discussion of the conduct regulations is adequate to ensure that they meet the needs of the police service.

6.28 The PSAEW and the NBPA are in favour of a radical change although they also recognised that a change in procedure will not be enough – there will have to be a corresponding change in the attitudes of those operating it.

6.29 The APA is concerned about delays in dealing with disciplinary cases and advocates a less adversarial and legalistic procedure to allow for a quick outcome in appropriate cases.

6.30 Several of our individual witnesses told us that the overly formal and bureaucratic nature of the disciplinary procedure was a disincentive for officers in coming forward and reporting racist behaviour.

6.31 In its submission to the Morris inquiry, ACPO stated: ‘Misconduct tribunals have become too legalistic; they are like an extension of the Crown Court with barristers arguing intricacies of the law, often to the bewilderment of the police onlookers. Misconduct tribunals should be a management process.’

6.32 Race discrimination was one of the main concerns of the MPA when setting up the Morris inquiry, although its terms of reference were wider. We read with interest the account of the debate on the need for change in the police officer disciplinary procedure in the inquiry report and noted its support for a comprehensive change.

6.33 We were interested in what our sample group of 15 forces thought about this debate so we asked whether there were any aspects of the conduct regulations which they would like to see changed and why. Five forces declined to comment, referring to the Taylor review. The 10 forces which did reply made the following comments:

- a. Five thought more discipline should be dealt with locally and/or more informally.
- b. Four thought the procedure should be less legalistic and/or bureaucratic.
- c. Four wanted the process to be speedier.

- d. Two wanted the procedures to be brought in to line with those for police staff.
- e. One wanted a broader range of sanctions.
- f. One wanted sanctions guidelines.
- g. One wanted greater clarity between underperformance and misconduct.
- h. One wanted clarity in the Code of Conduct on charges for racial misconduct.

6.34 Many of these comments have been addressed by the Taylor review, which we understand will propose a very different model for handling police officer discipline. Underpinning the proposed model, the Taylor review identified 13 'key areas', which are in tune with the approach of the IPCC to the complaints system. These 13 key areas are likely to be:

- a. disciplinary arrangements should stay within statutory regulation;
- b. the regulations should be based on the ACAS Code;
- c. learning and improvement should be integral to the outcome;
- d. openness and transparency;
- e. early selection of the most appropriate response;
- f. conduct should be separated into gross misconduct and misconduct;
- g. proportionate handling of cases;
- h. less formality;
- i. more appropriate appeal mechanisms;
- j. internal cultural change;
- k. improved accountability to the monitoring bodies;
- l. time limits; and
- m. separate management of capability issues.

6.35 If the model is adopted as proposed, there would be a much greater degree of harmony between the complaints system and police officer discipline. We do not propose

to deal in detail with the Taylor review here; its findings and recommendations will speak for themselves and cover issues beyond our terms of reference.

6.36 However, there was one aspect of the review that we were disappointed with, namely the lack of focus on discrimination issues. The terms of reference asked the review to pay particular attention to ‘cost, effectiveness, timeliness, *non-discrimination*, minimising of bureaucracy and the provision of adequate protection to individual officers’ (emphasis added). The review was directed to consider the outcome of our formal investigation and of course that has not been possible. In the absence of this, it is not clear how the review has addressed the issue of non-discrimination. As we mentioned above, race discrimination has been a central theme of the debate about police discipline and this was no doubt why non-discrimination was specified as one of the key considerations.

6.37 We considered our own findings about how racial misconduct is dealt with under the present procedure and the apparent problems that ethnic minority officers face when accused of misconduct and were satisfied that the case for comprehensive change was made out.

6.38 We understand that the Home Office will be considering the recommendations of the Morris inquiry, the findings of the Taylor review and of course our own report and we hope that non-discrimination will be a central theme in its deliberations. In conducting this exercise we would urge the Home Office to comply with its own race equality duty and ensure that any proposed changes are assessed for their impact on race equality. We refer in more detail to the Home Office and its race equality duty in the governance chapter.

Recommendation

- The Home Office should ensure proposed changes to police disciplinary arrangements are fully assessed for their impact on race equality.

Employment rights for police officers

6.39 The discussion about revising disciplinary procedures has prompted a related debate as to whether police officers should be given employment rights. As police officers are office holders and not employees, they do not have access to the full range of employment rights. Police officers are expressly given some of these rights, including of course those contained in the domestic anti-discrimination legislation. Other members of the police family are employees, which gives them access to the full range of employment rights.

6.40 Disciplinary procedures for employees are shaped by contractual arrangements and influenced by developments in employment law and practice. Employees have the right to challenge the ultimate disciplinary penalty – dismissal – in an employment

tribunal. In contrast, police officer discipline is governed by statutory regulation, which provides an insular and formal process and which has been likened to the court martial process used in the armed forces. The rules about evidence, conduct of the disciplinary tribunal and the right to appeal are designed to protect the position of police officers, who have no right to challenge their dismissal in the employment tribunal. As discussed above, many of these rules have been widely criticised because they cause delay and make the process legalistic, adversarial and bureaucratic.

6.41 It has been argued that the disciplinary procedure for police officers needs to change radically and, to enable it to be fully comparable to civilian procedures, police officers should be given full employment rights. The debate is now particularly relevant for the police service, as police officers work closely with their employed colleagues in the wider police family and it is increasingly difficult to justify their different treatment in relation to workplace issues. This has raised the question of whether this would undermine the office of constable.

6.42 The Morris inquiry looked at the office of constable and ‘were not persuaded that it [was] necessary to abolish the office of constable in order to achieve both effective management of the police and public confidence’. The stakeholders we spoke to were all in favour of retaining the office of constable, save for the Police Action Lawyers Group (PALG), a group of lawyers who represent claimants in legal actions against the police. PALG submitted a cogent paper in support of abolishing the office of constable. ACPO, the Federation, the PSAEW and the NBPA opposed any such challenge.

6.43 We have already indicated that we do not challenge the office of constable so far as it relates to the way police officers exercise their authority to enforce the law; this is a big question which is outside our terms of reference. We said in the interim report that we would look very closely at other options, in particular the proposal to bring police officers within the scope of employment legislation.

6.44 We consider that this more limited issue is within our terms of reference. Our primary objective is to investigate the operation of the disciplinary procedure for police officers to assess how well it deals with racial misconduct. It also became apparent early on that we needed to look further at whether ethnic minority police officers were being treated disproportionately under the procedure, which we have done. We concluded that the disciplinary procedure and how it is used should be comprehensively changed and we will deal with specific aspects of this and the evidence that supports our conclusions in this chapter. We considered whether the necessary changes can be brought about within the existing statutory framework without having to consider the context of police officer employment rights. We have concluded that one of the underlying problems with the current system is its insular nature and the absence of any independent scrutiny. We feel that the only effective way of providing a disciplinary procedure for police officers which deals with race equality as it should, is to place it within an employment law context. Although police officers do have a special role within the police family as office holders, we see no reason why police officers’ working relationship with the police service should not be governed by the same principles as their employed colleagues.

6.45 There is wide support for the extension of employment rights for police officers, including almost all the main stakeholders, save for the Federation, which sees this step as an erosion of the office of constable. The Morris inquiry recommended that ‘employment law should be extended to police officers within the framework of the office of constable’ and went on to discuss consequential recommendations relating to the terms and conditions of police officers within the new employment rights context. We endorse the inquiry’s conclusions.

6.46 We are aware that on this point we are likely to differ from the Taylor review, which we understand will recommend that the disciplinary procedure for police officers remains within the statutory framework. William Taylor told us that policing is too important to be left to the uncertainty of mainstream employment law and that its continued statutory regulation will help secure a high level of accountability and drive national consistency.

6.47 We share many common objectives with the Taylor review but differ in our conclusions as to how best to achieve those objectives. We feel that accountability (in its widest sense) and national consistency can best be achieved through an open process in an employment context. We make the following recommendation:

Recommendation

- In light of the Morris inquiry report, Taylor review and our report, the Home Office should consider giving police officers wider employment rights and making them subject to a non-statutory disciplinary procedure incorporated in their terms and conditions preserving the office of constable.

6.48 We are aware that a decision of this nature will have implications far beyond our terms of reference, and do not make this recommendation lightly but see no alternative if the police disciplinary procedure is to achieve race equality in the workplace.

Whether there is disproportionate treatment of ethnic minority police officers

6.49 In the interim report we noted growing evidence that ethnic minority officers are subjected to formal investigation and the disciplinary procedure more often than their white colleagues. The Ghaffur Report found, in relation to the MPS, that black and Asian officers are one and a half to two times more likely to be the subject of internal investigations and written warnings. During stage 2 of our investigation, we looked for further evidence of disproportionate treatment; although there was little hard evidence, we found that there was a widely held perception that there was disproportionate treatment at least to some extent and in some form.

6.50 We learnt that there is more to disproportionality than an imbalance of numbers. It can involve several sometimes contradictory factors including the following:

- a. Ethnic minority police officers being subjected to disciplinary investigations in disproportion to their numbers in the force.
- b. Ethnic minority police officers being taken to a disciplinary tribunal in circumstances where their white colleagues may not and on more serious charges.
- c. On the one hand a belief that ethnic minority officers are not challenged for minor misconduct and on the other hand a belief that when they are challenged they are treated more severely.
- d. More rigorous investigation of ethnic minority officers – with more intrusive investigative techniques and an over zealous attempt to discredit them.

6.51 The stakeholders all accepted that there was a perception that ethnic minority police officers suffered disproportionate treatment. The Federation believes that individual forces are not keeping data in relation to either discipline or grievance procedures as they should. Although there is little reliable service-wide data to prove or disprove the perception that ethnic minority officers are treated differently to their white counterparts, the Federation accepted that the perception persists. In written submissions, the Federation explained to us how disproportionality could arise because the lack of training in management and race equality issues is such that supervisors may

feel vulnerable when faced with a decision involving [an ethnic minority officer] (or indeed any officer from a minority group). Their reaction is either to do nothing and let minor incidents go unchallenged, or to refer the matter to more senior officers...this results in ...white male officers being dealt with routinely by first level supervisors and [ethnic minority] officers being referred to professional standards units, with all the increased seriousness of a full-blown investigation.

6.52 The PSAEW agrees that as the perception exists and is widely held, the police service needs to urgently address this issue. The system needs to be fair and also seen to be fair.

6.53 The NBPA told us that it has raised concerns about the disproportionate number of ethnic minority officers subject to the disciplinary procedures for some time but until now those concerns have not been taken seriously.

6.54 ACPO agrees that there is disproportionality, but accepts there is no real national picture based on the facts and felt there was a real need to collate this information and act accordingly. We think that this could have been explicitly addressed in the Interim Race Equality Action Plan and will be raising this with ACPO, which has sought CRE comments on the plan.

6.55 HMIC also acknowledges that there is disproportionality and told us that managers in the police service lack confidence in dealing with race issues. There is a need to provide training in handling disciplinary matters and then require managers to

demonstrate competence in the workplace through the performance development review process.

6.56 We were unable to find any work that had been done to discover and quantify hard evidence one way or another of disproportionality across the police service. We noted the work done on this in the MPS, which is referred to in the Ghaffur and Morris inquiry reports. The Morris inquiry report contains evidence specific to the MPS based on an analysis of statistics by its Internal Consultancy Group in November 2003. The statistics show that there is disproportionality in relation to the number of disciplinary investigations, but that officers under investigation are not more likely to face a disciplinary tribunal on the basis of their ethnicity. The inquiry report recommends that ‘the MPS takes urgent steps to eliminate the discriminatory management practice which has led to a disproportionate number of investigations of black and minority ethnic officers’ and indicated that they would be ‘be drawing this aspect of [their] report to the attention of the Commission for Racial Equality and the Independent Police Complaints Commission, and [they] will request them to continue to monitor trends in this area in order to ensure that the necessary improvements are made’.

6.57 We hoped in this investigation to gather evidence through the questionnaires we sent to our group of 15 forces, to see whether there was evidence of disproportionate treatment of ethnic minority officers in the disciplinary procedure. We asked the forces for statistical information about disciplinary proceedings brought against police officers for the period 2000 to 2003 but found that the information received did not enable us to make any meaningful findings. We designed a spreadsheet for the statistics but only four of the forces completed the spreadsheet in the way that we had asked, four provided statistics in a different format, and the remaining seven provided no information. We acknowledge that the poor response may have been because some of the forces collate their information differently. However, we were concerned that the forces could not recast the data to fit into our format and suspected that some of them were not centrally recording the data by ethnic origin. Our suspicions were confirmed at least for some of the forces, when we asked specifically about employment monitoring. We return to this later in section 8 of this chapter.

6.58 Looking for disproportionate impact in relation to disciplinary action taken against police officers (and indeed staff) is a basic requirement of the employment monitoring duty and should be built in to the activities carried out in pursuance of the race equality scheme. Simply to be compliant with both the race equality scheme and employment monitoring duties, forces should be doing this and publishing their data on an annual basis.

6.59 We were interested in what our sample group of forces, Federation branch boards and black police groups thought about the issue and asked them the following question: ‘During stage 1 of our investigation, one of our emerging findings was that there was a perception among ethnic minority officers, that disciplinary investigations and misconduct proceedings were used against ethnic minority officers in disproportion to their numbers in the force. Does this accord with your experience?’

6.60 In reply, 14 forces said they did not believe that there was any evidence of disproportionate use of the disciplinary procedure in their force. The main reason given was because the numbers of officers disciplined was too small to make a judgement. We suspect that many of the forces had simply not conducted any in-depth monitoring and answered the question without any firm evidential basis.

6.61 However, three of these forces admitted that they had not been able to examine their data to test for disproportionate impact, but said they would be doing so in the future and one force stated that this was as a direct result of the questionnaire. Three of the 14 forces accepted that they were aware of ethnic minority officers within their force who did share the perception.

6.62 One force had identified disproportionality in the number of disciplinary hearings brought against ethnic minority police officers, but not in relation to the number of disciplinary investigations carried out. That force was looking further at its cases to establish the reasons for this.

6.63 None of the 14 Federation branch boards thought that there was any adverse disproportionate impact on ethnic minorities. Four of the black police groups thought that there was and one did not comment.

6.64 As a result of our findings and the paucity of information across the police service about the nature and extent of disproportionality, we recommend the following:

Recommendation

- The Home Office and/or Her Majesty's Inspectorate of Constabulary should urgently commission research across the police service on the nature and extent of any disproportionate impact on ethnic minority police officers that may exist in the operation of the police disciplinary procedure.

6.65 This research is particularly important considering that the Home Office will be looking at changes to the police service disciplinary procedure as discussed above. Without a clear idea about the extent and nature of disproportionality and the wide perception that it exists, there is a real danger that any new procedure may have similar problems.

6.66 We have identified the Home Office and HMIC as the bodies best suited to commission this research as they have both the national perspective of the police service that is needed and the power to call in the necessary information upon which to base any findings. We are confident that the Home Office will involve all the relevant stakeholders in such a project, not least the NBPA, which has long been concerned with this issue. The IPCC will no doubt be very interested in this research and should be invited to comment and participate to the extent that it is able given the resource implications. The CRE

would also be interested in such research and would welcome further discussion with the Home Office about how it could advise and participate.

How racial misconduct is dealt with in the police service

6.67 One of the emerging findings in our interim report was that there was a perception among ethnic minority officers that there was a reluctance to take disciplinary action, whether formal or informal against an officer when there was an allegation of racial discrimination against that officer. A number of witnesses reported that having made a complaint against an officer, in their experience some managers and supervisors were reluctant to take action. Some witnesses cited fear as a factor; others cited a general lack of appreciation or understanding.

6.68 Some witnesses told us that officers they had complained about had subsequently been promoted. One had made a complaint about two of his managers but was told that no action was to be taken immediately so as not to prejudice their attendance at a promotion assessment centre and they were subsequently promoted. He was later told that both had admitted the complaint and had received words of advice.

6.69 We put this to the sample group of 15 forces and none of them accepted that this perception was valid. We asked the Federation branch boards the same question and 13 said no and one did not know. Of the black police groups, four said yes, and one said no.

6.70 Whilst accepting that there was some room for improvement, many of the stakeholders were also loathe to acknowledge that the police service was reluctant to tackle racial misconduct through the disciplinary procedure.

6.71 The Police Federation accepted that there was poor practice and inconsistency in the way the police service operated the disciplinary procedure, but this affected all police officers, not just ethnic minorities, and was not limited to handling race or other discrimination cases.

6.72 The NBPA felt that the police service did not effectively address racism through the conduct regulations and needed to be more proactive in using the procedure to weed out racists. We had heard from the NBPA about ‘post modern racists’ who are now more likely to make a malicious report to professional standards about an ethnic minority officer than make racist comments in the canteen. The NBPA did not believe that the police service were sensitive to this and were failing to address the problem. A number of our witnesses told us that the reluctance of middle and senior managers to take on racist behaviour stems from their resistance to change, despite the good intentions of ACPO rank officers. Witnesses felt that this ‘old school’ culture needs to change if the police service is to challenge racist behaviour effectively.

6.73 The PSAEW thought there was nothing in the regulations that stopped police forces from taking appropriate action against racist officers, but there was a need to improve the way the disciplinary procedure worked.

6.74 In the Interim Race Equality Action Plan mentioned previously, ACPO has taken on the task of developing national guidance on recognising and robustly responding to all forms of discriminatory behaviour, language and attitudes. There is much work to be done to translate aspirations into action, but ACPO has already shown itself willing to take real steps towards this. In our interim report we noted the ACPO statement of intent in relation to taking disciplinary action against police officers who become members of the British National Party (BNP). This came amid a fairly timid reaction from some of the other stakeholders, who expressed concern about the scope of the rules applicable to the membership of political parties. Although we have yet to hear of any actual cases, the Home Office has agreed that police regulations should be amended to ban members of the police service from belonging to the BNP, Combat 18, the National Front or any organisation whose constitutional aims objectives or pronouncements are incompatible with the duty imposed by section 71(1) of the Race Relations Act.

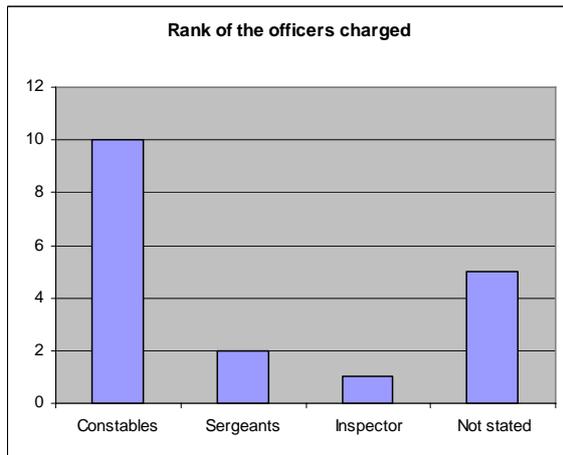
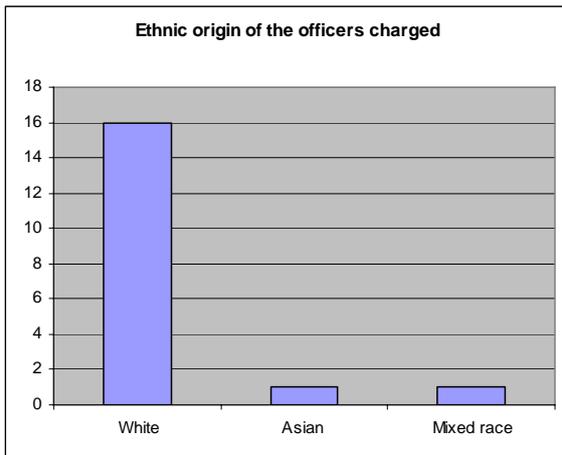
6.75 We wanted to look in some detail at the racial misconduct cases that the sample group of 15 forces had dealt with and requested case-by-case information about officers who had been to a disciplinary tribunal for racial misconduct in those forces over the calendar years 2000 to 2003.

6.76 For each disciplinary tribunal brought against a police officer for racial misconduct, we asked for the following information: dates the proceedings were started and finished; ethnic origin of the accused officer and the complainant; a brief description of the subject matter of the case and the part of the Code of Conduct under which the charges were brought; the outcome and sanction (if appropriate); the ethnic origin of the tribunal members; and whether there was a review and/or appeal.

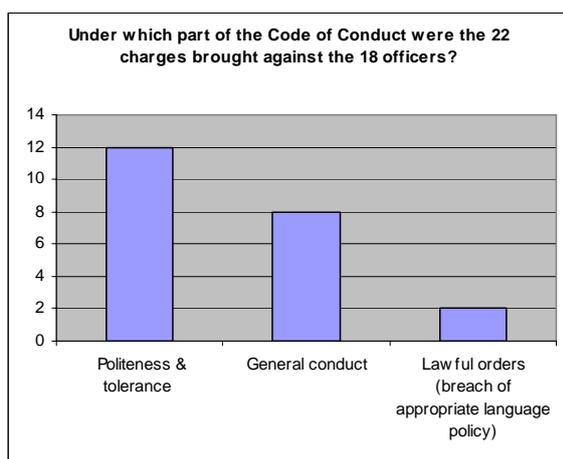
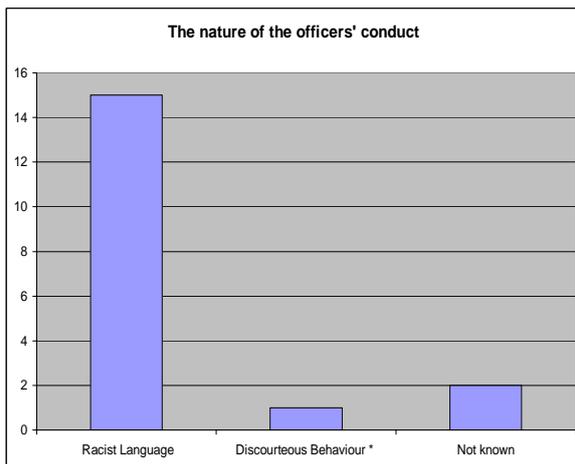
6.77 We aggregated the case information for all 15 forces and our findings in relation to the disciplinary tribunal cases are set out below. We had details of 22 charges brought against 18 officers from seven of the 15 forces; three forces confirmed a nil return and five left the question blank. The spread of cases is shown in the table below.

Force	1	2	3	4	5	6	7	Total
Number of disciplined officers	1	9	2	2	1	1	2	18

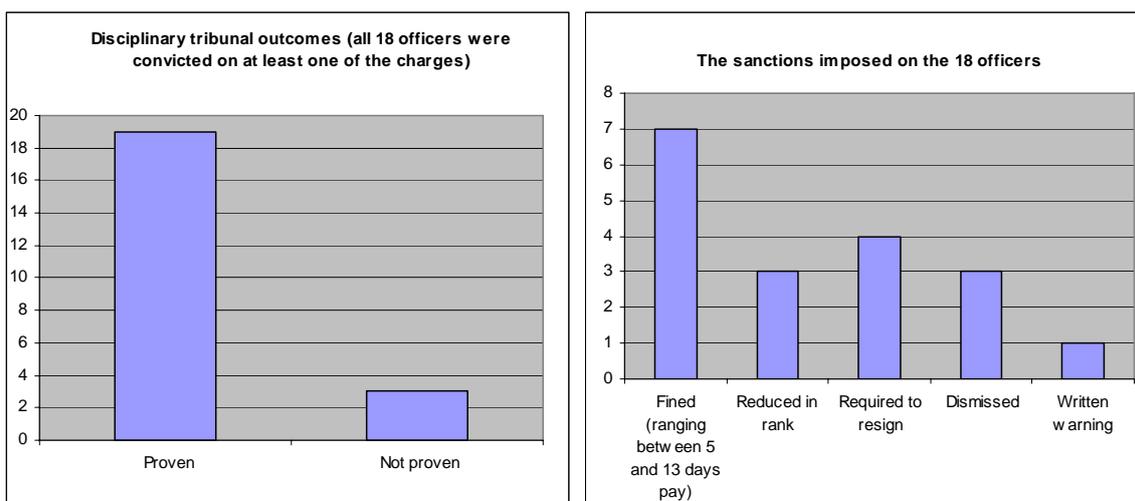
6.78 Although we asked for the gender, rank and ethnic origin of the officers charged, we were unable to confirm the ethnic origin per rank as the returns were incomplete, but we can identify this information separately as follows:



6.79 The following four tables illustrate the nature of the officers' conduct, which part of the Code of Conduct the charges were brought under, the outcome of each of the 22 charges at the disciplinary tribunal, and the sanction imposed on each of the 18 officers.



* The conduct of this officer was described by the force as 'treating a colleague with discourtesy and disrespect, illustrating a derisive attitude towards her because of her ethnic origin'.



6.80 Finally, we asked about appeals and the ethnicity and gender of the tribunal members (which are made up of three people). In 17 of the 18 tribunals the panel members were all white; one did not provide the requested data. Six of the 17 had one white woman on the panel.

6.81 Of the 18 officers, seven applied to the chief officer for a review of their case and none were successful; three officers went to the Police Appeals Tribunal and the results were as follows:

- a. One was unsuccessful.
- b. One was successful in that the sanctions were reduced from two findings of requirement to resign to a fine and a reprimand.
- c. The outcome of the other one is unknown.

6.82 Although the number of cases was small, the 15 forces we looked at represent 35% of the police service and the evidence from this study is consistent with the picture we had built up from talking to stakeholders and witnesses.

6.83 There was a strong emphasis on racist language cases, which represented 15 out of the 16 cases where the information was provided. Each one of the officers was 'convicted' (on 19 of the 22 charges). This may be explained by the fact that these cases are much easier to prove than allegations of racism where no racist language is used, but may also suggest that the threshold for taking a case to disciplinary tribunal is too high. We noted a similar preoccupation with racist language issues in the screening process, please refer to chapter 4.

6.84 The 22 charges were spread across three categories of the Code of Conduct: politeness and tolerance, general conduct and lawful orders (breach of the appropriate language code), which illustrated a degree of inconsistency across the forces in the interpretation of the Code.

6.85 Although we appreciate that it is difficult to make a judgement on the choice of sanction as each case is decided on its own merits, only six officers ended up leaving the police service (through dismissal or requirement to resign). We have no information as to whether there were any additional measures imposed to monitor the future performance of the remaining 12 officers.

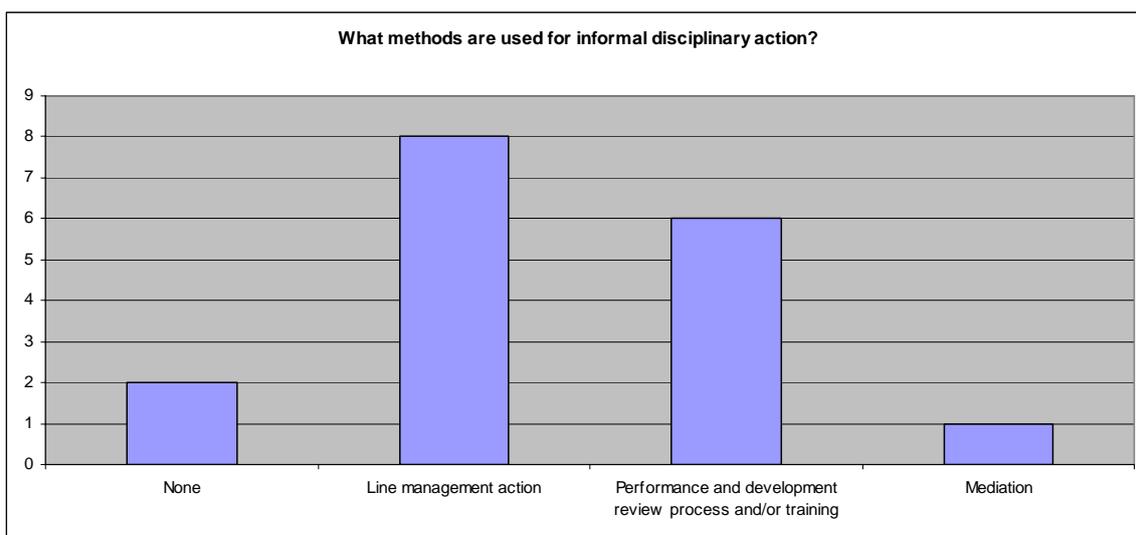
6.86 Although it may not be surprising that all of the disciplinary tribunal members were white, given the rank requirement in the conduct regulations and the general under-representation of ethnic minority officers at these levels, clearly this is a matter of concern that needs to be addressed by the police service.

6.87 We took into account the findings from our case analysis as we looked at various aspects of the conduct regulations and their implementation and this has informed our conclusions and recommendations in these areas.

Informal action to address racial misconduct

6.88 We wanted to find out whether racist behaviour by police officers was being dealt with outside the formal disciplinary procedure and if so, how. We suspected that any informal action that may be taken by forces to deal with racist behaviour was unlikely to be recorded and would not therefore, be captured in any data on disciplinary tribunals brought against officers formally accused of racial misconduct. As we were given information about only 18 officers who were disciplined from our group of 15 forces over four years, we suspected there were many other complaints and allegations about racial misconduct which were either not proven at the point of investigation or dealt with informally.

6.89 We asked whether the 15 forces used informal action to challenge police officers' behaviour. For the purposes of the questionnaire we used the term informal disciplinary action, and defined it as 'action taken outside of the formal procedures...on a local and informal basis'. The results are set out in the following tables; there were multiple answers given by the 13 forces which responded to this question. We found that only four forces which used informal action claimed to monitor its use.



6.90 We found little, if any, consistency in the way forces dealt with racial misconduct outside the disciplinary procedure and likewise little recording of what action was being taken, if any. The absence of any coherent evidence concerns us and we suspect that this may be the key to understanding why there is such a gap between what the forces say they are doing and what our witnesses have said.

6.91 We do not wish to increase the burden on managers who already struggle to meet operational performance targets, but their informal handling of any racial misconduct or allegation of racial misconduct must be recorded. We are not suggesting that there needs to be a record of every occasion when a supervisor or manager speaks to an officer about his or her conduct (where there is concern that the conduct risks breaching the expected standards of behaviour on race equality). No additional tier of record-keeping will be necessary, and the responsibility for capturing the information on an organisation level should lie with the chief officer. Where a manager or supervisor has significant concerns or when a complaint arises, there are already ways for corrective action to be taken – through performance assessment recorded in the officer’s performance and development review (PDR), training requirements identified, a note in the officer’s pocket book, the record of a public complaint, or the various ways that officers can register a complaint (confidential reporting, a grievance, an approach to a personnel manager or welfare officer). Most if not all of these activities already involve some degree of record-keeping and we are suggesting simply that the records are drawn together to build a comprehensive picture of what is happening across the force on these issues, which can then be used to track problem areas and identify trends of behaviour, both of individuals and within sections of the organisation.

6.92 One of the forces that we visited had identified the need for this. The professional standards and personnel departments had discussed the possibility of combining their respective databases to better track problem areas and to bring their management information together, although they still had a lot of work to do to.

6.93 We were interested in the response by six forces that they used the PDR process to address such behaviour. As a result of this, and the fact that we had begun to hear more from the stakeholders about the use of PDR as a management tool to address behaviour, we developed follow-up questions for the five forces that we visited to look further into this issue. Time was limited by this stage but we requested a selection of 10 PDRs from each of the five forces. The use of PDR had also been raised by stakeholders in the context of training so we pooled the information that we were able to obtain and have reported our findings and recommendations in chapter 7.

6.94 In conclusion, we make the following recommendation, which should be read in conjunction with the various recommendations made in section 8 of this chapter dealing with the race equality scheme and employment monitoring duties.

Recommendation

- Chief officers should have systems to record management information about low-level and informal action taken to deal with racial misconduct and allegations of racial misconduct; such systems should be embedded within the force's race equality scheme and the data assessed for its impact on race equality.

The Code of Conduct

6.95 In our interim report we referred to the Code of Ethics used by the Police Service of Northern Ireland (PSNI), which reflects the principles of the European Convention on Human Rights. The Morris inquiry report referred to the PSNI Code and we understand that the Taylor review is likely to recommend a new code of professional standards which took into account elements of the PSNI Code.

6.96 We asked the stakeholders and the 15 forces about changing the Code of Conduct to better define behaviour that might constitute racial misconduct. Some forces and stakeholders were less than enthusiastic about changing the Code. The Police Federation did not agree that there was a need to change the Code, stating to the Taylor review that it was 'appropriate to modern workday practices'. The Federation had no objection to the use of ethical standards documents, which many forces had already introduced, but said that these should only be used to supplement the Code of Conduct, which should remain the basis for charging officers with disciplinary offences. The chairman of the Police Federation told us that she did not believe that the introduction of a code of ethics would be enough to change the operation of the conduct regulations and went on to say 'the service needs to be led from the top – what is needed is a learning environment not a blame culture...ACPO needs to change the mindset of the organisation, the Home Office needs to provide facilities and police authorities need to make sure it happens'.

6.97 The NBPA supports the introduction of a code of ethics and told us that it will benefit the police service as a whole and help to integrate race and diversity issues. However, it will only work if it is applied fairly by the forces and robustly enforced.

6.98 The PSAEW told the Taylor review that the Code of Conduct was ‘adequate and sufficient within the traditional structures and shape of the service but with the encroaching absorption of police staff (largely exempt from the Code of Conduct) within all legislation and thought processes, then a code of ethics (for all) might be appropriate to ensure consistency’.

6.99 ACPO advised us that all forces had some written guidance to reflect force values, many of which dealt with developments in legislation, such as human rights, harassment and bullying, and disability. It warned against these statements being left to gather dust, and commended the PSNI Code upon which to base an appropriate code of ethics for England and Wales, to include all members of the police family.

6.100 We asked our sample group of 15 forces, the Federation branch boards and the black police groups whether the Code of Conduct should be amended to more clearly define the types of race-related behaviour that would amount to misconduct. The response from the forces was as follows:

- a. Four said yes.
- b. Seven said no, generally because they felt further definition would be unworkable and potentially more restrictive.
- c. Four gave unclear answers to the specific question, but two of those suggested that some further guidance was required.

6.101 None of the 14 Federation branch boards thought that the current Code should be amended. Two of the five black police groups thought that it should be amended, one thought not and two did not comment.

6.102 Our own emerging findings from the interim report referred to the Home Office report by Paul Quinton, which found that not all officers knew how to interpret the Code of Conduct in practice – officers of all ranks had resorted to developing their own ‘working definition’ of what constituted misconduct. The report recommends that consideration should be given to the Code to ‘ensure that it is applied appropriately’.

6.103 Our conclusion at the time was that ‘racist behaviour can take many forms, from misguided racist jokes or inappropriate language to deliberate targeting of an ethnic minority officer. Without a much clearer definition in the Code of Conduct, there is likely to remain some confusion and paralysis when racial issues are raised’.

6.104 We have thought more about this in the light of our further work and conclude that the Code should be amended for two reasons. Firstly, we believe there should be a specific category for the offence for racial misconduct so that such cases are easy to identify and record. Currently cases could be brought under a number of sections of the Code, as we have seen from the cases handled by our sample group of forces, which increases the chance that they are not properly recorded. Secondly, there is a need to

emphasise the ethical and human rights context in which police officers operate, both in their dealings with the public and with each other.

6.105 One part of the PSNI Code that we believe is essential to any code for England and Wales is the clear statement set out in Article 10, which describes the duty imposed on supervisors of all ranks to promote the delivery of ethical and non-racist behaviour, a duty which can be enforced through disciplinary proceedings. We can do no better than quote Article 10 in full:

Article 10: Duty of Supervisors

10.1 Supervisors shall be the primary promoters and positive agents of good conduct in relation to accepting and working within the spirit of the Code of Ethics. They shall be role models for delivering a truly professional impartial and effective policing service. They shall ensure that the individuals for whom they are responsible are supported, given guidance on the professional performance of their duties and encouraged to further their professional development.

10.2 Supervisors shall ensure that their staff correctly carry out their professional duties. They shall challenge and address any behaviour that is in violation of this Code, reporting such where appropriate.

10.3 Supervisors have a particular responsibility to secure, promote and maintain professional standards and integrity by advice, remedial or other relevant and appropriate action.

6.106 Such a duty would underpin and reinforce the legislative duty to promote race equality under the Race Relations Act, which lies with every police force but which of course can only be delivered by individuals within the force.

6.107 We have not set out a draft of a recommended code of ethics because we recognise that the changes we have suggested will involve rewriting entirely the existing Code and this would take us out of our terms of reference. When considering our recommendations we urge the Home Office to stick as close as possible to the PSNI Code and in particular to include the Article 10 duty on supervisors.

6.108 We note that the existing Code of Conduct is in the conduct regulations and if our recommendation to extend employment rights to police officers is accepted, the proposed code of ethics would have to be formulated as part of a discipline policy within police officer terms and conditions. Although it is outside our terms of reference, we hope that the police service and Home Office will decide to make police staff subject to the same code of ethics.

6.109 Our recommendation in relation to the Code of Conduct is as follows:

Recommendation

- The Home Office should amend the Code of Conduct in line with the Code of Ethics of the Northern Ireland Police Service, to create a single code containing standards of conduct and practice for police officers in relation to non-discrimination on racial grounds.

6.110 We accept that the Code of Conduct may not be the correct place for a detailed explanation of what may constitute racial misconduct, taking into account the developments in discrimination law, for example on the definition of harassment. However, there is a need for that information to be provided nationally and used consistently across the police service.

6.111 We found evidence that the police service has taken a very narrow approach to the practical interpretation of what constitutes racial misconduct. There is an overwhelming focus on cases where the offending officer has used racist language and the more insidious forms of racial discrimination have become invisible.

6.112 We think this underlies the perception shared by many of our witnesses that there is a reluctance to take action against racial misconduct. Whilst racist language is being challenged in the police service, as we have seen from our survey of disciplinary tribunals, ethnic minority officers are asking what is being done to challenge covert discrimination which can be more damaging to their lives and careers. One witness stated 'I have frequently experienced racial discrimination from the time I joined the police service up till now. Usually this has been subtle rather than overt, and is well illustrated by an Asian colleague's comment that his weaknesses were always magnified and his achievements diminished. I believe this is the most common experience of ethnic minority officers that bind us all'.

6.113 From the evidence gathered about race grievances and employment tribunal race cases, it seems that the majority are not about the use of racist language; they concern promotion, special attachments, training and other areas where ethnic minority officers feel they are being disadvantaged in their careers.

6.114 One of the biggest challenges to the police service is to take the fight against racism to the next level and be more proactive in identifying and rooting out covert discrimination.

6.115 To supplement the proposed code of ethics we recommend as follows:

Recommendation

- The Home Office and/or the Association of Chief Police Officers in consultation with the Independent Police Complaints Commission should draft written guidance on understanding racial discrimination which should be part of the police service discipline policy for police officers.

6.116 The current Police Complaints Authority ‘Guide to Investigating Racial Discrimination’ contains such guidance but it does need revising and incorporating into a police service disciplinary policy for police officers.

Sanctions for racial misconduct

6.117 Our terms of reference have directed us to consider ‘whether adequate sanctions are used when inappropriate race-related conduct is found’. From our survey of the cases handled by the 15 forces we are unable to say whether there were any cases where the sanction was completely out of proportion to the conduct. It is a difficult and perhaps impossible question to answer in general terms as to whether sanctions are adequate, as each case has to be judged on its own merits.

6.118 However, we do respect the views of some of our witnesses with personal experience, which has led them to feel that sanctions are inadequate in some cases. Most witnesses felt that the sanctions imposed for racial misconduct were not severe enough. Others told us that giving an officer ‘words of advice’ was not seen as a sanction at all and was often used to fudge the issue and avoid having to take appropriate disciplinary tribunal proceedings.

6.119 We understand that the discipline model proposed by the Taylor review will involve a change to the current range of sanctions, and will distinguish between misconduct and gross misconduct. Under this model, misconduct would be dealt with in a disciplinary meeting by the line manager and who would be able to impose a written or final written warning. The professional standards department would investigate gross misconduct cases and any disciplinary hearing would be conducted by a panel chaired at assistant chief constable level, which would have the option of giving a final written warning or dismissing the officer.

6.120 Within this model, a breach of the code that does not in the first instance lead to dismissal (although if repeated it could do so) would be regarded as misconduct. Examples include incivility or failure to follow a lawful order. A serious breach of the code that may lead to dismissal without notice for the first offence would be regarded as gross misconduct. This could happen where the relationship and trust between the police service and the police officer has been seriously undermined. An example would be where there has been racial or sexual harassment.

6.121 We welcome such an approach but even with this broad classification, we do not feel able to say categorically that all cases of racial misconduct should automatically be classed as gross misconduct and dealt with accordingly. We have spoken to many police officers who have urged us that this would be wrong – it would deny any opportunity for learning and discourage complainants from coming forward to report racist incidents. However, we would expect that cases of racial discrimination would usually be treated as gross misconduct.

6.122 As racial misconduct can encompass a wide range of behaviour we felt that there should be guidelines on using the available sanctions, certainly under the present system that has a wide range of sanctions. We have seen the Police Complaints Authority (PCA) guide to investigating cases of racial discrimination and this outlines the relevant considerations for a disciplinary panel to take into account when selecting the appropriate sanction. We agree with the position taken by the PCA, and endorsed by the IPCC, that there should not be a fixed sanction for racial misconduct. However, we do feel that there is scope to update and improve this guidance.

6.123 We asked the sample group of 15 forces whether they relied on any sanctions guidelines; 14 forces said they did not. Most of them referred only to the conduct regulations, supplemented by other ‘official’ guidance they were aware of, such as the Home Office guidance in relation to drink driving and the ACPO guidance on BNP membership. Several forces stated that the choice of sanction was a decision for the panel on the facts of each case. One force did rely on guidelines: the Twist and Bagshaw guide referred to in our interim report.

6.124 The MPS has produced a booklet entitled ‘Sanctions Guidelines: Integrity is non-negotiable’, which suggests that conduct motivated by race, sex and sexual orientation should mean that the person is unsuitable for continuation in service. It is a helpful reminder of force values but little more. We understand that the MPS felt unable to rely on more prescriptive sanctions guidelines as they would fetter the discretion of the disciplinary tribunal.

6.125 In conclusion, we make the following recommendation:

Recommendation

- The Home Office (in consultation with the Independent Police Complaints Commission, the Association of Chief Police Officers, the Association of Police Authorities and staff associations) should prepare comprehensive guidelines sanctions for racial misconduct, as part of the police service disciplinary policy for police officers.
-

Training

6.126 We were told on many occasions that supervisors lack confidence and expertise in dealing with racial issues. To investigate this further we asked our sample group of forces and the stakeholders about the extent of training and the additional guidance available to supervisors. We identified sergeants and inspectors as the ranks most likely to directly come into contact with racial misconduct.

6.127 The Federation felt that there was a need for consistency in the operation of the disciplinary procedure and suggested that this could be achieved by training senior officers and investigating officers. The Police Federation told us that these officers are not trained on their specific roles and responsibilities under the conduct regulations.

6.128 The Superintendents Association recognised that the police service needs people with management skills and that this requires greater emphasis. Even though things have improved, there is an over-emphasis on operational skills.

6.129 ACPO recognised the lack of confidence and capability that police supervisors and managers have at times shown in dealing with issues of race and diversity.

6.130 The Interim Race Equality Action Plan sets an objective 'to ensure that managers are competent in the effective management of professional standards issues and grievance procedures'. The action identified to achieve that objective is for 'Centrex to undertake a review of current training on professional standards and grievance issues and ensure that it addresses race equality and diversity issues' and that 'forces ensure that all managers have received the appropriate training, support and access to professional expertise, to deal effectively with professional standards and grievance procedures'. Chief officers will be responsible for providing this on behalf of their forces.

6.131 We agree with these broad objectives and hope that specific measures can be identified to take this action forward as soon as possible.

6.132 The questionnaire replies from our sample group of 15 forces supported the views of the stakeholders that training in these areas was inadequate. We first asked the forces whether training on disciplinary investigations and misconduct proceedings was compulsory. Some of the forces referred generally to the training given to newly promoted sergeants and inspectors, some forces also mentioned the training given to new officers on the Code of Conduct and expected standards of behaviour.

6.133 Most of the answers naturally focused on professional standards staff and seven forces said such training was compulsory; seven said it was not but there was training available; and one did not confirm either way.

6.134 We then asked what kind of training was provided for professional standards staff and the answers are set out below. Some forces cited several types of training and used a mix of internal and external training providers:

- a. Eight provided on-the-job training.
- b. Six said all or some of their investigators attended the Senior Investigation Officer training course provided by Centrex.
- c. Three provided training on interview skills.
- d. Four provided specific training on PCA/IPCC procedures.
- e. Four had one-off courses and training events.
- f. Four provided diversity training.
- g. Three mentioned specific training for investigating race cases.

6.135 When we asked whether the 14 Federation branch boards thought that those operating the disciplinary procedures in their force were adequately trained, the responses were as follows:

- a. Six said it was adequate (although one or two mentioned that it needed constant updating).
- b. One said national standard training was required.
- c. One said there had been improvements.
- d. Two said the training was inadequate.
- e. Four either did not know or made no comment.

6.136 When we asked the same question to the black police groups, three said it was inadequate and two did not comment.

6.137 Our visits to all five professional standards departments reflected our questionnaire responses and were disappointing. There was no consistency across the forces and the training was too generic; all relied on a combination of on-the-job training, the Centrex Senior Investigating Officer training course, and generic management training for sergeants and inspectors, plus the force diversity training programme.

6.138 One force and its Federation branch felt that its professional standards staff were well trained although the black police group from that force felt differently. One force demonstrated good practice in its appointment of a diversity training officer within its

professional standards department and had approached Centrex for a grant to develop a more specialised course for complaints and discipline, but had been refused. Two of the forces were working to develop internal guidelines for handling race (and other) complaints; one force intended to consult both internally and externally about these internal guidelines, as it had recognised that procedures and process were as important as wider policy issues in delivering a non-discriminatory service.

6.139 In the light of the stakeholders' comments and our findings from the sample group of forces, we have concluded that there should be more consistency in relation to the training of officers working within professional standards departments, as they were working to a national complaints system and a national disciplinary procedure for police officers. We were concerned that there was no compulsory requirement for all officers working within professional standards to receive appropriate training, particularly in relation to investigating cases of racial misconduct.

6.140 We have seen the draft statutory guidance from the IPCC on the complaints system that is out for consultation until 17 March 2005; the CRE is a member of the advisory group working with the IPCC on this. The guidance will go some way to standardising force practice and in due course we hope that the IPCC's monitoring and guardianship role will be another way to address the wider training and standards issues in professional standards departments.

6.141 In conclusion, we have made the following recommendations to address the training needs in this area, which have been informed by the actions specified in the Interim Race Equality Action Plan.

Recommendations

- Chief officers should make training on disciplinary procedures, including required skills, compulsory for all managers and supervisors. The effectiveness of such training should be monitored and measured through the performance and development review process.
 - Chief officers should make training on investigating racial discrimination and on race and diversity compulsory for professional standards staff. The effectiveness of such training should be monitored and measured through the performance and development review process.
 - Centrex should review its Senior Investigating Officer training course to ensure that it adequately provides the recommended compulsory training.
-

6.142 Training for supervisors will be particularly important if they are to comply with the duty set out in Article 10 of the PSNI Code that we have referred to above.

Professional standards departments

6.143 Although we did not set out to investigate professional standards departments as such, we did receive evidence about their performance from a few sources and through our force visits we looked closely at the departments in five police forces.

6.144 The Morris inquiry made very significant findings about the professional standards department in the MPS. The findings were quite damning and led to a recommendation that the commissioner of the Metropolitan Police order a ‘fundamental review of the Directorate of Professional Standards, to be personally assured that the policies governing the practices and procedures of the directorate hold senior managers fully to account for the conduct and management of disciplinary investigations’. Although it would be wrong to make assumptions about the professional standards departments of the other 42 forces, we would hope that all forces read the inquiry report and examine their own operation in this area.

6.145 The Superintendents Association said there was much concern among officers about the work carried out by professional standards departments and it would be hard to change these perceptions. Professional standards departments were fundamental in ensuring integrity, but in certain cases had acted in an overly zealous manner which has caused ill-feeling. It is a difficult balance to strike; a thorough but a proportionate investigation is needed.

6.146 The general secretary of the Police Federation told us that there were often no constraints on big investigations and that even smaller ones could take on a life of their own; he felt there should be national standards of performance expected of force professional standards departments as there is currently no accreditation system.

6.147 The NBPA was very critical of the way many professional standards departments operated. In its evidence to us, the NBPA stated that the departments showed more dignity and respect to criminals than to their own ethnic minority officers and staff. The NBPA thought that chief officers should carefully consider who they appointed to lead and work in these departments, as many may be good detectives but may often lack people skills. The NBPA felt that these officers tended to treat staff as the enemy, due to their criminal investigation backgrounds: the mindset was to treat everyone with deep suspicion.

6.148 The NBPA told us that many professional standards departments were predominantly male and white and that recruitment was through the ‘old boys’ network’. The majority of officers who joined professional standards did so with a view to using the experience as a stepping-stone to the next rank. Where there were ethnic minority staff working in professional standards departments, it was the NBPA’s experience that the

forces used them to investigate other ethnic minority staff; this was seen by the NBPA as institutional racism and a deeply cynical ploy.

6.149 According to the NBPA, staff in professional standards departments need a greater understanding of race and diversity issues to properly investigate cases of racial discrimination and deal with disciplinary action for racial misconduct. The NBPA also thought that the officers working for professional standards were not held accountable for their actions. Even in cases where the employment tribunal had found racial discrimination and criticised an investigation, no action was taken against the senior officers responsible.

6.150 We found good and bad practice during our visits to five professional standards departments. Some of the good practice points are listed here:

- a. Two forces had an automatic policy to voluntarily refer all internal race cases to the IPCC as conduct matters, so that the IPCC can decide whether it should be involved.
- b. One force had found disproportionality and the black police group had expressed concern, so the force set up a discipline committee to oversee and review individual cases.
- c. Two forces were trying to encourage more local resolution of conduct issues, rather than an automatic full-scale professional standards investigation. One force stated that they preferred to deal with conduct issues through training and development rather than sanctions, where possible. They felt that managers should manage misconduct and not automatically refer cases to the professional standards department, which should be able to concentrate on serious cases. One force would refuse to take cases referred from division when they felt that the case was capable of being handled locally, but would provide support to the divisional officer where required.
- d. One force told us that their professional standards department had received complaints against Asian officers which were referred back to the division instead of undertaking a full investigation, because they were identified as possibly malicious. Another force had a similar approach to 'vetting' complaints received.
- e. One force improved their complaints recording and subsequently recorded 110% more complaints now than before. In addition they challenged non-recording of ethnic origin data by the divisions. They had also dramatically improved their work on local resolutions, pushing appropriate work back to the divisions.
- f. One force had just done a best value review of professional standards and as a result had appointed a diversity training officer to look at learning lessons.

- g. Several forces tracked public complaints against police officers through an electronic warning system after a set number of complaints.

6.151 We did find some areas where we felt there could be improvements:

- a. Overall ethnic minority representation in three of the professional standards departments was quite low or nil.
- b. In one force there was no monitoring of complaints or misconduct for adverse impact, but since receipt of the questionnaire during this investigation, the force is considering its position and did commit to taking further action.
- c. In one force, the IPCC had identified failings and challenged the professional standards department for missing the racial element in one of its complaints cases. We also saw evidence that the racial element of another case was not followed through as thoroughly as it might have been.
- d. It was standard practice in one force for all race cases to be handled by professional standards. The force acknowledged that officers were deterred from complaining as a result, but the department wanted to demonstrate they took race cases seriously. Local Federation representatives thought this approach was too often far from what the victim wanted.

6.152 Taking into account the findings we made about training in professional standards, we make the following recommendation:

Recommendation

- In the light of the Morris inquiry findings in relation to the Metropolitan Police Service and the criticisms that have been made about professional standards departments, we recommend that the Independent Police Complaints Commission and Her Majesty's Inspectorate of Constabulary conduct a joint thematic review into the performance standards and practice of all professional standards departments. This should cover their handling of racial misconduct cases and the way that ethnic minority officers are treated in the investigation and disciplinary process.

6.153 This links with the recommendation at paragraph 6.63 arising from our findings about disproportionality, as professional standards departments usually conduct the investigations and handle the disciplinary process. This recommendation can be combined with the recommendation that the Home Office commissions research as to the extent and nature of disproportionality in the police disciplinary procedure.

Discipline in training centres

6.154 Our witnesses advised us that there was no provision for grievance and disciplinary procedures to be dealt with on location at Centrex training centres. Trainers and probationers must use the complaints procedures available within their home force and it is the home force that has to instigate any disciplinary proceedings arising from the conduct of trainers and probationers.

6.155 A number of witnesses complained that it was extremely difficult to understand how personnel procedures operated at training centres. Two witnesses told us that having made a race complaint at training college, they felt the perpetrators' home forces failed to deal with the issues robustly enough, or provide any leadership.

6.156 One witness told us that the culture at one of the training centres discouraged complaints and that neither staff nor students would feel comfortable complaining. Many witnesses told us that probationers lacked the confidence to challenge bad practice. One witness said

an officer from X police force made some racist comments in public at a Centrex event. I decided to pursue the matter even though others present claimed they had heard nothing. I had to go through a procedure of reporting the matter to the X police. They investigated, and I believe the matter was concluded with words of advice to the officer.

6.157 We do not think that this is a satisfactory situation as the home forces are too distant which impedes their ability to deal effectively, fairly and promptly with such issues. We recommend as follows:

Recommendation

- Chief officers should delegate responsibility to Centrex for disciplinary and grievance procedures at its training centres.

Oversight of internal discipline: a role for the IPCC?

6.158 The IPCC is principally concerned with public complaints made about the conduct of police officers and staff. However, the scope of its powers is not confined to the investigation of public complaints and needs to be examined in some detail, to identify how it is likely to influence internal discipline of police officers. The scope of the IPCC's powers can conveniently be divided into two parts: complaints investigation and guardianship.

Complaints investigation

6.159 The IPCC has been given new, stronger powers of investigation into complaints against the police. There are four types of investigation: independent IPCC investigations for the most serious cases; managed investigations, in which the IPCC provides guidance and oversight; supervised investigations, where it has a lesser role; and internal investigations by the police force concerned.

6.160 For less serious cases there is a further option of local resolution by the police force concerned. This is suitable for minor complaints that can be resolved quickly by the local command unit where the incident arose. This is only appropriate if the complainant consents and is not intended for more serious cases or where the complaint suggests a pattern of behaviour.

Guardianship

6.161 The IPCC has a wider responsibility to monitor how complaints are handled by individual police forces. This is the guardianship or watchdog role which involves setting standards, inspecting performance, identifying and spreading good practice and ensuring that appropriate lessons are learnt locally and nationally when mistakes are made.

The IPCC's investigation powers

6.162 In addition to public complaints, the IPCC's remit includes 'conduct matters', defined by section 12(2) of the Police Reform Act 2002. Conduct matters can include public cases where there is no actual complainant or cases where a serious internal incident has come to the attention of the force. The conduct of the racist officers shown in *The Secret Policeman* is an example. When there has been an incident that could amount to a conduct matter, the force has to assess whether it should be recorded and referred to the IPCC for investigation. Incidents where the conduct is 'aggravated by discriminatory behaviour on the grounds of a person's race, sex [or] religion' have to be recorded and referred.

6.163 If referral is not mandatory, a force can refer a case to the IPCC voluntarily. Equally, the IPCC has the power to call in a case that has not been referred to it. Exercise of this power will depend on whether the IPCC hears about the incident; this might be through local publicity or community contacts.

6.164 We asked the IPCC whether there was a risk that forces would fail to report some cases and the IPCC thought this unlikely. The IPCC has built up a wide network of community contacts and so far most forces have been cooperating with the IPCC. It was a learning process for the forces to identify the type of case of which the IPCC should be informed and it would take time for the forces to be completely in tune with the IPCC's priorities. If the IPCC did find cases where the force has improperly withheld information, the IPCC would take it up with the chief officer and would expect action to be taken.

6.165 Potentially, therefore, all serious racial misconduct by police officers and staff should be recorded and referred to the IPCC, whether there is a complainant or not. These cases will be dealt with under the new complaints system and will be subject to the IPCC's guardianship role. The IPCC's approach to these cases is likely to have a significant impact on how forces deal with purely internal discipline, as it will be the forces' professional standards departments that will investigate officer behaviour, either as part of the internal disciplinary procedure or under the complaints system. It is therefore important to look in more detail at the IPCC's approach, particularly on racial matters and how the guardianship role will work.

6.166 Over its first year of operation, the IPCC has built up a good reputation as fair, professional and independent among forces and stakeholders including the Home Office. The IPCC has published its core beliefs, which are embedded in its corporate plan for 2004–08. The core beliefs are justice and respect for human rights, independence, valuing diversity, integrity, and openness. We looked at what these beliefs meant and how the IPCC put them into practice.

6.167 From its inception the IPCC has made it clear that cases involving racism are likely to be treated very seriously. One measure of this is to look at how the IPCC has dealt with cases involving allegations of racial discrimination. The IPCC decides the mode of investigation based on an assessment of the seriousness of the case; relevant factors include whether it involves a major matter of public concern or could lead to a loss of confidence in the police service.

6.168 In its corporate plan for 2004–08, the IPCC has projected that in its first year it will independently investigate 22 cases, manage the investigation of 80 cases, and supervise the investigation of 650 cases. The workload projections for independent and managed investigations will rise (as the IPCC increases the number of its investigators) to 200 independent and 100 managed by 2007/08. The other cases will be investigated by the police forces themselves, albeit under the guardianship of the IPCC.

6.169 The following table sets out the actual figures for IPCC casework from 1 April 2004 to 31 December 2004. The 'Other discrimination' column indicates cases of general complaints of discrimination where race may be one of a number of factors.

	Race discrimination	Other discrimination	Other	Total
Independent	2	-	17	19
Managed	4	2	76	82
Supervised	40	9	400	449
Local	102	32	418	552
Total	148	43	911	1102

6.170 As serious conduct matters aggravated by discriminatory behaviour have to be referred, allegations of racial discrimination will inevitably form a sizeable part of the IPCC's caseload. Although we cannot measure the figures against the total pool of potential cases, as the figure is not available, we can see that over 8% of all cases where the IPCC is directly involved are allegations of racial discrimination and a further 2% are allegations of other forms of discrimination – an indication that the IPCC does take discrimination cases seriously.

6.171 The IPCC has demonstrated to forces its strong interest in policing issues which could generate complaints of racial discrimination; it has written to each force asking them to refer to them all complaints arising out of arrests on terrorism charges. The IPCC has also told us that stop and search is an important area and one which it will monitor closely in future.

6.172 We asked the IPCC about its commitment to race issues and were told the following:

- a. The emphasis on valuing diversity and equality applies to the way that the IPCC does its business and has led to a service that understands race issues and has put them high on the agenda: the IPCC 'lives and breathes' diversity.
- b. The IPCC draws on the diversity of its own senior managers and commissioners (who are involved directly in casework) and the experiences of the stakeholders and communities with whom it works at a grass roots level.
- c. Investigators and commissioners attend investigation skills training, which includes race and diversity. Although there were some gaps in the diversity element of the training, the IPCC is able to supplement this in-house.

6.173 The IPCC admitted that since it was still so new, some of its personnel policies were quite basic and there was therefore some room still for improvement. The chairman of the IPCC confirmed that it is in the process of developing best practice in-house; a diversity committee consisting of five commissioners and 10 staff is in charge of this work. The IPCC has recently been brought within the specific race equality scheme duty and has to publish a scheme by 31 May 2005.

6.174 Given the demands on the IPCC to hit the ground running in relation to service delivery issues and its apparent success in that area, we hope that the IPCC can now focus attention on consolidating its work to develop and implement a robust scheme.

The IPCC's guardianship role

6.175 IPCC's guardianship role includes:

- a. setting standards;
- b. supporting the police in developing the new approach to complaints handling;
- c. making sure the new complaints system is implemented;
- d. developing monitoring techniques; and
- e. introducing a programme of inspection.

6.176 Although HMIC has an inspection and monitoring role in relation to professional standards departments, there is evidence in this report and elsewhere which suggests that internal discipline needs more effective oversight. We will look further at HMIC's role later in this chapter.

6.177 Even though police officer discipline ought to be consistently applied across all forces as it is derived from statutory regulations, we have seen from the evidence gathered during this investigation that this is not always the case and there are concerns about disproportionate use of the disciplinary procedure against ethnic minority officers. To date these issues have not been tackled centrally by any of the tripartite partners or stakeholders.

6.178 The guardianship role at its widest could be a tremendous tool for change and we believe it should include oversight of internal discipline of police officers in the police service. Although it is outside our terms of reference, it would naturally follow that the guardianship of police staff discipline should also fall to the IPCC.

6.179 The IPCC agrees that it should take on a guardianship role for internal police officer discipline, subject to resource considerations, and the Home Office indicated to us that this is a recommendation it will take very seriously. Our recommendation in this regard is as follows:

Recommendation

- The Home Office should consider extending the guardianship role of the Independent Police Complaints Commission to cover the operation of the disciplinary procedure for police officers.
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List of recommendations:

67. The Home Office should ensure proposed changes to police disciplinary arrangements are fully assessed for their impact on race equality.
68. In light of the Morris inquiry report, Taylor review and our report, the Home Office should consider giving police officers wider employment rights and making them subject to a non-statutory disciplinary procedure incorporated in their terms and conditions preserving the office of constable.
69. The Home Office and/or Her Majesty's Inspectorate of Constabulary should urgently commission research across the police service on the nature and extent of any disproportionate impact on ethnic minority police officers that may exist in the operation of the police disciplinary procedure.
70. Chief officers should have systems to record management information about low-level and informal action taken to deal with racial misconduct and allegations of racial misconduct; such systems should be embedded within the force's race equality scheme and the data assessed for its impact on race equality.
71. The Home Office should amend the Code of Conduct in line with the Code of Ethics of the Northern Ireland Police Service, to create a single code containing standards of conduct and practice for police officers in relation to non-discrimination on racial grounds.
72. The Home Office and/or the Association of Chief Police Officers in consultation with the Independent Police Complaints Commission should draft written guidance on understanding racial discrimination which should be part of the police service discipline policy for police officers.
73. The Home Office (in consultation with the Independent Police Complaints Commission, the Association of Chief Police Officers, the Association of Police Authorities and staff associations) should prepare comprehensive guidelines sanctions for racial misconduct, as part of the police service disciplinary policy for police officers.
74. Chief officers should make training on disciplinary procedures, including required skills, compulsory for all managers and supervisors. The effectiveness of such training should be monitored and measured through the performance and development review process.
75. Chief officers should make training on investigating racial discrimination and on race and diversity compulsory for professional standards staff. The effectiveness of such training should be monitored and measured through the performance and development review process.

76. Centrex should review its Senior Investigating Officer training course to ensure that it adequately provides the recommended compulsory training.
77. In the light of the Morris inquiry findings in relation to the Metropolitan Police Service and the criticisms that have been made about professional standards departments, we recommend that the Independent Police Complaints Commission and Her Majesty's Inspectorate of Constabulary conduct a joint thematic review into the performance standards and practice of all professional standards departments. This should cover their handling of racial misconduct cases and the way that ethnic minority officers are treated in the investigation and disciplinary process.
78. Chief officers should delegate responsibility to Centrex for disciplinary and grievance procedures at its training centres.
79. The Home Office should consider extending the guardianship role of the Independent Police Complaints Commission to cover the operation of the disciplinary procedure for police officers.

Section 3: Grievances and victimisation

Introduction

6.180 In order for employees to feel valued and to work in a safe environment they must be confident that complaints regarding working conditions and relationships with colleagues will be dealt with fairly, adequately and promptly. An effective grievance procedure by which an organisation can resolve complaints is therefore essential.

6.181 The police service recognises the damage caused to public confidence and the personal costs to individuals from high profile race cases going to employment tribunals. The ability to resolve workplace disputes satisfactorily, before they reach tribunals, will gain the police service credibility on race and diversity issues and help it to retain and attract a higher number of ethnic minority recruits.

What we said in the interim report

6.182 In the interim report we reported that ‘nearly all the officers who gave evidence to us said they had no confidence in the grievance procedure’. They doubted its ability to deliver a fair outcome and expressed concern that supervisors and managers who handled the grievance procedure were not independent. A number of officers alleged that having invoked the grievance procedure, they were unfairly targeted for disciplinary action and were isolated by managers and colleagues. We were told that there was an overwhelming fear of victimisation amongst ethnic minority officers and that police culture inhibits individual officers from making complaints against colleagues.

6.183 As stated in our interim report, the police service has recognised that in many forces, grievance procedures failed to provide adequate dispute resolution. There is little point in looking too hard at the past since the police service is already moving forward through the introduction of ‘Fairness at Work’ (Home Office circular 028/2004). ‘Fairness at Work’ sets out best practice guidelines for forces in providing an effective grievance procedure and was developed through a partnership between the Home Office, ACPO, the APA and representatives from force human resource departments and staff associations. The Police Federation played a particularly significant role and became so frustrated at the slow progress of the project that it paid for the work to be completed last year.

6.184 In the interim report we set out the issues we proposed to investigate further during stage 2:

- a. Whether ‘Fairness at Work’ is likely to address the concerns expressed by ethnic minority officers, taking into account in particular the experience of the MPS, which adopted a procedure similar to that recommended by ‘Fairness at Work’ in 2003.

- b. Best practice to encourage early resolution of disputes in the workplace.
- c. The relationship between the misconduct procedures, the grievance procedures and alternative forms of dispute resolution.
- d. Whether ethnic minority officers were using informal methods to resolve their problems.
- e. Whether race complaints were under-reported.
- f. Whether forces were recording ethnic monitoring data, monitoring trends and patterns, and reviewing the effectiveness of their policies as required by their race equality duty.

Developments since the interim report

6.185 The Home Office published 'Fairness at Work' in April 2004 to encourage forces to overhaul their grievance procedures, which were widely seen as ineffective. The Home Office puts 'Fairness at Work' forward as best practice, but individual forces can implement the guidelines as they see fit. During our discussions with stakeholders and in some cases individual forces, we were often told there were 43 different ways of doing things in the police service. We found that this rang true when we looked at what the forces were doing to implement the document.

6.186 Since the interim report we have had the benefit of reading the Morris inquiry's findings about 'Fairness at Work' as it has been adopted by the MPS.

Findings and recommendations

6.187 We will present our findings and corresponding recommendations under the following headings:

- a. Implementation of 'Fairness at Work';
- b. Is 'Fairness at Work' likely to be effective in addressing complaints of racial discrimination?
- c. General concerns about grievance handling in the police service;
- d. How race grievances are dealt with in the police service;
- e. Cultural issues affecting grievances;
- f. Confidence in the procedures and the fear of victimisation;

- g. The need for training in grievance handling; and
- h. Other methods of dispute resolution.

6.188 We will highlight what we regard as best practice but given the nature of this general formal investigation, we do not identify any particular forces. We will look at force performance on monitoring race grievances in a later section.

Implementation of ‘Fairness at Work’

6.189 In the questionnaire that we sent to the sample group of 15 forces, we asked what action they were taking to implement ‘Fairness at Work’ guidance and 14 confirmed that they were reviewing their grievance procedure in light of the guidelines. One did not report any activity to introduce ‘Fairness at Work’ guidance.

6.190 We also asked the forces whether they were consulting their local Federation branch boards and black police groups. The results were not entirely clear, as consultation was ongoing in most of the forces. All forces said that they worked closely with their local Federation and other staff support networks. Having considered their answers and comments made by the local Federation branch boards and black police groups, we found that the consultation was not as extensive as the forces suggested and the local black police groups were not as actively engaged or involved by the forces as the Federation branch boards.

6.191 The PSAEW felt that ‘Fairness at Work’ was a good start but its guidance should be implemented across all 43 forces in England and Wales. As drafted, ‘Fairness at Work’ allowed too much flexibility and certain aspects should be more prescriptive.

6.192 We asked the Home Office about ‘Fairness at Work’ and were told that it was not closed to the suggestion that its guidance should be made compulsory although it would have to be discussed at the Joint Police Negotiating Board. The Director of Policing Policy candidly admitted that ‘Fairness at Work’ had not been assessed for its impact on ethnic minority police officers and staff, as it should have been.

6.192 As a result of our findings we make the following recommendation:

Recommendation

- Following consideration of the Morris inquiry report and our report the Home Office should determine a nationally agreed grievance procedure for the police service which should be assessed by the Home Office for its impact on race equality and made compulsory throughout the police service (be it ‘Fairness at Work’ guidance or a different procedure).
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6.193 Although many forces are revising their grievance procedures in light of 'Fairness at Work', it is unclear how many forces are consulting ethnic minority officers and, if they are, what the quality is of that consultation. As a result of these findings and indeed comments from both the national Federation and the NBPA in general terms about inadequate consultation. We make the following recommendation:

Recommendation

- Chief officers should ensure that staff associations are fully consulted on force arrangements for resolving grievances within timescales agreed by each force.

Is 'Fairness at Work' likely to be effective in addressing complaints of racial discrimination?

6.194 It was generally agreed that the previous Home Office guidance had not significantly improved grievance handling in the police service. Although we did not want to linger on the past, we decided to look at the previous guidance to put 'Fairness at Work' into context.

6.195 The previous guidance was contained in Home Office circular 16/93 entitled 'Guidance on the operation of Grievance Procedures' (the 1993 circular) and like 'Fairness at Work', it was intended to be a model of good practice and was not compulsory. The 1993 circular applied to police officers and police staff, as does 'Fairness at Work'. One of the reasons why the previous guidance was introduced was to provide a more effective way of resolving discrimination complaints; at the time many discrimination cases were being taken straight to the employment tribunal without any internal attempt at resolution.

6.196 The 1993 circular recommended that the procedure 'should be flexible, informal and designed to resolve issues quickly and at the lowest possible management level' and that 'forces need to ensure that all staff are aware of the grievance procedure, and have confidence in the willingness and ability of management to operate the grievance procedure'. It recommended training for managers and encouraged forces to 'monitor and evaluate the use made of the grievance procedure for trends to inform remedial action'. There was a specific warning about protecting anyone who invokes the grievance procedure from victimisation.

6.197 In its thematic 1995 report 'Developing Diversity in the Police Service', HMIC considered the effectiveness of grievance procedures in the police service. HMIC reported that all 43 forces had a written grievance procedure based on the 1993 circular, but generally found that officers and staff did not support the procedure, as there was a fear of victimisation. HMIC found that officers lacked confidence in the ability of managers to use the procedure, particularly for complaints of race and sex discrimination. HMIC was concerned that there was little or no training for managers in using the

grievance procedure and there was a tendency for managers to judge grievances on the criminal standard of proof.

6.198 HMIC did have some positive feedback from individuals who had actually used the procedure and reported that some forces publicised grievance outcomes (anonymously) to show staff that the procedure could be effective, which helped build its credibility. However, HMIC warned that forces should be monitoring the earlier stages of the procedure more closely.

6.199 We then looked in some detail at 'Fairness at Work', which we thought was undoubtedly more sophisticated than its predecessor, but we were struck by the clear similarities between them. We looked at the guiding principle of 'Fairness at Work' and saw little change from the 1993 circular, summarised above, as compared with the following extracts from 'Fairness at Work':

- a. 'The overriding aim of Fairness at Work is to produce a speedy and effective resolution to workplace disputes at the lowest possible management level and not to establish blame or provide punishment'.
- b. Training is emphasised for managers and facilitators and should be completed within 18 months of adopting the procedure.
- c. 'Results of individual cases should be monitored and evaluated' by an independent monitor whose remit is focused on achieving true diversity and equality.
- d. Advice is given on recording statistical data and providing it to HMIC and the police authority upon request.
- e. Police authorities themselves are advised of the importance of 'engaging in effective monitoring and scrutiny of the force's 'Fairness at Work' procedure and reference is made to the APA's guidance 'Tackling Discrimination: Police Authority Oversight and Scrutiny of Grievance Procedures and Employment Tribunals'.

6.200 This begs the question as to how 'Fairness at Work' will succeed where the 1993 circular failed. They share the same underlying principles and the Home Office has chosen the same method to disseminate the guidance.

6.201 Whilst we feel that 'Fairness at Work' is a perfectly acceptable model for handling grievances and agree with its guiding principles, there are some areas where we felt the document could be improved. One such area was whether the grievance procedure was conducted by line managers or specially appointed facilitators, independent of line management. 'Fairness at Work' allows for either approach.

6.202 The MPS chose independent facilitators (called ‘fairness at work advisors’) to ‘stage manage’ the process, in the belief that its previous grievance procedure had been rendered ineffective because line managers lacked objectivity. There are other important differences between the MPS procedure and the national guidance recorded in the Morris inquiry report, which delivered its verdict on the MPS experience. The report highlighted several areas of concern:

- a. whether ‘Fairness at Work’ advisors operating the grievance procedure were truly independent;
- b. that prescribed time scales were not being adhered to;
- c. that staff confidence in the procedure still appeared to be low;
- d. that managers still did not fully understand the procedures; and
- e. that the consequences of using fairness at work advisors to operate the procedures, rather than line managers, was ‘snatching [the] grievance out of the hands of local management (whose proper responsibility it is to resolve workplace disputes)’.

6.203 We do not comment on the operation of the MPS procedure, but we do agree with the MPS that it is important to provide a degree of impartiality in the grievance procedure. ‘Fairness at Work’ encourages the use of informal measures to resolve disputes before resorting to the formal procedure and we support the involvement of line management at this early stage. However, if these measures fail and an officer invokes the formal grievance procedure, we believe that staff outside the officer’s line management structure should operate it.

6.204 There may be lessons to learn from the MPS experience, but objectivity is paramount if officers are to have confidence in the process. We therefore make the following recommendation:

Recommendation

- Chief officers should ensure that responsibility for operating the formal grievance procedure lies with staff independent of the aggrieved officer’s line management.

6.205 The Morris inquiry recommended that the MPS replace its policy with a new grievance procedure, based on the ACAS Code of Practice on Disciplinary and Grievance Procedures. The choice of which procedure to adopt must remain with the police service. While ACAS is regarded as the market leader in promoting best employment practice, ‘Fairness at Work’ was drafted after much consultation and with the needs of the police service in mind.

6.206 Using one procedure or the other will not determine success; it is how the procedure is used that is important. The police service must have a grievance procedure appropriate for a modern multicultural and multifunctional workforce and which is implemented consistently across the police service to ensure that lessons can be learned and force performance can be effectively monitored.

6.207 Bringing a grievance is a formal way to resolve a dispute and tends to be used for the more serious cases; it offers the last opportunity for internal resolution before the employment tribunal. The emphasis on local and speedy resolution of disputes is likely to mean less use of the grievances procedure and we have found that key developments within the police service have involved earlier methods of dispute resolution. Before we look at these in more detail, we will set out what the various stakeholders are saying about grievance handling in the police service.

General concerns about grievance handling in the police service

6.208 We were struck by the similarities between the HMIC assessment of grievance handling in 1995 and the comments that we received from our witnesses in 2004. We spoke to 57 witnesses about the grievance procedure and the vast majority told us that it was the overwhelming fear of victimisation and police culture that inhibited officers from making complaints against their colleagues. A number of the officers told us that after invoking the grievance procedure, they felt unfairly targeted for disciplinary action and isolated by managers and colleagues. Others doubted the impartiality of those handling their grievance and many told us that the grievance procedure was a 'waste of time' and they would never advise their colleagues to go down that road. One witness said that she had evidence that some grievance cases were put in the bin and grievances were not being monitored properly. One force had set up a 'first contact' system and there were 15 informal approaches about discrimination issues, none of which was investigated.

6.209 We acknowledge that the police service has made some progress since the HMIC report in 1995. We have read the good practice examples given to the Morris inquiry by Jane Stichbury, former chair of ACPO's Personnel Management Business Area, which she said 'demonstrates the enormous steps undertaken across the service' to improve the situation.

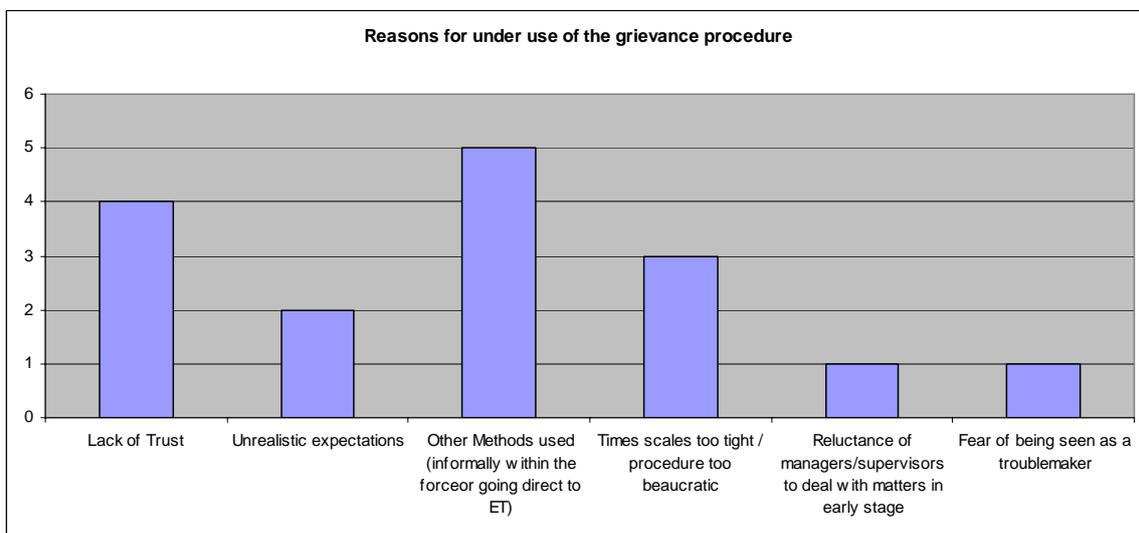
6.210 We have already mentioned the MPS, which developed its own grievance procedure and we are aware that many other forces also reviewed their procedures before the circulation of 'Fairness at Work'. Jane Stichbury shared with the Morris inquiry her personal view that there should be a nationally agreed and coherent approach to the management of people in the police service. We agree with this view, as indicated in our earlier recommendation.

6.211 Despite these pockets of progress, the same criticisms made to HMIC in 1995 were being made to us during this investigation in 2004. We wanted to find out why so little progress seems to have been made and how to avoid history repeating itself. To find

the answer, we looked at what our sample group of forces and the stakeholders were saying.

6.212 We put a number of questions to the sample group of police forces and their police authorities, the Federation branch boards and the black police groups and followed this up with a closer look at the experiences of the five forces that we visited.

6.213 We asked the forces whether they thought the grievance procedures were under-used. Seven said yes, four said no and four were unable to say one or the other. The forces offered a variety of reasons for under-use which are set out in the following chart. Most forces made it clear that the lack of confidence was not confined to racial complaints; it was the same for all types of complaint.



6.214 Most of the witnesses we spoke to cited the fear of victimisation as one of the main reasons why they would avoid using the grievance procedure. We asked forces whether they accepted this but none of the forces did. However, there was evidence from all five of the forces that we visited that there was at least some experience of victimisation or fear of it. When asked, two forces stated there was no victimisation, but this contradicted the evidence provided from individual witnesses who said they had complained of victimisation.

6.215 In one force we were very concerned about an extensive investigation, which had been instigated by a complaint from an officer who had been the subject of a complaint of racial discrimination. A group of several officers had been involved in some way in making the race complaint to the professional standards department. The accused officer responded by claiming that the group had conspired to make up the racism allegations but subsequently admitted racism and was fined two weeks' pay. A few days after the misconduct proceedings were concluded, that officer made very serious complaints about each member of the group which had complained about him and the conduct complained of pre-dated the race complaint by many months; his allegations triggered an extensive investigation handled by an independent force and the arrest of several officers who were

investigated for internal misconduct charges and criminal offences. No criminal charges were brought but the internal misconduct investigations were ongoing at the time of our visit. The officers believed that their complaint of racial discrimination had provoked the complaint that led to the disciplinary investigation against them, which would not otherwise have occurred. The force felt they had no choice but to investigate the complaints.

6.216 We also spoke to the stakeholders about grievance handling in the police service. As we have indicated, at a national level the Police Federation has been active in the debate about how best to handle grievances within the police service. The local branch boards of the Federation also play a significant role in supporting individual members of the federated ranks who bring a grievance and in consulting with managers and ACPO ranks at force level about the operation of the grievance procedure.

6.217 The Federation stated that grievance handling was too often about establishing blame rather than facilitating a workplace solution, and the prevalence of this blame culture meant that supervisors were reluctant to take the initiative to resolve problems, for fear of their decisions being second-guessed by more senior officers. The Federation told us that: ‘Managers and officers dealing with complaints appear to have little knowledge of the equality and diversity legislation, little or no training in how to deal with complaints and, as a consequence, no confidence in their own decision-making.’

6.218 The Federation believes that one of the reasons for the failure of the previous system was that it was not backed up by any guidance or training from the Home Office or from individual forces. The Federation has redesigned its training for representatives to give them the appropriate skills and in 2003 started to give its representatives a new four-day intensive course on achieving resolution. Police Federation representatives are provided with a ‘Representatives Equality and Diversity Handbook’, which sets out the law and procedures applicable in discrimination cases and other information. The Federation has pointed out that for ‘Fairness at Work’ to be effective, managers and supervisors need corresponding training on mediation and dispute resolution.

6.219 Turning specifically to grievances about racism, the Federation has a broad approach to diversity and most of its activities are not specific to race, but include all of the discrimination strands currently enshrined in legislation. The Federation is not convinced that the deficiencies in the present system are specific to ethnic minority officers nor to race grievances, and has stated that it simply does not know if there is any systemic less favourable treatment of ethnic minority officers in force grievance procedures. The Federation blames the Home Office and HMIC for this lack of monitoring.

6.220 The NBPA felt that the introduction of ‘Fairness at Work’ was not enough to improve the way the police service handles grievances and that it was too early to tell whether it would make any difference. Any new procedure with regard to grievances should take into account the need for a cultural change within the police service. The

NBPA also told us anecdotally that victimisation was an ‘automatic response’ to an officer who invokes a race grievance.

6.221 The NBPA also referred to the doctrine often heard in the police service – ‘if it does not get measured, it does not get done’. The NBPA told us that resolving grievances is not measured for success or failure and not seen as a priority by the forces.

6.222 The NBPA echoed the view of the Federation that the procedure is only as good as the people operating it. The NBPA told us of the negative experiences of many of its members who had failed to achieve a satisfactory resolution from the grievance procedure. The NBPA cited occasions where its members were bullied into submission and forced to accept a resolution. The NBPA’s policy is to encourage its members to resolve their complaints internally, but the experience of most individuals is that complaints are not usually resolved until after they have issued proceedings in the employment tribunal.

6.223 The NPBA told us that there should be effective training for managers in resolving disputes and more accountability. If managers failed to resolve grievances in a timely and fair manner, and the matter was allowed to escalate to the employment tribunal, they should be held accountable for this and in appropriate cases face disciplinary action. On this point, we consider that there would be much more accountability if the Code of Conduct were amended in line with the PSNI Code of Ethics, as we recommended in the previous section. In particular, any failings in the duty imposed on supervisors set out in Article 10 of that Code would be actionable through the disciplinary process.

6.224 As middle managers, the membership of the PSAEW has a great deal of experience in dealing with personnel issues and states that most of its members are unhappy with current grievance policies and procedures. It told us that superintendents are often left to deal with grievances with little support or guidance from more senior managers and that chief officers often overturned their decisions, which could lead to disciplinary action against them. This undermined superintendents and discouraged them from trying to resolve work place disputes.

6.225 The PSAEW told us that the culture of the police service was to treat grievances as a criminal investigation – the aim was to prove guilt rather than resolve the issue and that chief officers had failed to provide any leadership on this.

6.226 The PSAEW recognised the need for managers to be able to manage people and said that its members were gaining more people skills, but there was not enough emphasis placed on management skills as compared to the ability to reach operational targets. Managers fear having to deal with race grievances, which require a considerable amount of discretion and personal judgement; this leaves them exposed to the problems referred to in paragraph 6.224 above.

6.227 The Interim Race Equality Action Plan sets out various objectives in relation to grievance handling and the action identified is as follows:

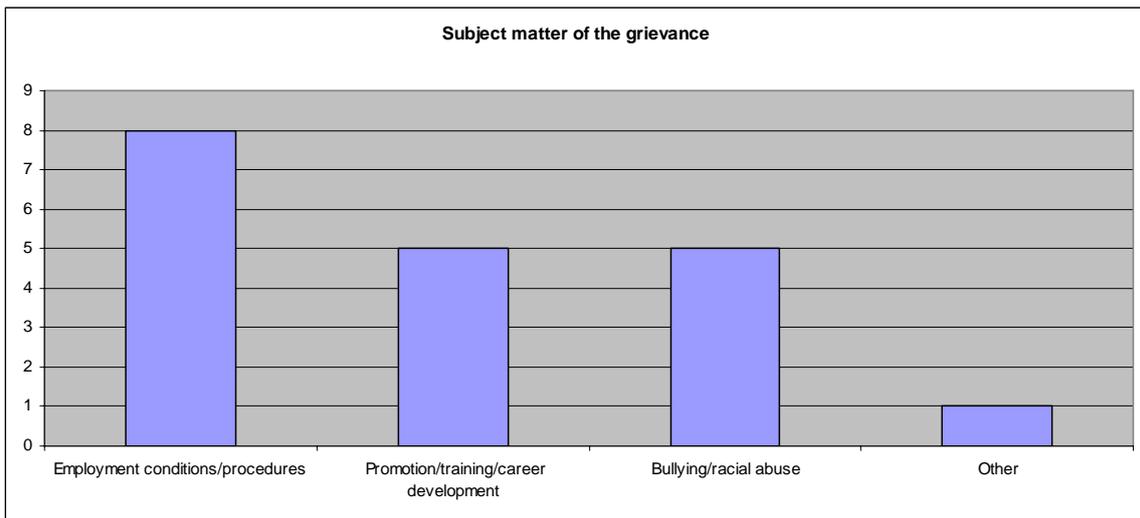
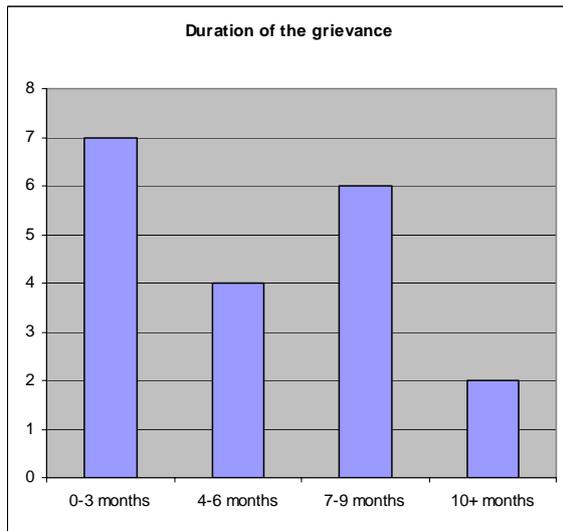
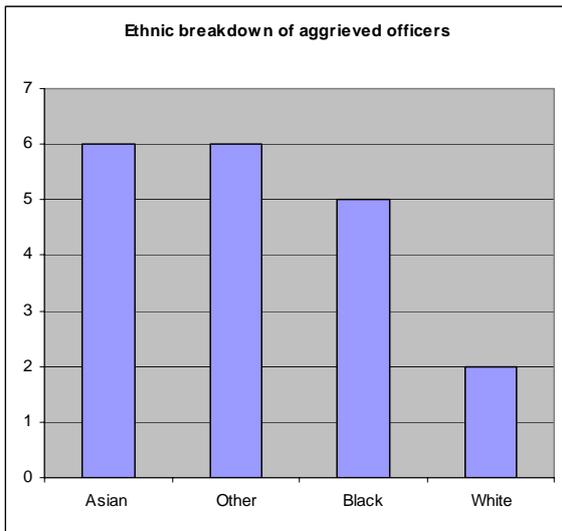
- a. The Home Office is to consider whether an impact assessment of the grievance procedure is required and what data should be collected from forces at a national level on grievances.
- b. Forces and police authorities are to work with the staff associations and support networks to identify the concerns of ethnic minority staff and implement strategies to raise trust and confidence.
- c. Forces should adopt 'Fairness at Work' including the appointment of an independent monitor and they should implement a marketing strategy to promote the new procedures and foster confidence in them.
- d. Police authorities should monitor force use of the grievance procedure based on the APA guidance in 'People Matters'.
- e. Forces and police authorities should agree on information sharing protocols on grievances and employment tribunals in line with the model proposed in 'People Matters'.

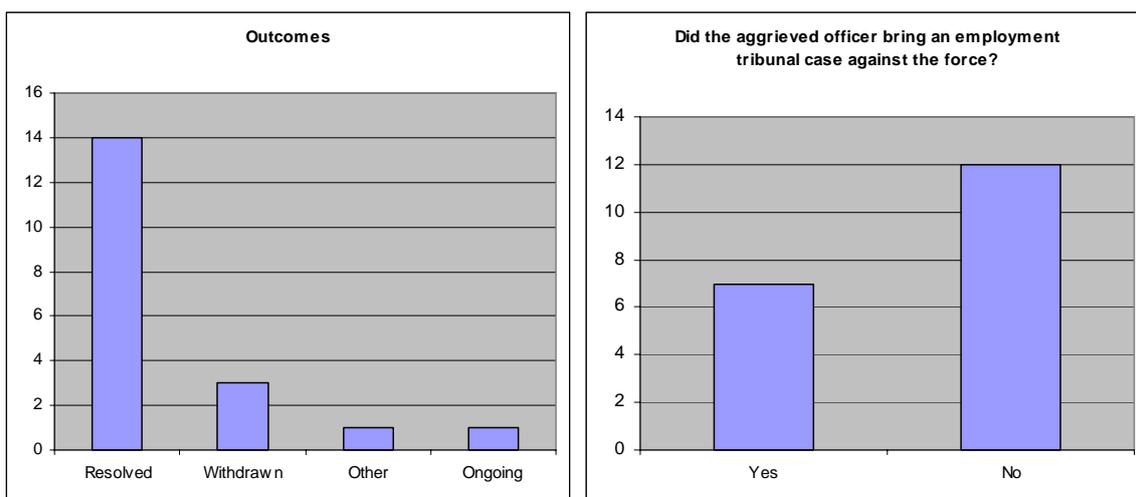
6.228 We agree with all of these actions and hope that they can be reviewed and developed once the findings and recommendation of this investigation have been taken on board.

How race grievances are dealt with in the police service

6.229 From data provided by the sample group of 15 forces, we found that over the four-year period from 2000 to 2003, there were very few race grievances. Only 19 cases were reported to us from six of the forces.

6.230 Our findings from analysing the 19 race grievances are set out in the following charts.





6.231 We are concerned about the time taken to deal with grievances and the fact that seven of the 19 aggrieved officers also issued employment tribunal proceedings. These submissions and the findings from our work with the sample group of police forces have informed our conclusions and recommendations which are set out in the following paragraphs.

Cultural issues affecting grievances

6.232 There was wide recognition that the use of the grievance procedure in the police service has to be seen in the context of a police culture which dictates that officers should not report on their colleagues. Officers need each other in the often hostile environment of policing and if they complain about colleagues, they cannot expect to count on their support. Witnesses also told us that invoking the grievance procedure is seen as a sign of weakness and admitted that they would avoid using it because they did not want to be seen informing on their colleagues. This culture must change; it is not consistent with the requirements of modern ethical policing.

6.233 We suspect that the grievance procedure is less used for these reasons and although we accept that this applies across the board, we suspect it is particularly true for race grievances, given the sensitivities around race and the way in which managers reportedly deal with race issues. In his thematic report about the Metropolitan Police, and to us, Assistant Commissioner Ghaffur stated his belief that there was a serious risk of under-reporting of race complaints throughout the police service.

6.234 We recognise that changing police culture will prove to be extremely challenging. We make recommendations below to improve the management culture of the police service through better training and more accountability of supervisors and management, in the belief that this is the best way to prevail over the competing ‘street culture’ of police officers.

Confidence in the procedures and the fear of victimisation

6.235 Individual witnesses and stakeholders agreed that there is a widespread lack of confidence among police officers in how grievances are handled. A number of witnesses from various forces described how they were treated as a problem rather than a victim after they had invoked the grievance procedure. As with the cultural issues referred to above, building confidence in the grievance procedure is a major challenge, but is crucial in order to make progress in this area.

6.236 We accept that this lack of confidence is not limited to ethnic minority officers, but it is nevertheless a major factor inhibiting officers from bringing complaints of racial discrimination and we make the following recommendations:

Recommendations

- Chief officers should implement safeguards to protect police officers from racial victimisation and to enable any such victimisation to be promptly and effectively dealt with either through discipline or through the grievance procedure depending on the circumstances, as set out in the 'Fairness at Work' circular. Any new systems and processes should be race impact assessed before they are introduced and they should be monitored and reported on. Her Majesty's Inspectorate of Constabulary should inspect such new processes once they are established.
- Chief officers should promote use of the grievance procedure in all training related to race matters, publicise it widely and ensure that all officers understand the new processes. They should publish case outcomes anonymously to help manage expectations and ultimately build confidence.

The need for training in grievance handling

6.237 The whole thrust of 'Fairness at Work' is to resolve disputes at an early stage, but we found that managers were fearful of dealing with racial issues and inclined to push them up the management chain. This leads to delay and escalation; often the grievance ends up as a disciplinary investigation, which is not necessarily what the aggrieved officer wanted.

6.238 A number of witnesses told us that they felt managers handling grievances lacked training and an awareness of race and diversity issues. Many stakeholders accepted that there was a need to train managers and supervisors to use the grievance procedure and in dispute resolution skills; this has been cited as vital to effecting change in staff and management confidence.

6.239 We have looked specifically at training for handling race grievances, but it appears from our findings that there is a general need for more effective training in this area. We asked our sample group of forces whether training for managers in operating the

grievance procedure was compulsory; only five of the 15 stated that it was. We make the following recommendations:

Recommendations:

- Chief officers should ensure that managers are fully trained on how to handle race grievances and the training should be focused on developing the skills to resolve workplace disputes as well as the grievance procedure itself.
- Chief officers should measure managers' performance on resolving disputes through their performance and development reviews, where training and support needs can be identified and through which they can be held accountable for their actions.

Other methods of dispute resolution

6.240 As mentioned above, the real area for development in early dispute resolution is in the various mechanisms that may exist outside the formal grievance procedure. The 'Fairness at Work' circular states:

It is recognised that in many cases staff may wish a line manager to resolve a situation as part of their management role, outside of any formal procedure. It is recommended that line managers should seek wherever possible to resolve a workplace dispute at its inception. If this is not done, a complainant may raise a formal complaint under the Fairness at Work Procedure by setting out their complaint in writing.

6.241 From the replies to our questionnaire and throughout our visits we found that many forces were using or planning to use alternative ways to resolve disputes; mediation was the most common option, with seven forces using or developing mediation schemes. During the force visits we found that there was at least some provision for early dispute resolution in all five forces.

6.242 We found some examples of good practice:

- a. One force had introduced a mediation scheme and relied on what appeared to be a comprehensive network of contact points to pick up disputes early.
- b. One force had a separate dignity and respect complaints' process for discrimination cases (although it was not used very often by those with race complaints).

6.243 We felt that there was potential for development of systems for early dispute resolution and make the following recommendation:

Recommendation

- Chief officers should review their forces' systems for dispute resolution to ensure that they provide a wide range of options for resolving workplace disputes at an early stage and that police officers are aware of and have access to these options.
-

List of recommendations:

80. Following consideration of the Morris inquiry report and our report the Home Office should determine a nationally agreed grievance procedure for the police service which should be assessed by the Home Office for its impact on race equality and made compulsory throughout the police service (be it 'Fairness at Work' guidance or a different procedure).
81. Chief officers should ensure that staff associations are fully consulted on force arrangements for resolving grievances within timescales agreed by each force.
82. Chief officers should ensure that responsibility for operating the formal grievance procedure lies with staff independent of the aggrieved officer's line management
83. Chief officers should implement safeguards to protect police officers from racial victimisation and to enable any such victimisation to be promptly and effectively dealt with either through discipline or through the grievance procedure depending on the circumstances, as set out in the 'Fairness at Work' circular. Any new systems and processes should be race impact assessed before they are introduced and they should be monitored and reported on. Her Majesty's Inspectorate of Constabulary should inspect such new processes once they are established.
84. Chief officers should promote use of the grievance procedure in all training related to race matters, publicise it widely and ensure that all officers understand the new processes. They should publish case outcomes anonymously to help manage expectations and ultimately build confidence.
85. Chief officers should ensure that managers are fully trained on how to handle race grievances and the training should be focused on developing the skills to resolve workplace disputes as well as the grievance procedure itself.
86. Chief officers should measure managers' performance on resolving disputes through their performance and development reviews, where training and support needs can be identified and through which they can be held accountable for their actions.
87. Chief officers should review their forces' systems for dispute resolution to ensure that they provide a wide range of options for resolving workplace disputes at an early stage and that police officers are aware of and have access to these options.

Section 4: Confidential reporting (whistle blowing)

Introduction

6.244 If the police service is to deal effectively with race issues there must be a safe and effective way for officers to refer matters to their managers. We have seen from the previous section that there is a widespread culture of fear that still persists in the police service, leaving officers, particularly probationers, who have legitimate grievances or problems or are aware of racist behaviour and attitudes, afraid to raise their concerns for fear of the consequences.

What we said in the interim report

6.245 We did not refer to the use of confidential reporting in the interim report.

Developments since the interim report

6.246 In our work during stage 2 of the investigation we found that one solution to the fear of reporting racism was through use of a confidential reporting facility.

6.247 In the Interim Race Equality Action Plan, ACPO will consider the creation of an independent national integrity help-line for police officers, staff and members of the public to convey their concerns in a confidential way and establish mechanisms to ensure that forces address those concerns. We endorse this and would like to see a clear plan and timetable for this work.

6.248 The Home Office has recently advised all chief officers that the IPCC is now the appropriate body for whistle blowers who have complaints against the police service under the existing legislation, the Public Interest Disclosure Act 1998.

Findings and recommendations

6.249 We will present our findings and corresponding recommendations under the following headings:

- a. The role of the IPCC;
- b. Force-based confidential reporting facilities; and
- c. The Public Interest Disclosure Act 1998.

The role of the IPCC

6.250 We have referred to the role of the IPCC in some detail at the end of the discipline section and have seen that police officers and staff are expressly excluded from bringing a complaint directly to the IPCC. It seems to us that this is an anomaly when the incident could well come before the IPCC indirectly as a conduct matter, and as we will see below, the IPCC is now the designated body for receipt of disclosures made by police officers under the Public Interest Disclosure Act.

6.251 We see no reason not to clarify the position and expressly give officers the right to bring their complaints directly to the IPCC in the same way that a member of the public can. We have discussed this proposal with the IPCC, which does not agree with us and refers to the various existing routes by which the IPCC can pick up such cases. But given the apprehension expressed by so many of our witnesses, we feel that with some restrictions, police officers and police staff should be included in the complaints system and make the following recommendation:

Recommendation

- The Home Office should consider giving police officers the right to complain directly to the Independent Police Complaints Commission about racism, subject only to the restriction that where possible they use the appropriate internal process as a first resort.

Force-based confidential reporting facilities

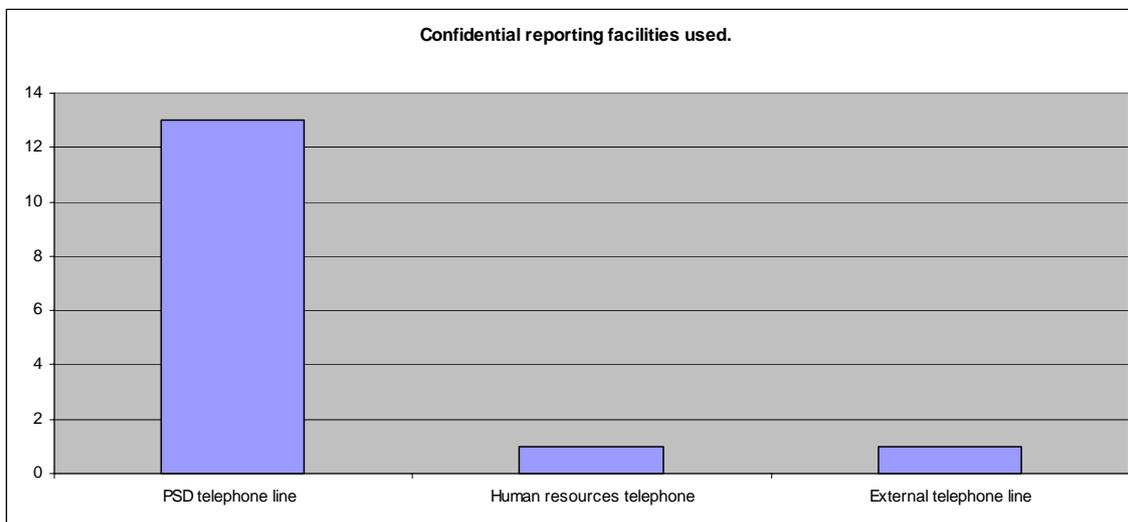
6.252 Most stakeholders we spoke to were cautious about the effectiveness of existing confidential reporting facilities. The chairman of the Police Federation told us how officers needed to trust that they would be protected against any backlash either from colleagues or the force itself.

6.253 In its initial submission to this investigation ACPO was doubtful about the success of confidential reporting, stating:

The challenge remains as to how to encourage the reporting of inappropriate behaviour, which is often deterred by the complex and burdensome requirements for misconduct arrangements laid down in legislation. Confidential hotline reporting has had some successes, but generally staff lack confidence in this and other systems that have been put in place. The experience of those who do use such mechanisms is rarely to their satisfaction and often damaging to them.

6.254 During stage 1 of our investigation we sent a general questionnaire to all 43 forces from which we found that all of them said they had a whistle blowing policy. Fourteen (33%) confirmed that it was for use by both members of the force and members of the public, and the remaining 29 (67%) had a policy for internal use only.

6.255 We also asked about confidential reporting facilities in the questionnaire that we sent to the sample group of 15 forces in stage 2. The forces described their reporting facilities as follows:



6.256 There was agreement among the forces, Federation branch boards and black police groups that the reporting lines were infrequently used. The force with the external line was unable to assess its use at this stage, as it was a new scheme. All forces claimed to publicise their reporting lines internally and most did not monitor use in any meaningful way. We also asked about staff training on the use of the facility but the majority of forces saw this as a simple telephone line and/or answering machine service so little or no training was required.

6.257 One of the main problems was that the reporting line usually came in to the professional standards department and officers had little trust that calls would remain confidential. The fear of being identified appears to have been one of the main factors discouraging officers from using the lines, which indicates the extent of the fear of victimisation.

6.258 We talked to the forces that we visited about their experiences. One force had seen its confidential reporting facility fall into disuse and had recently re-launched it. The line was for the reporting of corruption and general misconduct, but also for discrimination complaints. After *The Secret Policeman*, the force made sure that details of the facility were in every probation officer's pocket notebook, which helped to set the ethical standards of the force. In 2002, 150 reports had been received of which, 119 had declared their ethnicity; 17 of the 119 were from an ethnic minority. Even though the force recorded ethnicity where possible, it was unsure what to do with the information because of the duty of confidentiality to the reporters.

6.259 One force declared it had eight calls in the last two years, not one of which had been about racial discrimination. The force was disappointed and understood that it needed to do further work, but there were competing demands on its time. Two other

forces had similar experiences and confirmed that their reporting facility was not monitored on the grounds of ethnicity.

6.260 One force said that its reporting line had only been used about five times over a number of years – it was little more than an answering machine operated by professional standards. The local Federation branch said there was no confidence in the system. This force had recently introduced an external reporting facility, which offered anonymity to callers but monitored calls by ethnicity and gender. It was for all complaints but the force had introduced it specifically to offer protection to ethnic minority staff. It was being assessed during its early days and the force hoped to market it internally in due course.

6.261 Our witnesses said there was very limited awareness of such schemes and little use was made of any facilities that the forces had.

6.262 In conclusion, there is very little use made of confidential reporting in the police service and it appears not to have been of any real assistance to officers with complaints about racial discrimination.

6.263 In March 2003, a confidential reporting hotline was launched in the Police Service of Northern Ireland (PSNI). All recruits are made aware of the system on appointment. It is provided by an independent company and was introduced to help build morale within the PSNI and public confidence that there was an independent process through which officers could report wrongdoing. The chair of the Policing Board at the time said the scheme would complement the PSNI's Code of Ethics, which was launched in February 2003, and that 'integrity was not negotiable in policing and provision of the service was a further step in the PSNI duty of ensuring high ethical standards for all of its officers'. Just over six months on from the launch, we understand that the system is proving extremely successful.

6.264 In addition to any local confidential reporting facility, statutory protection is provided by the Public Interest Disclosure Act 1998.

The Public Interest Disclosure Act 1998

6.265 We have considered the provisions of the Public Interest Disclosure Act 1998 (PIDA). With effect from 1 April 2004, section 37 of the Police Reform Act 2002 brought police officers under the protection of PIDA. PIDA provides officers with an additional or alternative protected route for complaint if he or she does not have confidence in the internal channels.

6.266 With effect from 1 January 2005, the Home Office made the IPCC the prescribed 'person' to receive any disclosures about matters relating to police conduct. We are aware that the Home Office has recently advised all chief officers of this change and suggested that they 'may be minded to review [their] best practice guidance for forces on professional standards reporting'. Previously the Police Complaints Authority (PCA) acted as a point of contact outside the police service for use by prospective police service

whistle blowers. During this time we understand that no complaints were made by any police officers at all. We hope that the IPCC promotes this facility within the police service and acts swiftly on all disclosures made to it, as this statutory facility can offer an effective way for police officers with complaints about racial discrimination to raise their concerns with statutory authority and protection.

6.267 In the light of our findings, to enhance confidence in the system and to provide awareness of the protection of the PIDA in all cases of racism we make the following recommendation:

Recommendation

- Chief officers should review their own confidential reporting policies and fully independent arrangements should be made available by 1 September 2005. Chief officers should encourage the use of confidential reporting for racism and provide full protection for the service user. The facility should have a mechanism for onward reporting to the Independent Police Complaints Commission (IPCC) in compliance with the Public Interest Disclosure Act 1998. The IPCC should report to police forces, police authorities and the Home Office on the use of the system and the nature and location of such reports. The IPCC should monitor the system's use and accessibility, taking appropriate action in response to any findings.

List of recommendations:

88. The Home Office should consider giving police officers the right to complain directly to the Independent Police Complaints Commission about racism, subject only to the restriction that where possible they use the appropriate internal process as a first resort.
89. Chief officers should review their own confidential reporting policies and fully independent arrangements should be made available by 1 September 2005. Chief officers should encourage the use of confidential reporting for racism and provide full protection for the service user. The facility should have a mechanism for onward reporting to the Independent Police Complaints Commission (IPCC) in compliance with the Public Interest Disclosure Act 1998. The IPCC should report to police forces, police authorities and the Home Office on the use of the system and the nature and location of such reports. The IPCC should monitor the system's use and accessibility, taking appropriate action in response to any findings.

Section 5: Employment tribunal race cases

Introduction

6.268 Police officers have the right to bring complaints of racial discrimination to an employment tribunal. It is universally agreed that there are no real winners if a case goes to a contested hearing, whatever the outcome. Successful applicants may feel vindicated and will be compensated for their losses, but that may be of little comfort if they have lost a career as a result and suffered the stress of fighting the case. A force that successfully defends a claim may lose an officer and is often left counting the cost both of the case and of the damage to its reputation.

6.269 Every employment tribunal race case represents a failure: a failure to resolve the dispute upon which the case is based. Earlier in this chapter we looked at how the internal grievance and dispute resolution systems could be improved for complaints of racial discrimination and in this section, we look at the potential for resolution of race cases once proceedings have been issued in the employment tribunal.

What we said in the interim report

6.270 In the interim report we identified a number of areas for further consideration during stage 2 of the investigation. We wanted to look more closely at how best to promote early settlement of employment tribunal cases in the light of the 'Learning the Lessons' initiative and specifically at how individual forces were dealing with employment tribunal race cases.

6.271 We set out our emerging findings in relation to the support given by the Police Federation to ethnic minority officers with race cases at employment tribunal. These findings came from the evidence of individual witnesses to whom we spoke during stage 1 of the investigation.

6.272 We said we would review the Morris inquiry recommendations arising out of some of the high profile MPS cases and others; we will however only look at the general recommendations of the Morris inquiry, rather than the detail of individual cases.

Developments since the interim report

6.273 'Learning the Lessons' was launched by the end of May 2004, a short time before our interim report, and during stage 2 we spoke to stakeholders and individual forces from our sample group about its impact. We reproduce 'Learning the Lessons' at appendix 3.

6.274 In response to our emerging findings about its role in supporting ethnic minority officers with employment tribunal race cases, the Police Federation expressed its concern that this aspect of the investigation was outside our terms of reference. We have since had further discussions with the Federation, which has given us evidence and submissions to defend its position. As the only police body that can fund legal representation for employment tribunal race cases for those in the federated ranks, we recognise the need for ethnic minority officers to have confidence in the Federation's decision-making process. We will be writing to the Federation outside the context of this investigation with our findings.

Findings and recommendations

6.275 We will present our findings and corresponding recommendations under the following headings:

- a. Early settlement of employment tribunal cases: 'Learning the Lessons'; and
- b. The experience of forces in dealing with employment tribunal race cases.

Early settlement of employment tribunal cases: 'Learning the Lessons'

6.276 'Learning the Lessons' contains recommendations on how forces and police authorities can prevent workplace disputes from escalating to employment tribunal cases. It sets out possible resolution strategies, a flowchart of the tribunal process identifying the points at which a resolution can be reached, a template for debriefing a workplace dispute and outlines some significant cases from which these lessons can be drawn.

6.277 The recommendations are set out in full at appendix 3 to this report, but in summary cover the following areas:

- a. There should be a duty to try and resolve cases.
- b. Lawyers should advise but managers should decide.
- c. There should be adequate duty time for staff association representatives to support those involved with discrimination issues.

- d. Parties should use the existing facilities within the tribunal service to try and resolve disputes, such as the statutory discrimination questionnaire and mediation through ACAS.
- e. The dispute regulations should apply to police officers to encourage and allow extra time for in-house resolution before proceedings are issued.
- f. The force equality officer should review each race grievance and employment tribunal case to identify the learning points and should discuss the outcome of the review with the police authority.
- g. Police authorities should review grievances and employment tribunal cases in line with APA Guidance 'Tackling Discrimination: Police Authority Oversight and Scrutiny of Grievance Procedures and Employment Tribunals'.
- h. HMIC should review the use of grievances and evaluate the decision-making process of employment tribunal cases.
- i. There should be consultation with the staff associations and support groups and networking and sharing of good practice through the Home Office website.

6.278 We first looked at what stakeholders were saying about 'Learning the Lessons'. The Police Federation told us that when helping officers with a complaint, its primary focus is to avoid the cases getting to an employment tribunal in the first place, as that represents a failure for all concerned. The Federation devised a 'resolution information' sheet for its representatives to focus on the possibilities for resolving disputes at an early stage. In addition the Federation has been active on a national level. It worked hard to promote the initiative for 'Learning the Lessons' and organised its launch at a conference at the end of May 2004. We agree with the Federation's comment to us: 'Without a positive intervention strategy, discrimination will remain institutionalised within the service and cases will continue to be taken; the public image of the service will continue to suffer; the personal and professional lives of officers will continue to be damaged and the service will lose their valuable skills and experience.'

6.279 The Federation has openly criticised ACPO for not doing enough to support 'Learning the Lessons'; ACPO was poorly represented at the launch and the Federation reported that not all ACPO officers supported the initiative. The Federation told us that it would be working further on this to assess how many forces had not taken it up and would be targeting those forces. The Federation wrote in the July 2004 Police Federation magazine *Police* that chief officers had to do much more to convince the service that they really do support the strategy.

6.280 The Federation pointed out that there have since been changes to the employment tribunal rules which need to be incorporated into the 'Learning the Lessons' toolkit – there has been no attempt to do this by any of the stakeholders and no updating of the

Home Office website with case examples. The initiative is already showing signs of being left to gather dust on the shelf.

6.281 The Federation has also expressed its support for a change in the law to allow police officers to be brought within the Employment Act 2002 (Dispute Resolution) Regulations 2003, which is one of the recommendations in 'Learning the Lessons'. Currently officers have to preserve their legal position by submitting their case to the employment tribunal within the three-month time period. This inevitably means that battle lines are drawn and as the process continues the officer's sense of grievance increases. Whereas an early apology may have sufficed to resolve the dispute, once employment tribunal proceedings have started the officer is more likely to pursue compensation. Inclusion of police officers within the dispute resolution regulations will impose an obligation on both sides to try and resolve any workplace dispute without reference to the employment tribunal and there will be an additional three months for internal resolution to be explored.

6.282 One of the problems highlighted by the Federation was that force legal departments are often too aggressive in the defence of employment tribunal cases and this rarely assists the process of trying to settle the claims. There should be much more control in the hands of senior ACPO members so that a more balanced view can be taken about the overall cost to the organisation of defending some of the cases.

6.283 The NBPA had strong views about the way that forces dealt with employment tribunal race cases and told us when an application to the employment tribunal is made, the full might of the force is mobilised against the applicant. The NBPA felt that the relationship between managers and the force legal department should change. Lawyers should provide advice and managers should be left to make the decisions: 'the tail should not wag the dog'. Legal departments are often well funded and use delaying tactics to increase costs in the knowledge that the complainant usually has limited resources. The NBPA call it the 'resist and withdraw' strategy; the force fights hard and only settles at the last minute. An independent quality assurance element is needed to ensure that police lawyers are held accountable for their decisions and conduct.

6.284 The NBPA was concerned that no-one is held accountable for the loss of public funds if the police lose a case and suggested that every force should nominate an assistant chief constable to oversee employment tribunal cases – there is an overwhelming need for accountability in examining how the force uses public money to defend employment tribunal cases.

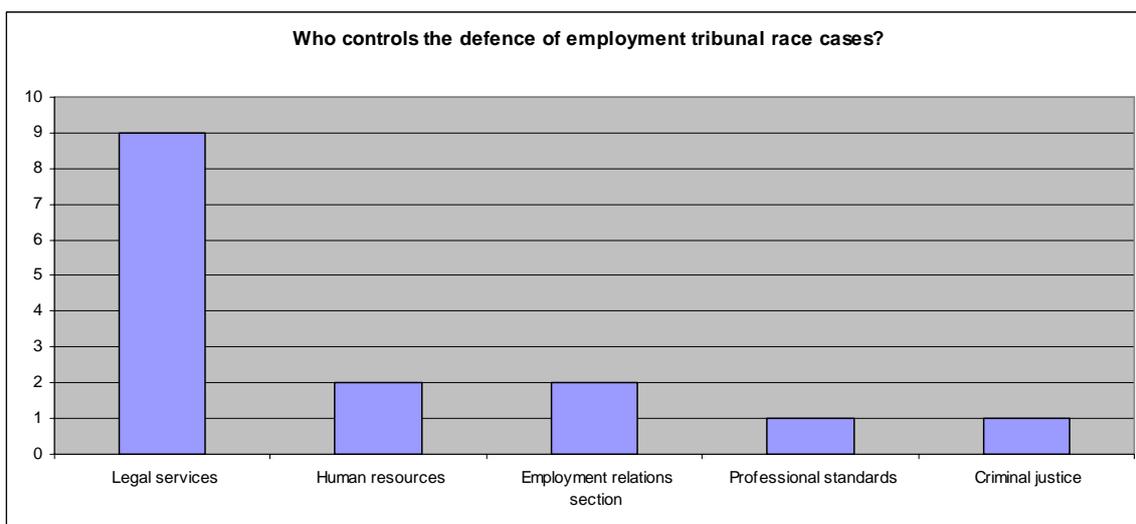
6.285 As far as the NBPA is concerned there has been no evidence that the police service is learning lessons from employment tribunal cases. The NBPA suggested to us that each race case settled or found in favour of the applicant should be referred to the IPCC. This would lead to greater scrutiny and ensure that the force implements lasting change.

6.286 The PSAEW was also concerned about the way that police forces used their legal departments. The mindset within the police service is to rely heavily on the advice of its lawyers. Decisions should be left to managers using their professional judgement based on sound legal advice. The PSAEW is not aware of any quality assurance regarding the legal advice provided by police lawyers and sees no justification for the lack of such assurance.

6.287 The PSAEW felt that police legal departments were unwilling to advise forces to settle employment tribunal cases and this was part of the brinkmanship played out to pressurise an applicant. However, cases should be settled on merit; if the complainant is wrong the force should be allowed to defend itself.

6.288 In its submission to the investigation, ACPO accepted that there was an increase in the number of employment tribunal race cases and to the Morris inquiry stated that ‘the investigations required to defend claims at employment tribunals are often lengthy, expensive and disproportionate to the claims being made. The environment is adversarial rather than inquisitorial. Parties become polarised and, often, neither is satisfied with the outcome. There has to be a better way of resolving these issues’.

6.289 We asked the sample group of police forces which department was responsible for defending employment tribunal race cases brought against them. They replied as follows:



6.290 Twenty-four of our individual witnesses gave evidence to us about employment tribunal cases and of these, 17 actually had personal experience of bringing an employment tribunal case. All these witnesses felt that the procedure was protracted and extremely costly, both in terms of personal costs and resources. Many felt that taking a case to an employment tribunal was very destructive of their future careers but that they had no alternative but to lodge a claim to safeguard their legal rights and they went down this route because they were totally dissatisfied with their force’s internal procedures.

6.291 Many witnesses talked about suffering long-term absence with stress and depression as a result of bringing tribunal claims. We heard from many witnesses who felt isolated, ostracised and victimised by their force after bringing employment tribunal proceedings. The resulting media reporting of individual cases caused many workplace and personal problems for applicants.

6.292 Several witnesses had wanted to settle with the help of ACAS and some had tried to use this service but their forces refused to participate. The vast majority of witnesses thought that the force had a policy of defending all race cases whatever the cost.

6.293 Witnesses also stated that even when someone had been successful in their action, the force did not learn from the experience and no one was held accountable for their actions, even if individuals had been specifically criticised by the employment tribunal. For example, two officers told us that forces had not honoured their settlement agreement by changing their policy or procedure.

6.294 In general terms the Morris inquiry report stressed the importance of trying to resolve issues before employment tribunal proceedings were issued and continuing to try even after a claim was lodged. Commenting on the MPS's human resources department, the report concluded that it should have a voice at the highest level of the force and play a strategic role as the guardian of the welfare of police officers and staff. It should also be responsible for issues relating to employment tribunal claims.

6.295 There was a recommendation that private mediation discussions should be kept confidential, as they are when ACAS is involved. It was considered that this would act as an incentive for the greater use of mediation and earlier resolution of workplace disputes. There were also recommendations specific to the MPS, which we need not consider for the purpose of this investigation.

6.296 The Interim Race Equality Action Plan states that police forces should incorporate 'Learning the Lessons' into training for managers and supervisors.

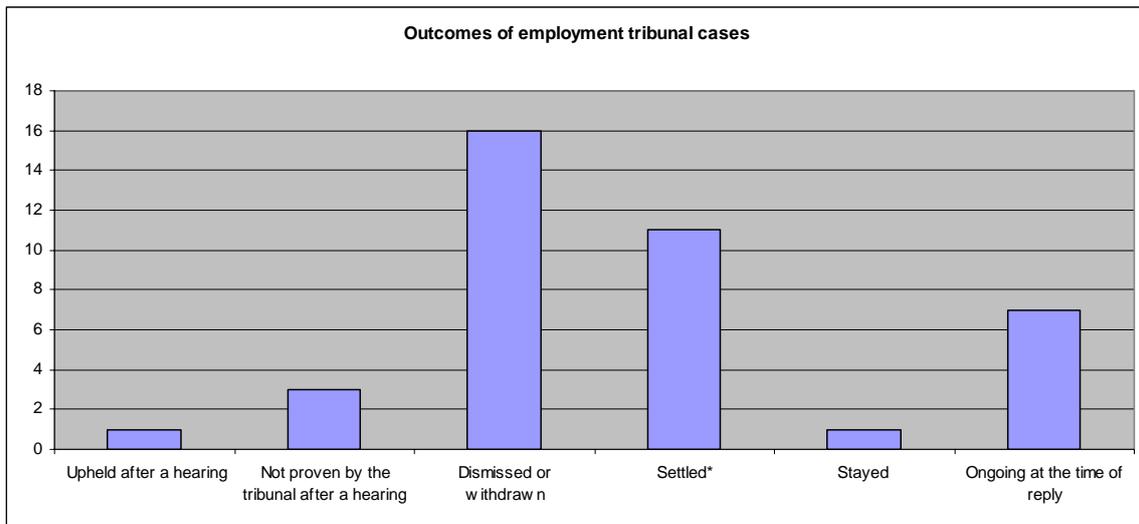
The experience of forces in dealing with employment tribunal race cases

6.297 We asked the sample group of forces for the following information for each employment tribunal race case brought against them over the period 2000–03: the ethnicity of the applicant; a brief description of the complaint made; the outcome of each case; and if appropriate for the amount of settlement or award paid to the applicant.

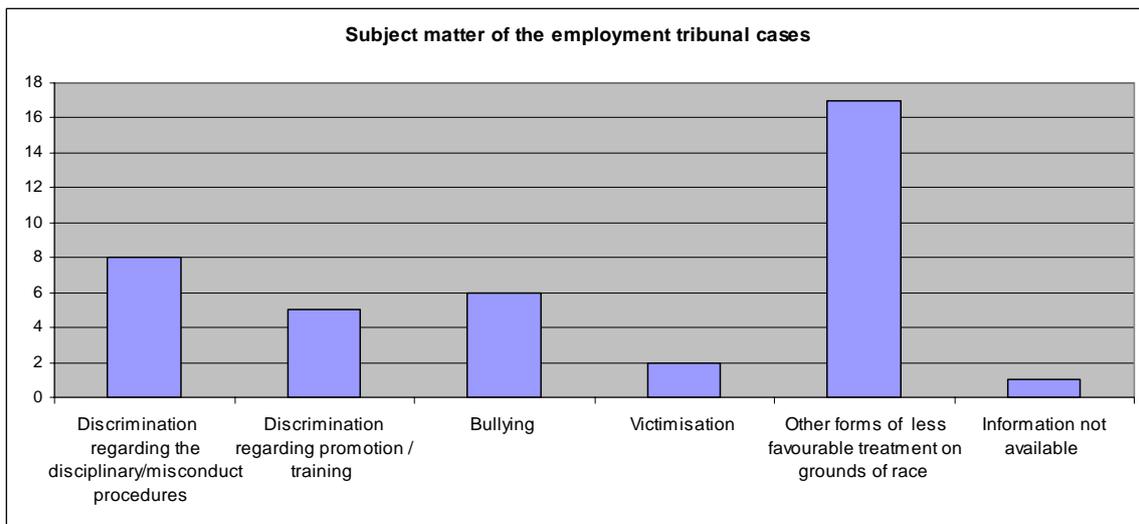
6.298 We received information about a total of 39 cases from nine of the 15 forces; the distribution of the cases is set out in the following table:

Force	1	2	3	4	5	6	7	8	9	Total
Number of cases	3	1	10	1	4	3	6	2	9	39

6.299 Our analysis of these cases is illustrated in the following bar charts:



* Seven claimants received a total of £42,767 in compensation, one was settled by payment of the applicant's legal fees and the remaining three were either settled without payment or the information was not given to us.



6.300 We also asked forces to provide details of any action that may have been taken as a result of each case, but this question was answered for only one of the cases. In this case, the force confirmed that there had been a concluding debrief meeting.

6.301 We were interested to note from our findings that there were more employment tribunal race cases (39) brought than race grievances (19) for the same period. Only six of 39 cases were about bullying and racial abuse, which indicates that the main concerns for officers claiming racial discrimination were other forms of discrimination affecting their work and/or career progress. This pattern was the same for the race grievances.

6.302 During our follow-up visits to the five forces we asked some general questions about the experience of these forces in dealing with employment tribunal race cases. The forces confirmed that they did not have many tribunal race cases so that in practice, learning lessons was difficult. The general comments that were made included the following:

- a. Two forces said that it took too long to resolve tribunal cases.
- b. One force had a protocol between its human resources and legal department providing for close and regular contact.
- c. Two forces commented that the Race Relations Act questionnaires were useful but were not used frequently enough.
- d. One force specifically said that mediation was vitally important and ACAS could be used in this; one force praised its local ACAS service; two forces said that past experience of their local ACAS service was poor.
- e. One force said they used alternative dispute resolution to try and resolve a case, but this had failed and simply added to the overall costs and bureaucracy.
- f. One force said that training on handling employment tribunal cases could be improved and hoped that some best practice examples would emerge from our investigation to help them progress this work.

6.303 We noted the clear and strongly held feeling among most of the force solicitors that they should advise the force to defend unmeritorious complaints, as they had to manage individual officers who were sometimes named as respondents to the proceedings and defend the force's reputation. We cannot disagree with this approach, but there must be a degree of objectivity in the process, which could be brought by an ACPO level perspective on the overall costs to the force of fighting the case.

6.304 We have considered our findings and feel that we can do no better than endorse 'Learning the Lessons' and adopt their recommendations as our own.

Recommendation

- We endorse the recommendations of 'Learning the Lessons' and recommend that all stakeholders take responsibility for accepting the recommendations addressed to them.
-

Section 6: Police authorities' monitoring and scrutiny role

Introduction

6.305 Our terms of reference enable us to investigate the role of police authorities in assessing how police forces combat race discrimination. In this section we look at the police authority's role in monitoring its force on disciplinary and grievance matters, confidential reporting and employment tribunals.

6.306 It is the police authority's responsibility to set the strategic direction of the force, to ensure the police service runs effectively and efficiently, and to hold the chief officer accountable on behalf of the local community for the policing service delivered. It has been recognised for some time that this includes oversight of personnel matters.

6.307 The Association of Police Authorities (APA) is a membership organisation set up in 1997 to represent police authorities in England, Wales and Northern Ireland, and all police authorities in England and Wales are members of the APA. The APA has two main functions: to act as the national voice for police authorities and to support police authorities in improving how they carry out their role locally. We met the APA during stage 2 of our investigation to discuss the role of police authorities and to find out what work it had done to assist them in this area.

6.308 We refer to the governance chapter for more detail about the role and responsibilities of police authorities within the tripartite structure and to appendix 5 for more detail about the APA.

What we said in the interim report

6.309 In the interim report we looked at the performance of police authorities in relation to their own race equality duties, in particular their duty to publish a race equality scheme, and were very concerned with the findings. All the five schemes we looked at were brief and did not meet our minimum standards of compliance. The race equality duty chapter covers the developments and our further findings in this area.

Developments since the interim report

6.310 In stage 2 of the investigation, having identified areas of concern with the performance of the forces in managing police officer behaviour, we looked at how the police authorities monitored those areas and whether there was room for improvement.

6.311 The government's white paper on police reform 'Building Communities Beating Crime – a better police service for the 21st century' was published in November 2004.

This will be considered further in the governance chapter but we will refer to it in this chapter where relevant.

Findings and recommendations

6.312 We will present our findings and corresponding recommendations under the following headings:

- a. Discipline and confidential reporting; and
- b. Grievances and employment tribunals.

Discipline and confidential reporting

6.313 There is a statutory duty arising from section 15 of the Police Reform Act 2002 for the police authority to monitor complaints against their forces. This runs in parallel to the duties of the IPCC, with whom they are already beginning to work in partnership. For internal discipline of police officers, the monitoring responsibility is less explicit. It arises from the police authority's overarching duty to ensure the force is run effectively and efficiently and the APA has issued guidance as to how this responsibility should be exercised.

6.314 The APA recommends that police authorities scrutinise their forces for compliance with their employment monitoring duty. We looked at the practice within our sample group and asked the police authorities if their force gave them information about disciplinary investigations and misconduct proceedings against police officers. We found that four of the 15 police authorities in the sample group did not have police officer disciplinary cases reported to them, although they all confirmed that they had plans to rectify this.

6.315 Without such data these police authorities cannot monitor their force's performance in this area, nor can they scrutinise whether the force is complying with its employment monitoring duty. We believe that each police authority must properly monitor its force's use of disciplinary action as this can disclose a great deal about the overall performance of an organisation and its values.

Recommendation

- Police authorities should scrutinise their forces' use of disciplinary action against police officers, to enable them to monitor whether there is any disproportionate adverse impact on ethnic minority officers and to ensure that the force is complying with its employment monitoring duty.
-

6.316 The APA recognised the importance of this in its evidence to us and is considering whether to issue specific guidance to police authorities.

Recommendation

- The Association of Police Authorities should produce guidance to police authorities on monitoring police officer disciplinary cases, with regard to the Commission for Racial Equality's Code of Practice on the duty to promote race equality and related ethnic monitoring guidance.

6.317 We have recommended that the IPCC extends its guardianship role to cover internal discipline for police officers. If accepted, this will overlap with the police authority role and to avoid any duplication, we would recommend that the forces adapt their complaints recording processes to include data on disciplinary action taken against police officers, so that monitoring arrangements are comprehensive and not duplicated.

Recommendation

- The Association of Police Authorities and the Independent Police Complaints Commission (IPCC) should work together on monitoring police officer discipline to provide guidance for police authorities and local IPCC commissioners on how to monitor effectively without duplicating forces' work.

6.318 Although there is no specific requirement for police authorities to monitor the use of any confidential reporting facility that the forces may have, the APA has encouraged authorities to do so. In addition, the APA told us that there were often informal ways for officers to raise their concerns directly with a police authority. From our visits to the five police authorities, it was apparent that there were opportunities for police authority members to meet with staff associations at joint meetings, but it was not clear to what extent the staff associations felt able to raise concerns directly with the members (see below). The APA did not oppose externally run confidential reporting facilities, but hoped that this would not be needed indefinitely as the police service has to find its own way of dealing satisfactorily with these issues.

6.319 We asked the sample group of police authorities whether there were arrangements in place for their forces to give them information about the use of the confidential reporting facility. Three police authorities stated that there were such arrangements, one of which said it had investigated one of the allegations made. Three police authorities did not have such arrangements but planned to introduce them within six months.

6.320 This is perhaps not surprising given that many confidential reporting facilities were used so infrequently. However, we believe that forces should report to the police authorities what facility is available and the extent of its use to enable authorities to make an informed decision on whether any changes are necessary. We refer to the related

recommendation made at paragraph 6.267 in section 4 on confidential reporting and make the following specific recommendation for police authorities:

Recommendation

- Police authorities should require their forces to report to them on the use of their confidential reporting facility, to enable authorities to monitor how the facility is used and its effect on complaints of racial discrimination.

Grievances and employment tribunal cases

6.321 The APA is a signatory to ‘Learning the Lessons’ and two of the recommendations from that document relate to the police authority monitoring role, namely:

- a. The force equality officer should review each race grievance and employment tribunal case to identify the learning points and should discuss the outcome of the review with the police authority.
- b. Police authorities should review grievances and employment tribunal cases in line with APA Guidance ‘People Matters. Tackling Discrimination: Police Authority Oversight and Scrutiny of Grievance Procedures and Employment Tribunals’.

6.322 The APA guidance in ‘People Matters’ encourages police authorities to be proactive in requesting data from forces on the handling of grievances and employment tribunals in order to identify disproportionate adverse effect on particular ethnic groups as well as to learn from cases. In particular ‘People Matters’ recommends that:

- a. high profile and significant cases are brought to the attention of the police authority at an early stage;
- b. the police authority satisfies itself that steps are taken in all cases to find an early resolution, for example through mediation;
- c. the force has access to trained mediators;
- d. the police authority monitors how the force learns from past cases and what effect there may have been on community confidence and the recruitment and retention of staff; and
- e. the police authority has a protocol with the force for dip-sampling completed files and taking appropriate action to deal with any concerns.

Recommendation

- Police authorities should ensure that they adopt the guidance contained in ‘People Matters. Tackling Discrimination: Police Authority Oversight and Scrutiny of Grievance Procedures and Employment Tribunals’ and have due regard to the Commission for Racial Equality’s Code of Practice on the duty to promote race equality and related ethnic monitoring guidance.
-

6.323 We also asked our sample group of police authorities whether their forces reported grievances brought by police officers to them. Twelve of the 15 in the sample group did and three did not, although they were planning to.

6.324 We asked our sample group whether their forces reported the incidence of employment tribunal race cases by police officers to them; 14 said they did, one said they did not.

6.325 The APA sees the police authority’s role as intervening at a strategic level, not getting too involved in the detail of an individual case although it may discuss a particular case with its force if it has a high profile or costly financial implications.

6.326 Following the *Viridi* case, the APA carried out a survey of how police authorities were monitoring employment tribunal cases. The results indicated that very few police authorities were undertaking adequate monitoring and none of the respondents actually monitored the length of time it took to resolve a case on a systematic basis. It was following this survey that the APA produced the guidance referred to above.

Recommendation

- Police authorities should ensure that their authority receives a report after every employment tribunal race case detailing the wider race equality impact of the case, lessons that the force has learned, and an action plan to address any changes in policy or practices as a result.
-

Findings from the visits to five police authorities

6.327 In general we found that the police authorities had only recently started monitoring the areas covered in this managing behaviour chapter, which were previously regarded as internal issues. We were encouraged to find that all the police authorities we met were looking at how to improve reporting on these issues and were open to good practice, although they were all concerned about their resources given the increasing demands being placed on them. Four acknowledged that they could be more effective in their scrutiny and to this end two had revised their committee structure to better accommodate reporting and monitoring on human resources issues.

6.328 We found that the police authorities had different ways of scrutinising the forces' activities in these areas: some would visit the relevant departments to talk to staff and dip-sample files, while others preferred to look more strategically at statistics to identify trends. All the corresponding forces appeared to welcome scrutiny by their police authority. One force told us that they had a good and open relationship with their police authority, which did sample checks on individual files and could choose to inspect any particular file.

6.329 Another police authority told us how dip-sampling complaints and misconduct files helped it to effectively monitor and scrutinise the force. However, the staff from that force's professional standards department told us that the police authority members lacked the skills, experience and ability to effectively carry out dip-sampling and do anything useful with the information.

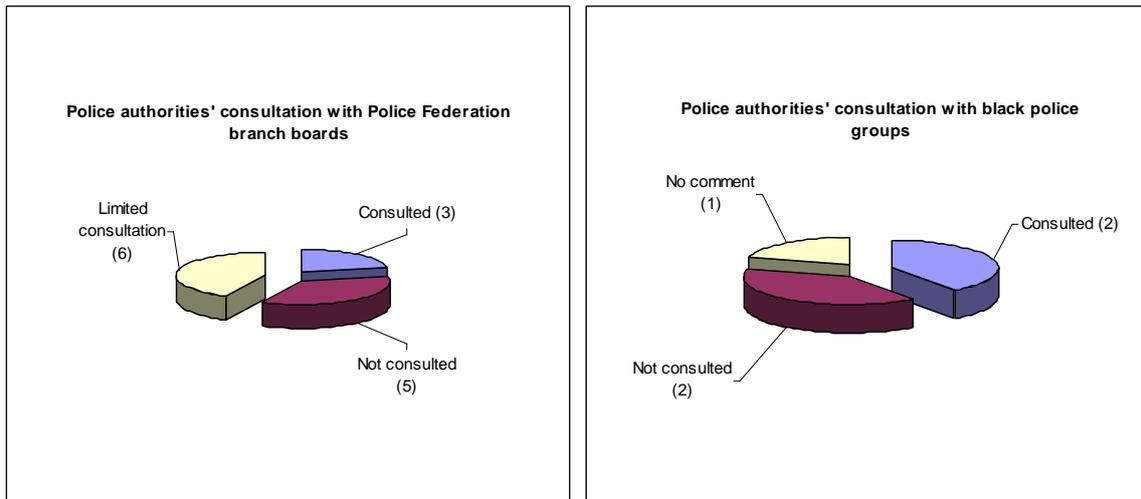
6.330 We saw some evidence of good practice among the police authorities: one had arrangements for members to meet regularly with the head of the force's professional standards department and examined trends from data on misconduct and disciplinary matters. The police authority said that it was careful not to interfere in individual cases as this would be outside its remit. Another police authority said that it questioned the force about its grievance procedure during personnel committee meetings. If there were problems its members were likely to pick up this information from visits to local command units where they would meet the commander and personnel staff to discuss issues and look at trends. Another told us that it was involved in implementing 'Learning the Lessons'; it had looked at one particular employment tribunal case that it felt the force had handled badly and asked for a report from the chief constable. The authority was not satisfied with his initial response and expressed this to the chief constable, who then dealt with the matter to its satisfaction.

6.331 Three of the police authorities told us that they had met with their regional IPCC commissioners and had agreed to share relevant information to enhance their respective roles. One commented on the lack of 'joined-up thinking' between the various inspectorate bodies; and thought that the APA, HMIC and the IPCC should sort out who was responsible for what with regard to oversight of disciplinary and misconduct issues. Currently it was unclear and this meant that there was little effective scrutiny.

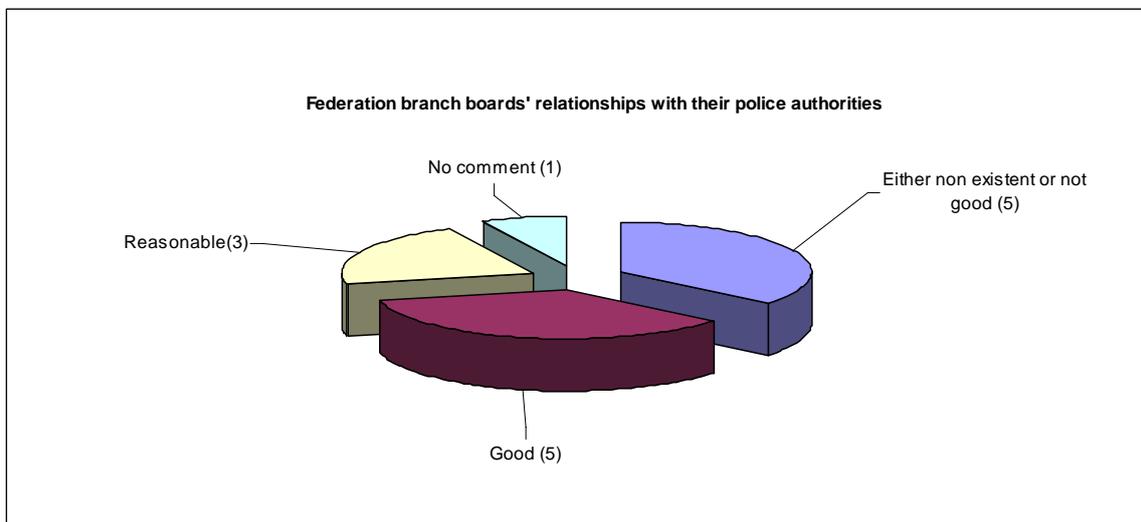
6.332 We felt that, looking at the evidence, some practice could be improved. Although one police authority told us that it did receive an annual report on disciplinary action taken by the force, it did not include data about the ethnic origin of the officers involved, although this was being reviewed. One admitted that it was aware of 'People Matters' but did not follow the guidance, although it hoped to do so in the future. Another police authority told us that it only received reports of employment tribunal cases well after the event; it responded by requesting a full case list and questions were put to the force solicitor, but it believed that the force solicitor had too much influence over how these cases were handled.

6.333 All the police authorities claimed that there was an improved level of interaction with staff associations, but the associations generally felt that this could be improved and be on a more formal footing. This was not the overall impression that we got from the questionnaire replies received from the staff associations.

6.334 We asked the Federation branch boards and black police groups about the level of consultation they had with their police authority and the answers were as follows:



6.335 We asked the Federation branch boards how they would describe their relationships with the police authorities and the answers were as follows:



6.336 The black police groups described their relationship with their police authority in the following terms:

- a. One said it was not good; the authority was not a natural ally as it failed to hold the force accountable for race issues.

- b. One said it could not comment as there was no relationship (although the group was newly formed).
- c. Three said the relationship was developing and they hoped it would become good.

6.337 The Interim Race Equality Action Plan has recognised the need for improvement on consultation across the board. One of its objectives is ‘to ensure that staff support networks are fully engaged as internal partners’ and the action specified to meet that objective involves commitment from ACPO, the Home Office, the APA, HMIC, Centrex, chief officers on behalf of their forces, and police authorities. All these groups need to work in partnership with staff support networks and unions and encourage them to work together to promote race equality and diversity. We fully agree and make the following recommendation:

Recommendation

- Police authorities should ensure that their authorities engage in effective dialogue and meaningful consultation with staff associations including black police associations and other staff groups about race equality issues.

6.338 We asked the Police Federation about the role of police authorities and its chairman stated that monitoring ‘was getting better but we would like them to be more robust and test what they were told by looking behind the statistics. We have had recent involvement with the APA, but on a local level there is a mixed relationship, some are good but some police authorities are not encouraged to have a relationship with the local Federations’.

6.339 On a national level the NBPA said that it enjoyed a good relationship with the APA, but it was doubtful that the local black police associations had any influence with their police authorities.

6.340 In conclusion, we did not find that police authorities had a consistent approach to scrutiny of their forces in relation to the areas covered in this chapter and in some areas there was a complete lack of monitoring, despite the availability of the APA guidance in this area.

6.341 It was clear that some police authorities had the resources, skills, expertise and force cooperation to effectively carry out their scrutiny role, but others did not. We note white paper’s proposal to improve the skills base of the police authorities, by introducing competency-based criteria for independent members. We support this as long as those criteria include the relevant skills for assessing forces’ performance in human resources issues and particularly in race equality. The white paper also emphasises the need for authorities to have greater access to information in order to perform their statutory duty.

List of recommendations:

91. Police authorities should scrutinise their forces' use of disciplinary action against police officers, to enable them to monitor whether there is any disproportionate adverse impact on ethnic minority officers and to ensure that the force is complying with its employment monitoring duty.
92. The Association of Police Authorities should produce guidance to police authorities on monitoring police officer disciplinary cases, with regard to the Commission for Racial Equality's Code of Practice on the duty to promote race equality and related ethnic monitoring guidance.
93. The Association of Police Authorities and the Independent Police Complaints Commission (IPCC) should work together on monitoring police officer discipline to provide guidance for police authorities and local IPCC commissioners on how to monitor effectively without duplicating forces' work.
94. Police authorities should require their forces to report to them on the use of their confidential reporting facility, to enable authorities to monitor how the facility is used and its effect on complaints of racial discrimination.
95. Police authorities should ensure that they adopt the guidance contained in 'People Matters. Tackling Discrimination: Police Authority Oversight and Scrutiny of Grievance Procedures and Employment Tribunals' and have due regard to the Commission for Racial Equality's Code of Practice on the duty to promote race equality and related ethnic monitoring guidance.
96. Police authorities should ensure that their authority receives a report after every employment tribunal race case detailing the wider race equality impact of the case, lessons that the force has learned, and an action plan to address any changes in policy or practices as a result.
97. Police authorities should ensure that their authorities engage in effective dialogue and meaningful consultation with staff associations including black police associations and other staff groups about race equality issues.

Section 7: HMIC's monitoring and scrutiny role

Introduction

6.342 Her Majesty's Inspectorate of Constabulary (HMIC) is the inspectorate for the police service. Its role is to examine and improve the efficiency of the police service in England and Wales. It is independent of both the police service and the Home Office, although funded by the latter. Please refer to the governance chapter and appendix 5 for more detail about its role and functions.

6.343 In 2003, HMIC introduced the baseline assessment, a new approach to its inspection of police force performance. Each police force is now assessed against a framework for each of its different areas of work. Each area is graded, allowing for comparison between the 43 forces. The framework identifies the key issues and questions for each subject area and indicates the evidence and supporting documents that are required from the force, plus a list of people whom the inspectors may interview. The first round of inspections was expected to be intensive and time-consuming, but future assessments would build on the initial work and lead to increased self-assessment by the forces against the criteria set out in the frameworks. There is also scope to include the views of the other regulatory bodies, such as the police authority and the IPCC.

6.344 HMIC have told us that baseline assessment is not designed to be an in-depth inspection of the force; it provides a rational platform for future inspection activity focusing on areas with the greatest potential for improvement and will lead to a tailored programme of inspection activity for each force, which will be integrated into each force's strategic development plan.

6.345 HMIC has now revised the first framework documents (referred to as the 2003 frameworks) and in November 2004, the revised framework documents were sent to forces in preparation for self-assessment in 2005. Most of the frameworks now correspond to the Policing Performance Assessment Framework.

What we said in the interim report

6.346 In the interim report we looked at how HMIC was inspecting force performance on their race equality duties and the race equality duty chapter covers the developments and our further findings in this area.

Developments since the interim report

6.347 The first baseline assessment reports for each of the 43 forces were published by HMIC in June 2004 and for the first time graded the forces on their performance on key police functions and activities. The three areas that we have looked at in some detail for

the purposes of this chapter are race and diversity, human resource management, and professional standards.

6.348 The baseline assessments reports have since been updated for all 43 forces and the revised reports were published in October 2004. The April and October 2004 reports were written on the basis of force performance as measured against the 2003 framework documents, which were current at the time of our visits to the five forces towards the end of 2004; accordingly we will have to consider this evidence against the 2003 framework documents.

6.349 However, as HMIC has since developed the process and produced revised frameworks for self-assessment in 2005, we have looked critically at these and our recommendations are directed to the new process.

Findings and recommendations

6.350 We will present our findings and corresponding recommendations under the following headings:

- a. Discipline and confidential reporting; and
- b. Grievances and employment tribunals.

Discipline and confidential reporting

6.351 In the revised framework documents, force performance on complaints and discipline is assessed under the heading of professional standards in the Citizen Focus Framework. The key issues to be considered are:

- a. leadership on professional standards;
- b. clarity of the professionals standards strategy of the force;
- c. the structure and resources of the department;
- d. compliance with the IPCC requirements for public complaints; and
- e. risk assessment of integrity, which includes whether there is an accessible confidential system for staff to report allegations of unethical or dishonest behaviour and evidence of usage and action taken.

6.352 There are further criteria listed for the assessment of public complaints, including the need to have a fair and transparent system for receiving, investigating and resolving complaints of racially discriminatory behaviour. In addition, the framework requires the force to have mechanisms to help the force and its authority to learn from critical cases

and complaints case trends, although this does not specifically refer to race discrimination.

6.353 The framework states that the evidence required to assess the force on these key issues includes interviews with officers (including senior officers), discussions with staff associations, feedback from the IPCC and an audit of completed case files and registers. This process should include the black police groups.

6.354 At first glance the framework appears to be reasonably comprehensive, but in its evidence to us HMIC did acknowledge that sometimes records were not always complete or reliable. Its inspectors had found that although the ethnic origin of public complainants was recorded, it was not always recorded for those against whom there had been disciplinary action. HMIC told us that this would be addressed through the introduction of more robust data requirements by the IPCC but we felt that it ought to be part of HMIC's role. We will look at the employment monitoring duty as it relates to discipline and grievance issues in the next section and make appropriate recommendations about HMIC's inspection of forces in that context.

6.355 We have already identified that there is very little direct reference made to issues of racial discrimination in relation to internal police officer discipline in the revised professional standards framework. We would expect HMIC to look at whether there was disproportionate treatment of ethnic minority officers, staff confidence in the confidential reporting facility, and how the forces were dealing with racial misconduct.

6.356 In its evidence to us, HMIC confirmed that it intended to integrate fully race and diversity considerations into the different areas of force activity, although this was expected to take a couple of years. We have covered this issue in the governance chapter. We see no reason why race and diversity issues cannot be included in the assessment of professional standards in time for the 2005 assessment reports. Please refer to the chapter on the race equality scheme for further comment on HMIC's general role in this area.

Recommendation

- Her Majesty's Inspectorate of Constabulary should include race issues in the inspection of professional standards for the 2005 assessment reports, and revise the Citizen Focus Framework accordingly.

6.357 In our force visits, some staff from professional standards departments expressed reservations about the effectiveness of HMIC scrutiny and most felt that they were not being closely monitored in this area. One commented that it was only through a thematic inspection that HMIC could properly assess complaints and misconduct, as this approach would be much more thorough and focused. One force told us that relationships between the various inspectorate bodies ought to be clarified, stating that its relationship with HMIC was 'cloudy to say the least'. The professional standards officers felt that they had no real input or feedback from the inspection process.

6.358 Although the baseline assessment process for professional standards covers confidential reporting (both in the 2003 framework and the revised one) there was little evidence that HMIC were looking at this in any detail. HMIC had highlighted as good practice the introduction of an external confidential reporting facility by one of the forces that we visited, but nothing was mentioned about the arrangements that existed in the other four forces. The revised race and diversity framework refers to ‘support for those reporting discrimination’, but does not clarify what that means in practice and there is no cross-referencing to ensure that this is picked up when assessing professional standards issues. We recommend as follows:

Recommendation

- Her Majesty’s Inspectorate of Constabulary should require evidence from forces in the 2005 baseline assessment process to demonstrate effective confidential reporting procedures, which offer confidentiality and support to officers reporting incidents of racial discrimination.

Grievances and employment tribunals

6.359 In the revised framework, force performance on handling grievances comes within the heading of human resources management under the framework for ‘Resource Use’, but there is no express mention of how or if HMIC will expressly look at the use of grievance procedures by police officers and certainly no specific mention of grievances on grounds of race. Employment tribunal cases are not referred to in this framework. Race and diversity issues are mentioned but only in the context of other human resources issues, such as recruitment.

6.360 The revised criteria for race and diversity, also under the Resource Use Framework, requires an assessment of how successfully the force is ‘combating discrimination, both proactively and by effective management of grievances/allegations’ and a suggested measure of this is whether there are ‘low and/or reducing numbers of grievances, employment tribunal findings and civil actions by staff’. There is a general statement under human resources which refers to the race and diversity framework, but there remains a lack of clarity on what and how inspectors should measure in relation to the incidence of race grievances.

6.361 HMIC admitted to us that it is not comprehensively monitoring grievance procedure use by the forces through the baseline assessment process and forces had to improve their data collection in this area before monitoring could be effective. As with force recording on discipline, we believe that HMIC should ensure that forces improve their grievance data recording and we will consider the employment monitoring duty as it relates to discipline and grievance issues in the next section.

6.362 One of the recommendations of ‘Learning the Lessons’ is directed to HMIC’s role in inspecting forces on grievances and handling employment tribunal cases: ‘as part of their inspection of forces HMIC should review the use of the Fairness at Work procedures and evaluate the decision making process of any employment tribunal case’. The Police Federation stated that ‘HMIC have a vital role to play in ensuring that best practice in decision-making is networked across the forces and authorities’.

6.363 We found an inconsistent approach to the way that HMIC assessed grievance handling in the five forces that we visited. We looked at the HMIC baseline assessment reports from October 2004 (based on the 2003 framework documents) and found:

	Human Resources	Race and Diversity
Force 1	No mention	No mention
Force 2	No mention	No mention
Force 3	Criticised for approaching grievances as a last resort	Praised for monitoring its grievances and acting on problem areas and trends
Force 4	No mention	Criticised for approaching grievances as a last resort
Force 5	No mention	Praised in the race and diversity area for its grievance monitoring Room for improvement in its review of grievance handling which was ongoing in the light of ‘Learning the Lessons’.

6.364 Although these assessment reports were compiled on the basis of the 2003 framework documents, we would not expect an improvement under the revised framework as it remains unclear as to what should be measured under human resources and how.

6.365 Most forces felt that the baseline assessment process was not sufficiently robust or clear in monitoring grievances and two of the forces felt that they could not win: HMIC were critical if they had too few grievances as well as if they had too many. On the basis of our findings we make the following recommendation:

Recommendation

- In the 2005 assessment reports, Her Majesty’s Inspectorate of Constabulary should include race issues in the inspection of how forces handle grievances and employment tribunal race cases and revise the Resource Use Framework accordingly.
-

6.366 In conclusion, we believe that it is too early for HMIC to rely too heavily on self-assessment within the baseline assessment process. The process of assessment of race and diversity issues is still unclear and self-assessment in these areas may lead to inconsistency. In addition to revising the frameworks as we have suggested, HMIC should ensure more rigorous inspection by requiring evidence of forces' claims and 'testing' their claims against what the staff associations, police authorities and IPCC say. Please also refer to the governance chapter, which makes more general and wide-ranging recommendations about the baseline assessment process.

6.367 From our own experience of visiting the five forces, we often found that while senior managers gave a positive account of force performance on these areas, the staff associations did not always share their enthusiasm. It is one thing to have a policy in place, but the measure of success is how effectively it is implemented and communicated to staff.

6.368 As with the police authorities we feel that HMIC should ensure that it consults with staff associations in the baseline assessment process and make the following recommendation:

Recommendation

- Her Majesty's Inspectorate of Constabulary should consult staff associations more closely and effectively to develop the baseline assessment process.
-

List of recommendations:

98. Her Majesty's Inspectorate of Constabulary should include race issues in the inspection of professional standards for the 2005 assessment reports, and revise the Citizen Focus Framework accordingly.
99. Her Majesty's Inspectorate of Constabulary should require evidence from forces in the 2005 baseline assessment process to demonstrate effective confidential reporting procedures, which offer confidentiality and support to officers reporting incidents of racial discrimination.
100. In the 2005 assessment reports, Her Majesty's Inspectorate of Constabulary should include race issues in the inspection of how forces handle grievances and employment tribunal race cases and revise the Resource Use Framework accordingly.
101. Her Majesty's Inspectorate of Constabulary should consult staff associations more closely and effectively to develop the baseline assessment process.

Section 8: Race equality schemes and the employment monitoring duty

Introduction

6.369 The assessment of race equality schemes and compliance with the employment monitoring duty in the police service cuts across all areas of this investigation and has been dealt with comprehensively in the race equality duty chapter (chapter 2).

6.370 In this chapter, we consider the role of a police force's scheme in the context of disciplinary and grievance procedures and assesses the sample group of 15 forces for compliance with their employment monitoring duty.

6.371 For ease of reference in reading this chapter, we repeat that section 71(1) of the Race Relations Act places a general duty on most public bodies to promote race equality; this applies to all police forces and police authorities. The CRE has produced a Code of Practice on the duty to promote race equality. Further, as with many other public bodies, two specific statutory requirements were imposed to assist forces and authorities in meeting the general duty: a duty to publish a scheme; and a duty to monitor various aspects of employment (the employment monitoring duty).

6.372 The race equality scheme should set out all functions and policies of the organisation that it has assessed as relevant to the general duty to promote race equality, as well as details of the organisation's arrangements to assist it in meeting its duty. These must include, among others, its arrangements for assessing and consulting on the likely impact of its proposed policies on the promotion of race equality as well as monitoring existing policies for adverse impact.

6.373 The employment monitoring duty requires the organisation to monitor various areas of employment by ethnic origin. For the purposes of this chapter on managing behaviour, the relevant ones are the numbers of staff who are involved in the grievance procedure and those who have disciplinary procedures invoked against them.

What we said in the interim report

6.374 In our interim report we reported the outcome of a separate assessment that we had done during stage 1 on a sample of the schemes of 15 police forces and five police authorities. Among other things, we found that only one in three of the force schemes included compliant employment monitoring duty arrangements.

Developments since the interim report

6.375 We are aware that the police service has made significant progress on using race equality schemes more effectively to improve force performance on promoting race equality and this is detailed in the race equality duty chapter. Through the force and authority visits in our stage 2 work on managing behaviour issues, we talked to force diversity units about progress on their schemes. We focused on how the human resources and professional standards departments were involved in grievance handling and disciplinary procedures.

6.376 The interim report findings were based on an assessment of what the scheme said about the force monitoring arrangements. As part of stage 2 of the investigation, we examined what the forces were doing in practice and whether they were complying with the employment monitoring duty in relation to grievance and disciplinary matters.

Findings and recommendations

6.377 We will present our findings and corresponding recommendations under the following headings:

- a. Race equality schemes; and
- b. Compliance with the employment monitoring duty.

Race equality schemes

6.378 When we visited the forces we asked them about progress on their schemes in general and how this related to their employment monitoring duty. We also asked authorities about their scrutiny role in this area.

6.379 All the forces we visited were revising their schemes, including their employment monitoring arrangements, following the publication of our interim report and in preparation for the statutory requirement for review by May 2005.

6.380 Responsibility for the scheme lay with ACPO rank officers in all five forces and all had a force wide unit or group to coordinate the work required. Most invited representatives from the staff associations to attend meetings and in some cases members of the police authority. Two forces planned to incorporate their schemes into a broader diversity scheme.

6.381 Responsibility for the employment monitoring duty lay with the head of the personnel department for each force. One force had set up an employment monitoring group with internal and external representatives. All the forces we spoke to had to improve their information management systems to comply fully with their employment monitoring duty, including the requirement to publish the results.

6.382 We also found that most of the forces needed to work further on impact assessment. None of the forces or authorities had consistently carried out impact assessments for internal policies and published the results as required. In contrast, we did find evidence of good practice in relation to areas of service delivery.

Compliance with the employment monitoring duty

6.383 In the questionnaires we sent to the sample group of forces, we asked whether the forces recorded statistics (broken down by ethnic origin) for police officers in relation to formal and informal grievances and disciplinary action. We also asked what forces were doing to monitor these statistics. We asked for the same information in relation to the use of forces' confidential reporting facilities and the incidence of employment tribunal race cases, although this is not covered by the employment duty.

6.384 Although informal procedures are not explicitly included in the employment monitoring duty, the CRE's Code of Practice on the duty to promote race equality advises that there is a need to take into account informal policies when meeting the general duty.

6.385 The code also recommends that in order to meet the general duty in relation to disciplinary action, public bodies should examine:

- a. the findings and outcomes of disciplinary action;
- b. rates of appeal (and their results);
- c. whether people from different ethnic groups are likely to face formal disciplinary action for equivalent performance or disciplinary concerns; and
- d. whether penalties for equivalent disciplinary breaches are used consistently for all ethnic groups and the reasons for any differences.

6.386 For grievances, the code recommends that public bodies should also examine:

- a. complaints brought under any other procedure, such as bullying, harassment or discrimination, or those for appealing against decisions about promotion or appraisal marks;
- b. how often and how many grievances of different kinds are made by different ethnic groups and how they are resolved; and
- c. implementation of any follow-up recommendations.

6.387 Our findings on the extent of monitoring for the areas specified above are as follows:

Formal grievances:

All forces recorded the number of grievances brought by ethnic origin. Five forces said they had monitored the statistics and found no adverse impact; one force identified specific racial groups who were under-using the grievance procedures; and nine forces failed to provide a meaningful response.

Informal complaints:

Only two forces recorded informal complaints, one of which had evaluated this information for racial disparities but did not find any.

Formal disciplinary cases:

Two forces did not record the number of disciplinary cases brought against officers by ethnic origin. It was not clear to what extent the remaining forces were monitoring the data, but one force had identified disproportionate impact through monitoring and four claimed that the statistics were too small to evaluate. We had also asked the forces what information was recorded for discipline cases in addition to ethnic origin and almost all of the 13 forces recorded gender, rank, the nature of the complaint, and the outcome.

Informal disciplinary action:

Only four forces recorded data on informal discipline but none claimed to monitor that data.

Confidential reporting:

Two forces recorded information about the use of their confidential reporting facility. The majority of forces that did not said this was because it was a confidential and anonymous system.

Employment tribunal race cases:

Ten forces said they recorded the incidence of employment tribunal cases, but only one said it had carried out any analysis.

6.388 In conclusion, we found that two of the 15 forces were not complying with their employment monitoring duty to record by ethnic origin the number of police officers that had disciplinary procedures invoked against them.

6.389 We looked in more detail at compliance with the employment monitoring duty during the force visits. We found big differences between their approaches to this particular duty.

6.390 In relation to discipline, two forces were performing well and demonstrated good practice in the techniques they used to monitor use of disciplinary proceedings; both had worked with their diversity teams and staff associations and one had identified disproportionality and was taking further steps to understand the reasons for this. This force set up a discipline committee to oversee and review individual cases. Two forces had identified a risk that ethnic minority officers might be at greater risk of malicious complaints and had started to screen complaints with this in mind.

6.391 The other three forces were barely complying with the employment monitoring duty. All three kept statistics although one struggled to provide the information as it was kept on division rather than centrally. One admitted that they were not monitoring those statistics for adverse impact and the other two claimed to monitor but showed little if any evidence that this was anything more than an analysis of the statistics.

6.392 We were pleased to note that all forces were considering how they could improve both their record keeping and approach to monitoring. As the professional standards departments invariably also handled public complaints, they had already been working to meet the requirements of the IPCC and this had led to an improvement in their approach to internal discipline. In addition we saw evidence that the forces had reacted to our interim findings by reviewing how their schemes worked across all departments and appeared to be more aware of their statutory obligations.

6.393 In relation to grievance monitoring, one force was moving towards a comprehensive approach and demonstrated this to us by providing inclusive data. That force requested feedback from users and biannual feedback from all staff and used a diversity forum to monitor discipline, grievance and employment tribunal cases, although there was some doubt about how well this worked. One force had only monitored the final stage of its grievance procedure in the past and although it is now planning a more comprehensive monitoring programme, this has some way to go. Only one force was monitoring informal measures for dispute resolution, including its new mediation scheme. This force had used a staff survey four to five years ago which had shown disproportionate use of the first contact advisors by ethnic minority staff but the information appears not to have been followed up.

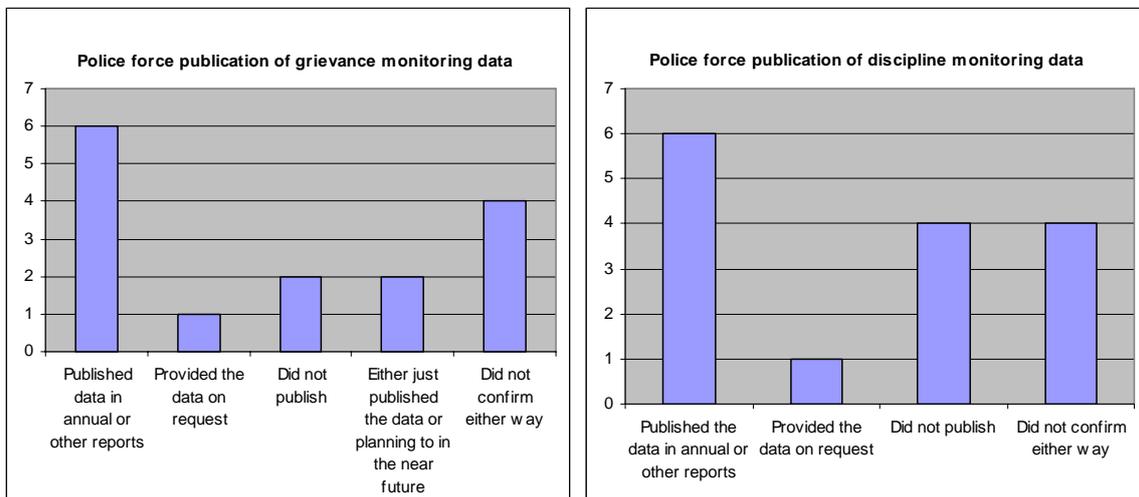
6.394 In conclusion, although we did find evidence of good practice, we had general concerns about the monitoring activity of the forces across all the subject areas; many appeared not to have done anything beyond recording the statistics and the majority of those who claimed to have evaluated their data gave little explanation of how they had monitored or what their conclusions were. In the light of our findings we recommend that:

Recommendation

- Chief officers should make sure that forces comply with the employment monitoring duty, taking into account the Commission for Racial Equality's Code of Practice on the duty to promote race equality and ethnic monitoring guidance.
-

6.395 We also hope that HMIC inspects forces for compliance with the employment monitoring duty and refer to the relevant recommendation set out in our chapter on governance.

6.396 An important aspect of the employment monitoring duty, which helps to improve accountability, is the requirement to publish results. We asked the sample group of forces whether they published their employment monitoring data and the results for grievances and disciplinary cases were as follows:



6.397 As a result we make the following recommendation:

Recommendation

- Chief officers should ensure that the results of employment monitoring data are published in the force's annual report and on the force website.
-

List of recommendations:

102. Chief officers should make sure that forces comply with the employment monitoring duty, taking into account the Commission for Racial Equality's Code of Practice on the duty to promote race equality and ethnic monitoring guidance.
103. Chief officers should ensure that the results of employment monitoring data are published in the force's annual report and on the force website.

Chapter 7

PERFORMANCE AND DEVELOPMENT REVIEWS

Introduction

7.1 A national Performance and Development Review (PDR) system was circulated early in 2003, via Home Office circular 014/2003, to replace the more general guidance given by the Home Office in circular 43/96, which had led to quite varied practice. The new system is designed to implement the requirement of the white paper 'Policing a New Century', which entitles all members of the police service to an annual PDR.

7.2 The new system requires the assessment of performance against National Occupational Standards (NOS), combined either as the general 'role profiles' (ie job descriptions) compiled by Skills for Justice, or as other appropriate combinations of the standards. Every role profile must include NOS standard 1A4, 'fostering' respect for race and diversity (for police officers and equivalent police staff) or 1A5, 'promoting' respect for race and diversity (for managers). Each standard has a large number of indicators relating to different types of activity. In addition, every role profile has a behavioural profile, which features about five or six types of behaviour appropriate to the role: the behavioural profile is required to include respect for diversity. In this way every PDR should have at least two sections where respect for diversity is measured.

7.3 The circular specifies a number of other requirements for the new PDR process:

- a. forces should use a three-score rating: exceptional, competent, and not yet competent;
- b. the process should be on an annual cycle;
- c. the PDR must include a development plan as an integral component; and
- d. all forces should have been using the behavioural competencies of the National Competency Framework by April 2003 and these should have been incorporated into PDRs by 1 April 2004.

What we said in the interim report

7.4 This was not an area that we addressed in the preliminary stage of our investigation leading to the interim report.

Developments since the interim report

7.5 In the early part of stage 2 of our investigation, several agencies referred to the role of PDRs in the police service. It was suggested to us that PDRs could be an effective management tool to identify training needs and to correct behaviour in the context of racial discrimination. This arose in particular at the discussion we had under the 'Chatham House' rule with our 12 police service stakeholders in September 2004.

7.6 In addition, following our interim report, the Association of Chief Police Officers (ACPO) and others had been seeking to improve police understanding of compliance with the race equality duty. They felt that it would be best achieved by filtering the requirements through the PDR process. We decided therefore that this was an important area where training, management of behaviour and the race equality duty could come together and so we looked further at the use of PDRs.

7.7 We relied on our terms of reference as set out below:

- a. To investigate the management of police officers of all ranks in order to ascertain whether there are effective methods to identify and address inappropriate race-related conduct promptly.
- b. To investigate any employment-related practice, procedure or policy that may be relevant to all or any of the above paragraphs, looking to see whether race-related inappropriate or unlawful behaviour is being addressed.

Methodology

7.8 Members of our investigation team discussed with Skills for Justice (SfJ) the coverage of PDRs in their 'Skills Foresight 2004 Report'. In particular, SfJ staff confirmed our understanding of the provision for 'focused reporting' (see 'Findings and recommendations' below).

7.9 We studied Home Office circular 14/2003, and clarified various provisions with the Home Office in writing.

7.10 For training, we requested a selection of 10 PDRs, made suitably anonymous, from the sample of forces that we visited in 2004.

7.11 For managing behaviour, we incorporated our work on PDRs into the visits to the five forces from the wider sample group of 15 that we had selected to look at managing behaviour generally. We asked each of the forces to provide a selection of 10 PDRs, requesting them in the following terms:

Where there has been an allegation made against an officer of racial discrimination, whether resulting from an internal or external complaint, and there has been disciplinary or quasi-disciplinary (eg a record in the officer's notebook) action taken against the officer concerned, please provide us with a copy of the officer's PDR for the relevant

year. We would like to see 10 of the most recent examples of this and in particular, those that may have been completed under the new national PDR system.

We were hoping to establish whether these police forces were recording concerns about racial misconduct in their PDRs and addressing future development needs as a result.

Findings and recommendations

7.12 Forces were directed to try out the new system in 2003/04 and to have it fully running in 2004/05. As a result some forces produced the new style PDR reports at the end of 2003/04 but others did not.

7.13 The Home Office circular allows forces to use ‘focused reporting’ if they wish. This means that where a manager and appraisee agree that the appropriate rating is ‘competent’ for any aspect of their role, the manager may tick box 2 without the supporting evidence being written on or attached to the PDR form – although the evidence must have been collected by the manager and the appraisee throughout the review period. We are concerned that many officers may just receive a rating of competent for the race and diversity measures without proper assessment, which removes any value for identifying training needs or for informing the promotion and transfer process. The Home Office confirmed to us in writing in October 2004 that this provision remained in force.

Recommendation

- The Home Office (if necessary with its Race and Diversity Learning and Development Programme Board partners) should require evidence-based reporting for core competencies such as fostering or promoting respect for race and diversity and the ‘Respect for Race and Diversity’ behaviour.

7.14 Our inquiries revealed significant differences in the way forces implemented the PDR process. For example, one force that our team members visited had a paperless system while another had a solely paper-based process. In another force that was visited, however – and this may apply elsewhere – practice consciously fell outside the provisions of Home Office circular 014/2003. This force has developed a performance appraisal – not PDR – system, which they described as shorter and simpler. It does not provide, for example, for the appraisal of activities but only behaviours, though it has a four- rather than three-box marking system. The force concerned stressed that their system, unlike the PDR process, had been consulted on or piloted, and had received very favourable independent external assessments. We are not in a position to judge these claims, but we are concerned that wide differences of practice between forces could allow lower standards in assessing race equality performance in some forces compared with others. The Race and Diversity Learning and Development Programme published by the Home Office in November 2004 promised further guidance on the use of PDRs in this

respect, and we feel it is important that this draws together the best features of different forces' practice into one model to be followed by all.

Recommendation

- The further guidance on personal development reviews promised by the Home Office in the Race and Diversity Learning and Development Programme should identify and require best practice within forces in the area of race and diversity.

Training and development

7.15 The Race and Diversity Learning and Development Programme published by the Home Office and its partners in November 2004 accorded a central role to PDRs in the identification of training needs in the race and diversity area, and their distillation into course design. Accordingly, of the sample of PDRs that we examined, most featured 'Respect for Race and Diversity' amongst the required behaviours and/or 'foster' or 'promote' this amongst the required standards in the area of personal responsibility.

7.16 However, none had a race and diversity objective in the appraisee's work plan. A few referred to one or two race and diversity 'incidents' where the appraisee claimed to have performed well or the manager stated that they had done so; for example that the appraisee had dealt sensitively with a victim of a racist incident or had upbraided a colleague for homophobic comments. In other cases more sustained effort was recorded, for example that the appraisee had consistently consulted particular ethnic minority organisations. More often though there was a general comment, such as that the appraisee respected diversity or had a good awareness of the local diverse community, but with no examples. What was most noticeable, however, was that none of the PDRs referred to any shortcomings or development needs in this area. On present usage, therefore, it appears unlikely that PDRs are functioning effectively as a mechanism for identifying training and development needs in the area of race and diversity.

7.17 We did find one force whose system, as described to us, seems to promote good practice. Managers and appraisees are recommended to meet at least quarterly and to add evidence of performance to the PDR form on all standards within the role profile. A central unit has computer access to all PDR forms and 'dip-samples' the frequency and content of entries, giving advice to the assessor where they feel this is necessary. At the end of the year the central unit must examine any box 3 and box 2 markings where a training need is indicated. If they are endorsed by the unit, they are referred to the force's specialist training designer for the development of courses which will cater for the different needs of appraisees, or an outside course will be identified (such as those by Centrex), or for an individual project or placement will be devised. All these are good mechanisms, but of course will not be of great use if managers only include anodyne general commendations in the PDR. We also accept the general system but there may be circumstances when someone who has been given a box 1 mark will need or want extra training and should be able to access this training. We refer to our recommendation

following paragraph 7.14 above, and look to the promised central guidance referred to in that paragraph to address the issues effectively, and to ensure that PDRs perform the crucial role allotted to them.

Managing behaviour

7.18 Within the area of grievances and misconduct, several stakeholders told us that PDR would be an effective tool to manage behaviour, particularly as there is to be an increased emphasis on learning and development as opposed to formal discipline and sanctions.

7.19 The results from our survey indicated that there was little effective use of PDRs as a tool for addressing racial misconduct.

7.20 One force provided only one PDR, stating that there was a difficulty in obtaining further examples from the relevant personnel. This one PDR was for an officer who was involved in a public disorder incident off-duty, which led to a series of criminal and misconduct charges against a number of police officers. This officer was fined 10 days' wages after the misconduct hearing and bound over to keep the peace after a criminal trial. The PDR we received must have been the first one after returning from 18 months' suspension – there was no reference to the incident or any learning points that needed to be noted. There were just comments about how well he had got back into the working environment following his suspension. We had looked at the investigation files relating to this incident and were concerned that the racial element of the incident had been dropped along the way, even though we felt that there was evidence that may have justified disciplinary proceedings on this basis.

7.21 One force produced several PDRs of their staff members which clearly showed that the activities and behaviours for race and diversity should be included in the assessment. However, these PDRs were for the current appraisal year and were not due to be concluded until the end of March 2005. We were therefore unable to make a proper assessment of the use of the PDR system in these cases. A further search for a completed PDR from an officer who had been disciplined for racial misconduct proved fruitless as the one individual identified had not returned to work after a period of stress-related illness.

7.22 The remaining three forces did not provide any PDRs and said that they had not fully introduced the new system. These forces had not recorded any incidents of inappropriate behaviour in any performance development system to date. One told us however that once the new procedure was fully embedded the system would be used to identify issues linked to behaviours. They added however that there was a risk of forces implementing this new system in different ways.

Recommendations

- The prospective guidance to be produced by the Home Office and its Race and Diversity Learning and Development Programme (RDLRP) partners on the Performance Development Review process should address the monitoring and correcting of racist behaviour as well as learning and development issues.
- The Home Office and its Race and Diversity Learning and Development Programme partners should also monitor forces' adoption of this guidance.
- Chief officers should ensure that the outcome of any disciplinary tribunals for racial misconduct should be recorded within the PDR. Depending on the extent to which the PDR and competence-related threshold payment are related, it should be taken into account and where appropriate, such payment should be withheld until the officer has demonstrated improvement.
- Her Majesty's Inspectorate of Constabulary and police authorities should inspect and scrutinise forces thoroughly to ensure that they adopt a consistent and coherent PDR system that deals effectively with racist behaviour.

Conclusion

7.23 In conclusion, we have not found evidence that the PDR process is being used effectively or at all as a tool for monitoring and/or correcting behaviour. We do not believe the new PDR process is sufficiently developed to be a reliable tool for this purpose. It is not the key to correcting behaviour per se. To be effective as a monitoring and development tool for officers, it should record both formal and informal behaviour issues and corrective action should be taken when necessary. It should monitor behaviours to identify areas for improvement; if improvement is not seen then underperformance should be tackled. This should be by documented training and development and/or by performance or conduct management, as appropriate.

List of recommendations:

104. The Home Office (if necessary with its Race and Diversity Learning and Development Programme Board partners) should require evidence-based reporting for core competencies such as fostering or promoting respect for race and diversity and the 'Respect for Race and Diversity' behaviour.
105. The further guidance on Performance Development Reviews promised by the Home Office in the Race and Diversity Learning and Development Programme should identify and require best practice within forces in the area of race and diversity.
106. The prospective guidance to be produced by the Home Office and its Race and Diversity Learning and Development Programme (RDLRP) partners on the Performance Development Review (PDR) process should address the monitoring and correcting of racist behaviour as well as learning and development issues.
107. The Home Office and its Race and Diversity Learning and Development Programme partners should also monitor forces' adoption of this guidance.
108. Chief officers should ensure that the outcome of any disciplinary tribunals for racial misconduct should be recorded within the Performance Development Review. Depending on the extent to which the PDR and competence-related threshold payment are related, it should be taken into account and where appropriate, such payment should be withheld until the officer has demonstrated improvement.
109. Her Majesty's Inspectorate of Constabulary and police authorities should inspect and scrutinise forces thoroughly to ensure that they adopt a consistent and coherent Performance Development Review system that deals effectively with racist behaviour.

Chapter 8

GOVERNANCE AND ACCOUNTABILITY

Section 1: Introduction

8.1 Our terms of reference confine us to race-related issues in employment. We are clear that we have no role in commenting in general about governance matters. During the investigation however, as we have examined processes and discussed them with relevant bodies, from screening and recruitment to grievances and discipline, we have constantly been struck by the potential problems within our remit which are related to the complex governance and accountability structures within policing.

8.2 Where there are structural weaknesses in governance and problems with accountability, there is almost certain to be a negative impact on the promotion of race equality along with other problems. By the same token, where there is organisational excellence, this often benefits race equality as well. We have therefore addressed governance issues, but of course we make our findings and recommendations only in relation to our terms of reference.

8.3 This chapter focuses only on overall governance issues. Other issues, such as detailed work on training and standards, have been covered in the relevant chapters.

8.4 Towards the end of the evidence gathering stage of this investigation, the Home Office published its white paper 'Building Communities, Beating Crime'. We have carefully considered the proposals within it before making our recommendations.

What we said in the interim report

8.5 In the introduction to our interim report under 'Emerging issues and findings' at paragraph 1.23, we outlined the main issues that we would be looking at in stage 2. In particular, we asked,

Is the current tripartite governance system of the police service – central government, police authority, chief constable/commissioner – able to ensure that police forces meet their statutory duty to promote race equality?

8.6 We also asked, 'Could, and should, the Home Office and police authorities do more to make changes, where necessary?'

Developments since the Interim Report

8.7 This chapter draws on our findings throughout the investigation. Significant developments in this area since the interim report include the white paper mentioned above, the report of the Morris inquiry, the discussions with respect to the William Taylor review, and the production of a joint interim action plan led by the Association of Chief Police Officers (ACPO) on race matters. We have considered all these valuable contributions.

Findings and recommendations

8.8 The Home Office, chief officers and police authorities form what is known as the 'tripartite' structure responsible for the overall management and development of policing. We were of course aware in general of the complex of responsibilities and accountabilities within this structure, but the scale of the differing and overlapping accountabilities became increasingly apparent as the investigation progressed. There are also a large number of other organisations which provide essential elements of the governance structure. It has been difficult to pick our way through all the various bodies and teams, and we have occasionally felt that one part of the system did not always team up effectively with another. The advantages of a delicate balance of power between national and local priorities, between operational decisions of the chief officer and the supervisory roles of other bodies may sometimes be outweighed by its disadvantages, in particular in a field like race equality. These disadvantages may include inefficiencies in communication, skills exchange and knowledge management. In relation to race, it may work against the effective embedding of race equality considerations throughout the system. We have alluded to examples of this in this report.

8.9 By the time we published our interim report we had decided to hold a forum, under the 'Chatham House' rule, to which we invited the most senior representatives of the key bodies in the police family to discuss within a confidential environment, accountability and governance aspects of ensuring the promotion of race equality within our terms of reference. As we have said in our introduction we were pleased with the outcome of this discussion, and the willingness with which the participants shared their positions, frustrations and ideas for the future. While we have not directly used any of the information provided to us at this forum in this investigation, it did help us to share our own early thinking with bodies and to learn from them directly what some of the barriers to change might be. Many of the participants thanked us for holding this forum and remarked that it was in their experience, the first time so many of them had all come together to tackle race issues frankly and openly. It may be that such meetings – again based on the 'Chatham House' rule – should be held regularly.

Section 2: The Home Office

8.10 In our opinion, the Home Office, as the government department responsible for policing and community safety, has the main responsibility for delivering race equality in policing, assisted by ACPO and individual chief officers, the Association of Police Authorities (APA) and individual police authorities. Apart from its interest as the relevant part of government responsible for the delivery of an effective and efficient police service, the Home Office is also the department responsible for overseeing the government's delivery of its race equality strategies.

National policies, legislation and creation of new agencies

8.11 Clearly, the Home Office must work, as it already does, in partnership with those organisations that have the responsibility for delivery and implementation, and also for developing strategies to implement national policies. We see the process as follows:

- a. National policy is developed (through consultation and partnership working) with central government overseeing the process through the Home Office. This might form the basis for new or amended legislation.
- b. Operational strategies are developed to implement national policy or new legislation. This development may take place with bodies such as ACPO, the APA and other bodies such as Skills for Justice or Centrex.
- c. The delivery and accountability for delivery of policies and strategies rest with relevant tripartite partners – e.g. chief officers with ACPO assisting them to comply with their duty to ethnically monitor employment practices.
- d. Her Majesty's Inspectorate of Constabulary (HMIC) carries out inspections or assessments using relevant baselines or inspection frameworks, in conjunction with police authorities. HMIC and the Home Office have confirmed HMIC is covered by the Home Office's own race equality duty, although HMIC has published its own associate scheme.
- e. HMIC or the Home Office provides feedback to ACPO, the APA and individual forces and authorities on the progress of policies and strategies and any recommended remedial action.
- f. Responsibility and accountability for taking remedial action rests with forces, with ACPO, with police authorities, with the APA as relevant, for further scrutiny and assessment of progress.
- g. A final accounting on the progress of the policy is made to the Home Office and ultimately to parliament as necessary.

We see this as a ‘virtuous circle’ of delivery of national policies. We acknowledge that there are (and should be) local and regional sensitivities and flexibility built into the structure of governance, but any variations should be agreed at the centre in order to ensure consistency of delivery. In the area of race equality, this consistency of delivery needs to be overseen by the Home Office. We acknowledge that, through a variety of statutory provisions, police forces and police authorities have been given responsibility for ensuring effective policing in their areas. We do not wish to undermine this local responsibility, but we do wish to ensure a nationally consistent programme for the delivery of race equality, taking local variations fully into account, in particular in the area of the setting of national standards and recruitment targets.

8.12 Throughout this report, we have made recommendations based upon the conviction that it is for the Home Office, sometimes with other partners, to ensure that a particular race-related measure is implemented. We do not deny the importance of chief officers and police authorities in the delivery of, and accountability for, such measures, but there must be a fully joined up and national approach to this work. Here we give three examples of our concern where this approach may not be working. Firstly, in the chapter on training and race equality, section 3 ‘The race equality content of foundation training’, at paragraph 5.81 we find that there is a pilot scheme, with a number of participating forces, for the introduction of a newly developed project for foundation training. We discovered however that instead of ensuring that there was consistency in the training materials for the delivery of this important national pilot, the Home Office decided that the development of such training materials should be devolved to individual forces. There is evidence that a large number of these pilot forces are using previous foundation training materials with little change. We believe that while local variation is desirable in order to reflect local needs, the core content of race and diversity training should be determined centrally.

8.13 As stated in chapter 4 section 2, 10 police forces have decided to add to, or amend, a carefully planned and tested national screening process for potential recruits. We have made a recommendation on this in the above chapter. The Home Office, when asked, stated that they did not feel they were in a position to impose a national process, but hoped that forces would realise that it was not necessary to augment it. We are concerned that in attempting to gauge how well this very new screening process works, the results from these 10 forces will inevitably introduce unknown and hitherto uncontrolled factors into the national results. This may make it extremely difficult, if not impossible, to get an accurate national picture of how the new process is working.

8.14 A third example is the way in which a new grievance process (‘Fairness at Work’) is being introduced across all forces, or should be. We discovered that the take up for this process is patchy across the country. As we detail in section 3 of the chapter on managing behaviour, at 6.191, the Home Office put this procedure forward as best practice but individual forces can implement the guidelines as they see fit. Many of the bodies we discussed this with felt that the fact that there was no clear mandate from the Home Office that this procedure must be fully implemented by every force would make it difficult to ensure progress in this difficult area. When we asked the Home Office

whether they had considered making this process mandatory, they informed us that their minds were ‘not closed’ to the issue, although they had concerns about being heavy handed.

8.15 Within the Home Office itself, we discovered a large number of different teams relating to policing matters, sometimes operating in silos. For example, the Police Personnel Unit deals with grievance procedures, but not with misconduct procedures, which are dealt with by the Police Leadership and Powers Unit. The Police Personnel Unit has responsibility for overseeing the national assessment centre programme for screening potential recruits, but training, which should be closely associated with recruitment and the setting of occupational standards, lie with the Police Leadership & Powers Unit. Again, while the recommendations we make will focus on race issues, there may be an argument that a more joined up working system within the Home Office will reap benefits in all policing areas. Below we list the various units that have some responsibility for employment related issues in the police service, obtained from the Home Office website:

- a. Her Majesty's Inspectorate of Constabulary
- b. Performance & Strategic Management Unit
- c. Police Leadership & Powers Unit (PLPU)
- d. Police Personnel Unit (PPU)
- e. Police Reform - Performance Delivery Unit
- f. Police Resources Unit
- g. Police Standards Unit (PSU)

Recommendation

- The Home Office consider the possibility of rationalising the number of different units with overlapping responsibilities, including the possibility of merging the Police Leadership & Powers Unit and the Police Personnel Unit.

Scrutinising nationally funded and controlled or supervised performance

8.16 The Home Office is responsible in different ways for the work of a number of bodies. Sometimes it has overall responsibility as the sponsoring department (as with the CRE itself and Centrex) or a closer relationship, such as with HMIC, although we take the point made to us by HMIC that they are independent of the government in that they are Her Majesty’s inspectors.

8.17 We have come across a variety of bodies for which the Home Office has some responsibility within our investigation. They also include bodies, such as Skills for Justice, from which the Home Office is a significant purchaser of products, and funded non-departmental public bodies such as the Independent Police Complaints Commission.

8.18 Not all of these bodies are subject to the race equality duty. We make recommendations on individual bodies elsewhere in this report, but in our view the only body that can ensure joined up and mainstreamed work amongst all of them, whether through service agreement, funding protocol or scrutiny process, is the Home Office. We have found throughout this investigation that different bodies are at different stages in their understanding and delivery of race equality within their functions. Given that they all help to set standards, develop guidance, deliver services, scrutinise, or enforce measures on the police service, we consider that the Home Office should be that central co-ordinating body.

The race equality duty and the Home Office

8.19 The Home Office sponsored the passage of the Race Relations (Amendment) Act 2000 which introduced the race equality duty, along with other welcome changes. It continues to have a leading role in the development of work around implementation of this duty. As such, it should act as an example of good practice and compliance. The duty is discussed in greater detail elsewhere in this report, and here we deal specifically with the Home Office's role in relation to it.

8.20 We were surprised to discover during the course of this investigation that in the development of policies, standards and management tools, the Home Office did not automatically ensure that race equality was taken fully into account at an early stage. At the hearing in October 2004, the Home Office admitted that there was little evidence that race impact assessments had been carried out on proposed policies, such as the newly developed or developing training policies and the recently published draft National Policing Plan. We also heard at that stage that the work around the setting of occupational standards had not been race impact assessed, as the leading body for this work (Skills for Justice) was not subject to the race equality duty. The Home Office has ultimate responsibility for setting and maintaining occupational standards for policing and ensure that race equality is properly considered in the development of such standards.

Recommendations

- The Home Office, either working with relevant partners or on its own, should carry out a race impact assessment of any national policing proposal (including white papers) with a relevance to race equality, including policies emanating from the Home Office, the Association of Chief Police Officers, the Association of Police Authorities, Centrex and Skills for Justice. Any potential problems which are discovered by the impact assessment and accompanying consultation should be carefully addressed before the proposals become final. The results of such assessments and consultations should, under the Home Office's race equality scheme, be published.
- The Home Office should ensure that all bodies with which it has funding arrangements as the 'sponsor department' are either themselves subject to the race equality duty or operate under the Home Office's own race equality duty and accompanying race equality scheme.

Proposed national improvement agency

8.21 In its white paper the government recognises that the current mechanisms for national policing improvements are 'disparate and overlapping', and that lines of accountability are 'often blurred'. From the race equality point of view, we agree with this and have had some experience during the investigation of this confusion of accountability. The white paper supports a suggestion by ACPO to create a new agency which will bring together all the different strands of work currently carried out separately on the development of standards, performance management and continuous improvement. If the agency is to be an executive arm of the Home Office, it will not need to be subject to the race equality duty as it will be covered by the Home Office. If not, we believe that this agency will need to be separately subject to the duty.

Recommendation

- Any proposed agency with responsibility for the development and implementation of the setting of occupational standards, workforce modernisation and the delivery of all or aspects of the National Policing Plan is directly subject to the race equality duty or its work should be covered by the Home Office's (or any other sponsoring government department) race equality duty.
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List of recommendations

110. The Home Office should consider the possibility of rationalising the number of different units with overlapping responsibilities, including the possibility of merging the Police Leadership & Powers Unit and the Police Personnel Unit.
111. The Home Office, either working with relevant partners or on its own, should carry out a race impact assessment of any national policing proposal (including white papers) with a relevance to race equality, including policies emanating from the Home Office, the Association of Chief Police Officers, the Association of Police Authorities, Centrex and Skills for Justice. Any potential problems which are discovered by the impact assessment and accompanying consultation should be carefully addressed before the proposals become final. The results of such assessments and consultations should, under the Home Office's race equality scheme, be published.
112. The Home Office should ensure that all bodies with which it has funding arrangements as the 'sponsor department' are either themselves subject to the race equality duty or operate under the Home Office's own race equality duty and accompanying race equality scheme.
113. Any proposed agency with responsibility for the development and implementation of the setting of occupational standards, workforce modernisation and the delivery of all or aspects of the National Policing Plan is directly subject to the race equality duty or its work should be covered by the Home Office's (or any other sponsoring government department) race equality duty.

Section 3: The Association of Chief Police Officers

8.22 The status of the Association of Chief Police Officers (ACPO) is an interesting one. It is a company limited by guarantee, and governed by a board of directors. It was set up in the 1950s to develop policing policies centrally, and has an influential role in policing generally. It is however only accountable to itself. It does not represent the individual interests of its members which are dealt with by the Chief Police Officers Staff Association.

8.23 This investigation has had full and willing cooperation from ACPO members, for which we are grateful. It is clear that many good developments are proposed at ACPO level. The interim Race Equality Action Plan for the Police Service (published December 2004). ACPO have pulled together key stakeholders to develop this plan, which is a response to the findings contained in our interim report published in June 2004 as well as incorporating ongoing work in this area.

8.24 We very much welcome this proactive work from ACPO, and understand that the plan will be reviewed in light of the recommendations in this report. Many of their action points have emerged not only from our interim report, but also from discussions we have had with ACPO since the publication of the report, and therefore there are similarities between our recommendations and the plan.

8.25 We are concerned, however, at the potential for a gap between planning and implementation, and we also want to ensure that there is Home Office ownership of the plans within this document. In the interim report we commented on the fact that HMIC thematic recommendations were often not implemented at all by some forces, and slowly and patchily across all forces. HMIC is taking steps to ensure that implementation does take place, and ACPO and its partners need to ensure that any finalised and agreed plan is properly implemented.

8.26 There is evidence that even those policies that are produced or supported and encouraged by ACPO are not properly or fully implemented by each chief officer in his or her force. Some of these difficulties are raised in other chapters and include the patchy take up of the new Performance Development Review system. This may be changing, as illustrated by development of the plan. However it does indicate a governance problem in that while ACPO can cajole, persuade and influence, it cannot ensure action from every chief officer in respect of their policies.

8.27 ACPO should continue to be at the forefront of developing policies on continuous improvement, whether alone or, as we would suggest, in partnership with the Home Office and other bodies. ACPO recognises, however, that a coordinating and implementation body in this area is needed. During the hearing, ACPO representatives informed us that they had made representations to the government for such a body, and, as we have said, the resulting proposals for a National Improvement Agency are in the

white paper. We agree with ACPO's wish to bring all the disparate areas relating to the improvement of policing practice in all its aspects under one body.

8.28 On the issue of Home Office ownership of the plan, we note that in paragraph 4.74 of the white paper there is reference to the CRE's investigation and forthcoming recommendations and the need to ensure public confidence in the police service, following which, in paragraph 4.75, the white paper states:

To this end the government welcomes the Association of Chief Police Officers' proposal to develop with the Association of Police Authorities and the Home Office a joint confidence and equality strategy. We welcome also the strong line which ACPO has taken on membership of organisations whose aims or pronouncements contradict forces' race equality duty. The Home Secretary has proposed to the Police Advisory Board to make changes in regulations and determinations so that a member of a police force cannot belong to the BNP, Combat 18 or the National Front or any other organisation whose constitution, aims, objectives or pronouncements are incompatible with the duty imposed by section 71 of the Race Relations Act.

8.29 We understand that the 'joint confidence and equality strategy' is in fact the plan we have referred to above, and we urge the Home Office to take a full part in ensuring the continued development and implementation of this plan.

8.30 We welcomed ACPO's line on BNP membership in our interim report (and have discussed this issue again in the Managing Behaviour chapter of this report), but were also concerned about the legal implications of taking disciplinary action against BNP members or members of similar organisations. We therefore welcome the Home Secretary's proposal to the Police Advisory Board to consider how this policy can be implemented.

The race equality duty and ACPO

8.31 ACPO as an organisation is not subject to the race equality duty, but each force, represented by its chief officer or Commissioner on ACPO is. ACPO, itself has assumed a leadership role in attempting to spread good practice in the race equality field and the fact that all of its members are subject to the duty should ensure that ACPO itself will act in a way that is consistent with it.

8.32 ACPO has suggested that, within their plan, they should carry out race impact assessments of their policies. We welcome the fact that they recognise the importance of ensuring that race equality is considered in the development of policy, but suggest that nationally significant proposed policies that have a relevance to race equality should have as a minimum the equal partnership of the Home Office in any race impact assessment process. The need for such partnership work has been explored above under the section in this chapter headed 'The Home Office'.

8.33 Issues relating to governance and the work of individual forces and chief constables are dealt with in chapter 2 on the race equality duty.

Recommendation

- The Home Office should be an equal partner in any race impact assessment of national policing policies with relevance to race equality, including those developed by the Association of Chief Police Officers.
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Section 4: The Association of Police Authorities and police authorities

8.34 The Association of Police Authorities (APA) is a membership organisation set up in 1997 to represent police authorities in England, Wales and Northern Ireland. All police authorities in England and Wales are members of the APA. It acts as a national voice for police authorities and supports their development. As with ACPO, the investigation has received full co-operation from the APA for which we are grateful. We met the APA during stage 2 of our investigation to discuss the role of police authorities and to find out what work it had done to assist authorities in exercising their responsibilities in this area

8.35 Police authorities were established in their present form by the Police and Magistrates' Courts Act 1994, except for the Metropolitan Police Authority which was established in July 2000 by the Greater London Authority Act 1999. The APA's website explains the role of police authorities as follows: 'The police authority sets the strategic direction for the force and holds the chief constable to account on behalf of the local community for the policing service delivered.'

8.36 In relation to this investigation and our terms of reference, individual police authorities in general have been perhaps the weakest on race equality issues. The APA itself has good policies and guidelines on how to improve the work of police authorities, but has a small staff and covers a very wide area of work. Again, like ACPO with individual chief officers, we have concerns about how far if at all police authorities are accountable to the APA, and that while the APA can try to persuade and influence, it cannot ensure that any individual police authority carries out its role in a way that fulfils its duty to promote race equality.

8.37 We have heard evidence, especially at our hearings, that the APA has worked hard to create good links with police staff associations and support groups, including the National Black Police Association, and we recognise the proactive efforts that they have made in the area of race and diversity. However the evidence on the ground in relation to individual police authorities was disappointing. This has been discussed throughout this report where relevant, but in this chapter we look at some overall issues.

8.38 We should state here that the APA made clear representations to us on the problems of ensuring sufficient resources and staff for police authorities. Authorities are responsible for setting the budget for themselves and their police forces. In practice they are effectively in competition for the same pot of money with their own force. An authority may well be put in a position whereby it has to suggest cuts in the force's operational policing budget in order for it (the authority) to have any realistic funding of its own. We can see how authorities might feel constrained from doing so, especially in the current context of increased recruitment to the police service, the devolution of foundation training to police forces and the growing needs of a modern police service. We are aware that the APA has made representations to the Home Office on this matter. In respect to the implications for race equality, an under-resourced and under-staffed

police authority will need to make hard choices about what, within their very wide remit of functions, they should concentrate on, and it is possible if not probable that the promotion of race equality may feature too low in the priorities of some authorities, especially those with only one or two staff.

8.39 The white paper proposes a much more ‘competency-based’ selection process for chairs of police authorities and for independent members. We would agree with this proposal, but are concerned that race equality should be one of the competencies required in at least some of the authority members. We are also concerned about the low numbers of women and men from ethnic minorities on police authorities. More needs to be done to make involvement in the delivery of local policing attractive to all communities.

8.40 From our surveys, we have gathered the following information about police authority membership

8.41 A table showing a breakdown of the ethnic representation of the types of members of police authorities.

	White		Asian		Black		Other		Total
	Male	Female	Male	Female	Male	Female	Male	Female	
Ethnic representation of councillors as members of police authorities	285	83	8	0	2	3	4	0	385
Ethnic representation of magistrates as members of police authorities	84	36	3	3	0	0	0	0	126
Ethnic representation of independent as members of police authorities	86	78	19	11	8	5	4	1	212
Total	455	197	30	14	10	8	8	1	723

Please note the above figures have been aggregated from 42/43 police authorities

8.42 Although overall ethnic minority representation amounts to a nationally healthy 9.8% of the total of 723 members, the results are skewed by a few authorities that have a much higher number of ethnic minority members and the high ethnic minority representation in the independent member category (22.6% of the overall independent members). Not counting the City of London Committee, which has different arrangements in this respect, out of the 42 police authorities surveyed, 10 had no ethnic minority representation at all and 11 had only one. Some of the police authorities that had none or very few ethnic minority members did come from areas where the ethnic minority population is generally low, but this was not true for all areas. Ethnic minority

councillors are 4.4% of all councillor members and ethnic minority magistrates are 4.8% of all magistrate members.

Recommendations

- The Home Office should ensure that in any reform of police authority membership attention is paid to the need for race-based competencies.
- Police authorities should ensure that they review their membership, and if there is a lack of representation of the local ethnic minority population, take lawful steps to encourage ethnic minority participation in their work.

Police authorities and scrutiny of chief constables

8.43 Police authorities have the responsibility of appointing – and dismissing – chief constables, with the involvement and consent of the Secretary of State. They are responsible also for the overall delivery of local policing in their areas, but not responsible for scrutinising the performance of individual chief constables. The APA has suggested to us that police authorities ought to have this responsibility, which currently rests with HMIC, (who have to consult with the chairs of police authorities). However we have also heard dissenting views on this suggestion.

8.44 In considering who would be best to carry out the important task of scrutinising chief constables' performance on race equality, it was impossible not to be aware of the wider debate, i.e. who should scrutinise chief constables in other areas as well. Any recommendations we make must be as a result of the evidence presented to us on race equality issues, but we are aware that they will be looked at in light of the whole picture. One relevant piece of information we had to consider was the white paper's proposals that the responsibility for a chief constable's performance should switch to their police authorities, in consultation with HMIC.

8.45 We asked all police authorities how they monitored their chief constables' performance in relation to race and diversity issues. Accepting that the police authority for the City of London Police Force has different arrangements for its police force, we have considered the responses from 42 police authorities. The resulting picture showed a wide range of activities, from infrequent, formalised reporting mechanisms in some authorities to active interventions in others. In summary:

- a. Many authorities reported having a lead member who reported to the full authority on race and diversity issues.
- b. Some authorities said that they invited representations from external consultees about general performance in this area, including Independent Advisory Group members and community groups.

- c. Only one authority specifically mentioned talking to staff groups such as its Black Police Association. This authority (authority A) gave us particularly detailed information to us and had many good points in its response.
- d. Most authorities stated that HMIC monitored chief constables and gave the impression of playing only a small role in the consultation process in relation to the assessment.
- e. Only one authority reported that race and diversity issues were 'integral to the work of all committees depending on which issues may be relevant'. Most authorities had specific committees where race issues were reported on formally.
- f. Only one authority stated that it dip-sampled complaints and followed up those complaints from ethnic minorities, and it also stated that it carried out 'routine opinion research surveys'. Authority A also reported that it looked at public satisfaction surveys, which were broken down ethnically.
- g. One authority stated that additional to the HMIC personal development review of chief constables, it had its own performance development review system agreed bilaterally with the chief constable.
- h. No authorities stated that they had regular consultations with their force's Police Federation or Police Superintendents Association representatives.

8.46 When asked what they would do if a chief constable did not meet the race and diversity element of any performance development review, police authorities again gave a wide range of answers. Some indicated that while HMIC continued to be responsible for carrying out the review the police authority could do little. Many authorities stressed that the completed review was confidential and it appears that only the chair of the authority sees this review. The range of answers ranged through:

- a. doing nothing or very little (one authority's reply was 'Don't know');
- b. we can't tell you because it's a confidential matter;
- c. it would be reported to the relevant committee (largest response);
- d. 'appropriate' action would have to be considered;
- e. action plans to address the problem might be developed;
- f. informing the Home Office directly of concerns; and
- g. informing HMIC of concerns.

8.47 Five authorities did suggest that if the matter was serious enough, disciplinary measures could be invoked.

8.48 We accept that all police authorities take their monitoring and scrutiny role seriously, but there was a wide range of activity in this area, some very good and some poor.

8.49 ACPO indicated to us their concern that there might be a ‘politicisation’ of the performance review mechanism if it was carried out by the chair of the police authority. The NBPA also expressed concerns about the level of skills currently available in all police authorities to carry out a performance review, and also were aware that in some cases there was a ‘very strong and intimidating police culture’ that might cause difficulties for chairs. We are also not convinced that at this stage, all police authorities have the necessary skills and abilities to carry out this essential task in relation to race equality.

Recommendations

- Her Majesty’s Inspectorate of Constabulary should continue to be responsible for the performance development reviews of chief constables in the area of race equality for the time being, with evidence required for the grading given. Her Majesty’s Inspectorate of Constabulary should actively seek the input of police authority chairs during this review.
- Following a skills audit and training needs analysis of police authority members and chairs, and with relevant training then provided to meet any identified training needs, the Home Office should review whether or not police authorities are equipped to take on this role, with the continued advice and support of Her Majesty’s Inspectorate of Constabulary.
- Police authorities should ensure regular consultation with their forces’ staff and police support groups such as the Black Police Association and their staff associations, such as the Police Federation and Police Superintendent’s Association to get feedback on race equality issues generally.
- Alone or in conjunction with their forces, police authorities should ensure that authorities carry out a regular staff satisfaction survey in their police force on race-related issues.

Appointment of chief constables and assistant chief constables

8.50 The white paper proposes to remove the power to appoint assistant chief constables from police authorities and give it to chief constables in consultation with their police authorities. This would also be the case for civilian posts of a parallel grade, such as directors of human resources.

8.51 This proposal came to us rather late for us to investigate its viability in relation to our terms of reference. However, from our discussions with key stakeholders and from the evidence they gave us at our hearings, our concern is that this may not be the best way to widen the pool of applicants qualified to be senior managers in police forces, whether civil or sworn.

Police authorities and the race equality duty

8.52 Police authorities are listed bodies for the purposes of the race equality duty. Not only do they have to make sure that their own policies and practices (including employment practices) comply with the duty, but they also, as part of their scrutiny role, should ensure that their forces comply with their duties. We look at police authorities' own response to the race equality duty in the race equality duty chapter. Here we explore their scrutiny function.

8.53 As indicated above, most authorities had at least one lead member on race and diversity issues. Many also had specific committees where race issues are discussed. We would suggest, however, that race and diversity should be included throughout the work of any police authority, and that all committees should have a standing item for this area of work.

Recommendation

- Police authorities should ensure that race issues should be a standing item on the agenda for all police authority committee meetings.

Police authorities and scrutiny of implementation of police forces' race equality schemes.

8.54 We asked police authorities specific questions on their monitoring and supporting of forces' schemes, and it appears that most considered these at their Race and Diversity Committees and their Human Resources Committees. We were pleased to hear from many of the authorities that they feel that their forces have made positive improvements in race equality since the introduction of the RES duty. These improvements included structural changes in the force to give greater prominence to race and diversity matters, appointment of equalities officers, establishing a race equality scheme steering group and wider community engagement.

8.55 It was clear from the responses that authorities did formally, and occasionally informally, monitor and scrutinise their forces' work on race issues generally. However, perhaps due to a poor understanding of the duty themselves, we are less convinced that police authorities are scrutinising their forces' implementation of all aspects of the race equality duty.

8.56 For example we were concerned that many authorities did not have information to hand on the number of employment tribunal cases brought by police officers and other staff in police forces. Only 13 of the 41 authorities who replied to this question stated that they had this information. While we accept that authorities will rely on their force to give them this information, this is an important area of work and we consider that police authorities should actively seek this information and consider it themselves.

8.57 We welcome the fact, as we heard from the National Black Police Association, that the APA has been encouraging its members to work closely with its local Black (or Black and Asian) Police Associations, and to create a memorandum of understanding between the two organisations.

8.58 We note that the white paper proposes that police authorities should be given a duty to 'promote diversity within the police force and authority'. We consider that police authorities already have this duty to some extent as part of their own race equality duty, but we welcome this proposal. We feel however that this particular duty may need to include some performance indicators to assist authorities to know what it is they are looking to promote, and how well they are achieving their aims.

List of recommendations

115. The Home Office should ensure that in any reform of police authority membership attention is paid to the need for race-based competencies.
116. Police authorities should ensure that they review their membership, and if there is a lack of representation of the local ethnic minority population, take lawful steps to encourage ethnic minority participation in their work.
117. Her Majesty's Inspectorate of Constabulary should continue to be responsible for the performance development reviews of chief constables in the area of race equality for the time being, with evidence required for the grading given. Her Majesty's Inspectorate of Constabulary should actively seek the input of police authority chairs during this review.
118. Following a skills audit and training needs analysis of police authority members and chairs, and with relevant training then provided to meet any identified training needs, the Home Office should review whether or not police authorities are equipped to take on this role, with the continued advice and support of Her Majesty's Inspectorate of Constabulary.
119. Police authorities should ensure regular consultation with their forces' staff and police support groups such as the Black Police Association and their staff associations, such as the Police Federation and Police Superintendent's Association to get feedback on race equality issues generally.
120. Alone or in conjunction with their forces, police authorities should ensure that authorities carry out a regular staff satisfaction survey in their police force on race-related issues.
121. Police authorities should ensure that race issues should be a standing item on the agenda for all police authority committee meetings.

Section 5: Inspection, regulation and enforcing improvement

8.59 The white paper, at paragraphs 5.38 and 5.39, states that:

As part of a general review of the inspection arrangements for public services, the Government therefore intends to consult early in the New Year on different, more coherent arrangements for the end-to-end inspection of the Criminal Justice System.

Pending the outcome of the review, and the establishment of any new arrangements, the Government wishes to see HMIC continuing to deliver highly professional and cost effective inspection arrangements to the police service.

8.60 We cannot comment on any new developments in this area, which may or may not result in the creation of a new criminal justice inspection agency, other than to urge the government to consult with relevant bodies including the CRE on race equality issues. It is highly likely that Her Majesty's Inspectorate of Constabulary will continue to carry out its inspection role for some length of time, and therefore we have reported our findings and make recommendations for HMIC below.

Her Majesty's Inspectorate of Constabulary (HMIC)

8.61 Her Majesty's Inspectors of Constabulary are appointed by the Crown on the recommendation of the Secretary of State, and until recently, selection was made exclusively from the ranks of the most senior officers serving in forces. HMIC's role is primarily the inspection of forces, but it also has an advisory and training function as well. HMIC reports to the Home Office and as such is an important element within the governance and accountability structure.

8.62 In our interim report, we discussed extensively the force and thematic inspections conducted by HMIC. We were satisfied that in many areas HMIC identified and reported on improvements that were needed. We expressed our concern however that HMIC recommendations were not implemented by all forces at the same rate.

8.63 Like many other bodies associated with policing improvement, HMIC has made many changes in the last 12 or so months. It has begun a process of baseline assessments against which individual forces are assessed, and these assessments are published. We note that HMIC has recently adopted the 'Diversity Excellence Model' in their inspections. Furthermore, HMIC has begun to put timelines on many recommendations to give forces target dates for improvement.

8.64 Other chapters deal with the details of HMIC inspections and assessments in relation to particular areas of work. Here we explore the wider implications for governance in the area of improving on race equality.

8.65 Our main concern was to find out what HMIC could do if a police force did not accept or implement recommendations. HMIC informed us that it has a powerful and persuasive voice, and that it works with forces that are ‘failing’ in order to bring them up to standard. When pressed on what HMIC would do if it was unable to persuade a force to respond, it indicated that it could refer the matter to the Home Secretary. This, as the white paper suggests, is a somewhat ‘nuclear’ option.

8.66 Another option, which we understand has hitherto been used for operational rather than internal organisation matters, is referral to the Home Office’s Police Standards Unit. This could involve fairly intrusive work from the Unit and HMIC, reporting if necessary to ministers. However, other than referring the matter to the Secretary of State who could then use powers under the Police Act 1996, or under new powers of direction granted to the Secretary of State through the Police Reform Act 2002, there seems to be an ‘enforcement gap’ when it comes to ensuring that forces act on HMIC recommendations, particularly in relation to HMIC thematic inspections.

8.67 We are pleased that the white paper recognises this problem. It proposes putting the improvement process on a statutory footing, with powers of compulsion and intervention arising where there is insufficient improvement. We are also pleased to hear that in future intervention will be prompted as a result of information from a wider set of sources, rather than the current situation where intervention is dependent on an adverse report from HMIC.

Recommendation

- The Home Office should consider including the Commission for Racial Equality and the Independent Complaints Commission in any list of organisations that may trigger interventions from the Police Standards Unit.

HMIC inspection process – baseline assessments

8.68 In 2003, HMIC introduced a new system of evaluation to complement the process of inspection. This relatively new methodology reflects the changing environment in which police forces and authorities are operating, particularly in respect of the Police Reform Act, the National Policing Plan, and the Policing Performance Assessment Framework (PPAF). HMIC published its first baseline assessment results of April 2004 on 14th June 2004, the same day that we published our interim report.

8.69 It would be outside our terms of reference to comment generally on the *detail* of the baseline assessment system, and it should also be noted that it is very new and will need some time to bed down. In the ‘Managing Behaviour’ chapter we have looked at and also comment below on the baseline assessment process with respect to grievances, employment tribunal cases and disciplinary procedures. We also comment below on that part of the assessment process which specifically addresses race equality.

8.70 We note in general that the assessment process involves initial intensive gathering of evidence and further updating of information in subsequent assessments. There is an emphasis on self-assessment. Different areas of work are graded through the process using a four-band system and provide a platform for future inspection activity for each force.

8.71 Because much of the emphasis is on self-assessment and therefore depends to a large extent on the force's own information management systems we are concerned to ensure that independent evidence to back up assertions of performance will be gathered by HMIC. We are therefore pleased to see that there will be consultations on performance with many of the individual force's partner agencies and other stakeholders. Such consultations may be one way of addressing any problems with evidence. We have made a recommendation in relation to HMIC assessment consultation after paragraph 6.368 of the managing behaviour chapter.

8.72 The new assessment timetable has begun and forces are required to have completed their self assessments by January 2005. HMIC will prepare its assessments during February–May 2005 and intends to publish reports on each force by September 2005.

Assessing performance on race – the race and diversity framework

8.73 Forces were graded in the first baseline assessments for race and diversity using a specific framework. We heard in particular from the APA that this was limited in scope and appeared very superficial. HMIC officers themselves admitted that the original assessments were not very robust, and they relied on the development of the new framework for the future. We agree with these views and therefore conclude that the first assessments did not provide a reliable baseline for the assessment of force performance in this area.

8.74 HMIC announced that they were revising the race and diversity framework used for the baseline assessments early in 2004, but we received the revised framework together with another new framework on 10th November 2004. The APA also expressed concern to us that they were not consulted on the revised frameworks. Because of this, we only make here initial comments on the frameworks and the CRE will be interested to see how they feed into the rest of the assessment system over the next few cycles. We would expect HMIC to monitor the new system for its impact on race equality. We have elsewhere made very specific comments on the assessment process and recommendations with respect to the revised race and diversity and professional standards frameworks.

8.75 We welcome the production of the new frameworks which consist of an enhanced race and diversity framework under the heading of 'Resource Use' and a new fairness and equality framework under the heading of 'Citizen Focus'. The latter is a new framework which focuses primarily on external service delivery. The frameworks appear to have more substance than the original race and diversity framework and give greater emphasis to implementation of the race equality duty and the specific duties of a race

equality scheme and employment monitoring. As there has been an improvement on the framework used for the April 2004 assessment (except see below), we suggest that this April assessment (and the refresher assessment of October 2004) be considered as a pilot project, and that the baseline for further assessments should be from the results of the current ongoing assessment based on the new fairness and equality and race and diversity assessment frameworks.

8.76 We note that the HMIC introduction to the frameworks states that it will not be necessary to deal with every question or examine every suggested document. We would expect inspectors should receive guidance which is sufficiently prescriptive to ensure that race matter are not overlooked, and suggest that there should be a 'minimum requirement' at every baseline on race and diversity matters.

Recommendation

- Her Majesty's Inspectorate of Constabulary should ensure that the 2004 baseline assessments with respect to race and diversity should not be used as a baseline for improvement for forces in this area of business. Instead, a new baseline should be set from the results of the first assessments using the new race and diversity assessment framework, fairness and equality framework and a revised professional standards framework.

8.77 The former Chief Inspector of Constabulary, Sir Keith Povey, also indicated to us in a letter in response to our interim report that HMIC would like to be able to rely on the CRE for information on the race equality duty and the performance of police forces for further inspection or intervention. The CRE has already provided HMIC with information about the action the CRE took in relation to the 14 forces with non compliant schemes. When HMIC carried out a 'refresher baseline assessment' in October 2004, revisiting their 2004 assessment, they did refer to this information, but only in a few cases.

8.78 We consider that evidence of compliance with and implementation of all elements of the race equality duty, including the specific duties, must be embedded in any baseline assessment of forces on race. Since much of this information should already be published under the duties, it should not be too onerous for HMIC to ensure that data is being collected and considered.

Recommendation

- Her Majesty's Inspectorate of Constabulary should ensure that the self assessment system is evidence-based by dip-sampling and requesting corroborative evidence for implementation of the specific race equality duties, such as evidence of carrying out race impact assessments of and consultation upon proposed policies, or publishing employment monitoring data as required under the employment monitoring duty.

8.79 Implementation of this recommendation will almost certainly require an amendment, in our opinion, of the race and diversity and fairness and equality frameworks so as to include evidence of compliance with the specific duties; for example, evidence of having published any results of race impact assessments or of having the relevant ethnic monitoring data.

8.80 We note that the baseline assessment suggests that the CRE should be involved in endorsing schemes. Indeed, HMIC's own 'associate scheme' states that, while they are committed to the delivery of the race equality duty, 'HMIC will not specifically inspect Race Equality Schemes per se but will look for the mainstreaming of the principles of racial equality across all aspects of the forces inspected.'

8.81 In our opinion, it should be the responsibility of each sector's regulatory and inspection body to review and comment on schemes, and not the CRE's. As we have said in our Introduction there are some 43,000 bodies that have some responsibility under the race equality duty and it is impossible for the CRE to assess each body's compliance in this way. Furthermore, we feel that it is important for the inspection body to incorporate race equality within its own inspection frameworks and to build up its own expertise in this area, so that it can support its sector organisations to develop without intervention from the CRE. In our view, this inclusion of race equality within an organisation can only be done by looking at the content and implementation of its race equality scheme which should show the public how it seeks to comply with the race equality duty.

8.82 When this matter was discussed with HMIC representatives during the hearings, we heard that HMIC has concerns that it does not have sufficient expertise in this area, and that it would need in the first instance at least to work with the CRE to gain this expertise. The CRE is already working with a variety of inspectorates with respect to inspecting for compliance of the race equality duty, and we hope that HMIC can quickly build up expertise, which, we would suggest, must be part of the core business of any inspectorate in the public sector. We note that, whereas in the recent past HMIC had two assistant inspectors for race and diversity, there is currently only one. This assistant inspector is responsible for providing advice and guidance generally in this area, as well as conducting informal inspections and supporting inspectors on other inspection activity.

Recommendation

- Her Majesty's Inspectorate of Constabulary should inspect compliance with all aspects of the race equality duty in its baseline assessments, including implementation of race equality schemes and the employment monitoring duty, and in doing so should follow the Commission for Racial Equality's publication *A Framework for Inspectorates*.
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Inspecting police authorities

8.83 When we began this investigation, we intended only to look at police authorities with respect to their scrutiny of police forces in relation to race-related issues. However, as the investigation progressed, it has become clear that many police authorities themselves have difficulty in understanding the implications of the race equality duty, although from our discussions with the APA it is clear that it is carrying out good work on this area. We also took into account the fact that many police authorities have very small staff numbers and are generally poorly resourced.

8.84 During our investigation, it became clear that there was an accountability gap for police authorities. Who inspected the scrutinising body? The Audit Commission has responsibilities for best value inspections, as does Her Majesty's Inspectorate of Constabulary (HMIC). However, we are concerned about the wide differences in practice on race issues between authorities. There are very good, proactive authorities and also very poor ones.

8.85 The issue of inspecting police authorities was raised by HMIC at their hearing, when they pointed out that although police authorities had a substantial role in ensuring that race equality is progressed within each force, they were not themselves subject to inspection by HMIC. They invited us to make a recommendation on this point. However, we note that the white paper indicates that inspection of police authorities will be considered in consultation with relevant stakeholders. We are also conscious that we are restricted to making recommendations in relation to race issues. We have decided therefore not to make a recommendation but suggest that the Home Office take into account the various issues relating to police authorities in this report which are relevant to their considerations on who should scrutinise police authorities.

8.86 We recognise that some of our recommendations have resource implications for HMIC and suggest that in order for accountability on race equality matters to be properly carried out sufficient resources need to be made available.

List of recommendations

122. The Home Office should consider including the Commission for Racial Equality and the Independent Complaints Commission in any list of organisations that may trigger interventions from the Police Standards Unit.
123. Her Majesty's Inspectorate of Constabulary should ensure that the 2004 baseline assessments with respect to race and diversity should not be used as a baseline for improvement for forces in this area of business. Instead, a new baseline should be set from the results of the first assessments using the new race and diversity assessment framework, fairness and equality framework and a revised professional standards framework.
124. Her Majesty's Inspectorate of Constabulary should ensure that the self assessment system is evidence-based by dip-sampling and requesting corroborative evidence for implementation of the specific race equality duties, such as evidence of carrying out race impact assessments of and consultation upon proposed policies, or publishing employment monitoring data as required under the employment monitoring duty.
125. Her Majesty's Inspectorate of Constabulary should inspect compliance with all aspects of the race equality duty in its baseline assessments, including implementation of race equality schemes and the employment monitoring duty, and in doing so should follow the Commission for Racial Equality's publication *A Framework for Inspectorates*.

Conclusion

8.87 While we have tried to keep strictly to our terms of reference, and indeed, within the scope of the Race Relations Act, we have had to look at governance and accountability issues in order to investigate how to solve problems and to identify instances of good practice. Good governance in general will benefit race equality. At the very least it will give us information which may help to tackle practices that are or appear to be disadvantaging particular racial groups. Similarly, knowing exactly who is accountable for what is not only imperative for a sector to work efficiently, but also necessary to ensure who is accountable for the promotion of race equality.

8.88 We have discussed our view that in the area of race equality within the police service, the Home Office must be the key accountable body. This is because of its role as the relevant government department responsible for policing and of course as the government department which sponsored the legislation that introduced the race equality duty in 2000.

8.89 Compared to many other public sectors, the police service has a large family of organisations, from the development of standards and training to the inspection and scrutinising of local delivery which supports, encourages and assists it. There is the potential, as suggested in the white paper, to rationalise the many different strands of work within a smaller number of agencies. Such changes would provide a golden opportunity to ensure that from the start these new agencies have race equality embedded within their own internal structures and also that it is included in the work they do to help forces to promote race equality.

8.90 The key roles played by the Association of Chief Police Officers and the Association of Police Authorities in policy development, guiding local implementation of national policy and acting as a central voice for the police service and its scrutinising bodies have been discussed, as have the difficulties of ensuring national consistency in policing and local accountability. Again, we are aware of changes taking place now and future proposals for both bodies which may provide the opportunity to ensure a consistent model along the lines of the successful National Intelligence Model. This will ensure that race equality is an almost automatic consideration in all internal and external work, driven where required by a good quality, continuously used and regularly reviewed, race equality scheme.

Appendix 1: Legislation

RACE RELATIONS ACT 1976 (as amended)

Power to conduct formal investigations

Section 48

(1) Without prejudice to their general power to do anything requisite for the performance of their duties under section 43(1), the Commission may if they think fit, and shall if required by the Secretary of State, conduct a formal investigation for any purpose connected with the carrying out of those duties.

(2) The Commission may, with the approval of the Secretary of State, appoint, on a full-time or part-time basis, one or more individuals as additional Commissioners for the purposes of a formal investigation.

(3) The Commission may nominate one or more Commissioners, with or without one or more additional Commissioners, to conduct a formal investigation on their behalf, and may delegate any of their functions in relation to the investigation to the persons so nominated.

Terms of reference

Section 49

(1) The Commission shall not embark on a formal investigation unless the requirements of this section have been complied with.

(2) Terms of reference for the investigation shall be drawn up by the Commission or, if the Commission were required by the Secretary of State to conduct the investigation, by the Secretary of State after consulting the Commission.

(3) It shall be the duty of the Commission to give general notice of the holding of the investigation unless the terms of reference confine it to activities of persons named in them, but in such a case the Commission shall in the prescribed manner give those persons notice of the holding of the investigation.

(4) Where the terms of reference of the investigation confine it to activities of persons named in them and the Commission in the course of it propose to investigate any act

made unlawful by this Act which they believe that a person so named may have done, the Commission shall—

- (a) inform that person of their belief and of their proposal to investigate the act in question; and
- (b) offer him an opportunity of making oral or written representations with regard to it (or both oral and written representations if he thinks fit);

and a person so named who avails himself of an opportunity under this subsection of making oral representations may be represented —

- (i) by counsel or a solicitor; or
- (ii) by some other person of his choice, not being a person to whom the Commission object on the ground that he is unsuitable.

(5) The Commission or, if the Commission were required by the Secretary of State to conduct the investigation, the Secretary of State after consulting the Commission may from time to time revise the terms of reference; and subsections (1), (3) and (4) shall apply to the revised investigation and terms of reference as they applied to the original.

Power to obtain information

Section 50

(1) For the purposes of a formal investigation the Commission, by a notice in the prescribed form served on him in the prescribed manner —

- (a) may require any person to furnish such written information as may be described in the notice, and may specify the time at which, and the manner and form in which, the information is to be furnished;
- (b) may require any person to attend at such time and place as is specified in the notice and give oral information about, and produce all documents in his possession or control relating to, any matter specified in the notice.

(2) Except as provided by section 60, a notice shall be served under subsection (1) only where —

- (a) service of the notice was authorised by an order made by the Secretary of State; or
- (b) the terms of reference of the investigation state that the Commission believe that a person named in them may have done or may be doing acts of all or any of the following descriptions —

- (i) unlawful discriminatory acts;
- (ii) contraventions of section 28; and

(iii) contraventions of sections 29, 30 or 31,
and confine the investigation to those acts.

(3) A notice under subsection (1) shall not require a person –

(a) to give information, or produce any documents, which he could not be compelled to give in evidence, or produce, in civil proceedings before the High Court or the Court of Session; or

(b) to attend at any place unless the necessary expenses of his journey to and from that place are paid or tendered to him.

(4) If a person fails to comply with a notice served on him under subsection (1) or the Commission have reasonable cause to believe that he intends not to comply with it, the Commission may apply to a county court or, in Scotland, a sheriff court for an order requiring him to comply with it or with such directions for the like purpose as may be contained in the order.

(5) Section 84 of the County Courts Act 1959 (penalty for neglecting witness summons) shall apply to failure without reasonable excuse to comply with an order of a county court under subsection (4) as it applies in the cases provided in the said section 84; and paragraph 73 of Schedule 1 to the Sheriff Courts (Scotland) Act 1907 (power of sheriff to grant second diligence for compelling the attendance of witnesses or havers) shall apply to an order of a sheriff court under subsection (4) as it applies in proceedings in the sheriff court.

(6) A person commits an offence if he –

(a) wilfully alters, suppresses, conceals or destroys a document which he has been required by a notice or order under this section to produce; or

(b) in complying with such a notice or order, knowingly or recklessly makes any statement which is false in a material particular, and shall be liable on summary conviction to a fine not exceeding £400.

(7) Proceedings for an offence under subsection (6) may (without prejudice to any jurisdiction exercisable apart from this subsection) be instituted –

(a) against any person at any place at which he has an office or other place of business; or

(b) against an individual at any place where he resides, or at which he is for the time being.

Recommendations and reports on formal investigations

Section 51

(1) If in the light of any of their findings in a formal investigation it appears to the Commission necessary or expedient, whether during the course of the investigation or after its conclusion –

- (a) to make to any person, with a view to promoting equality of opportunity between persons of different racial groups who are affected by any of his activities, recommendations for changes in his policies or procedures, or as to any other matters; or
- (b) to make to the Secretary of State any recommendations, whether for changes in the law or otherwise, the Commission shall make those recommendations accordingly.

(2) The Commission shall prepare a report of their findings in any formal investigation conducted by them.

(3) If the formal investigation is one required by the Secretary of State –

- (a) the Commission shall deliver the report to the Secretary of State; and
- (b) the Secretary of State shall cause the report to be published,

and, unless required by the Secretary of State, the Commission shall not publish the report.

(4) If the formal investigation is not one required by the Secretary of State, the Commission shall either publish the report, or make it available for inspection in accordance with subsection (5).

(5) Where under subsection (4) a report is to be made available for inspection, any person shall be entitled, on payment of such fee (if any) as may be determined by the Commission –

- (a) to inspect the report during ordinary office hours and take copies of all or any part of the report; or
- (b) to obtain from the Commission a copy, certified by the Commission to be correct, of the report.

(6) The Commission may, if they think fit, determine that the right conferred by subsection (5)(a) shall be exercisable in relation to a copy of the report instead of, or in addition to, the original.

(7) The Commission shall give general notice of the place or places where, and the times when, reports may be inspected under subsection (5).

Restriction on disclosure of information

Section 52

(1) No information given to the Commission by any person ("the informant") in connection with a formal investigation shall be disclosed by the Commission, or by any person who is or has been a Commissioner, additional Commissioner or employee of the Commission, except –

- (a) on the order of any court; or
- (b) with the informant's consent; or
- (c) in the form of a summary or other general statement published by the Commission which does not identify the informant or any other person to whom the information relates; or
- (d) in a report of the investigation published by the Commission or made available for inspection under section 51(5); or
- (e) to the Commissioners, additional Commissioners or employees of the Commission, or, so far as may be necessary for the proper performance of the functions of the Commission, to other persons; or
- (f) for the purpose of any civil proceedings under this Act to which the Commission are a party, or any criminal proceedings.

(2) Any person who discloses information in contravention of subsection (1) commits an offence and shall be liable on summary conviction to a fine not exceeding £400.

(3) In preparing any report for publication or for inspection the Commission shall exclude, so far as is consistent with their duties and the object of the report, any matter which relates to the private affairs of any individual or the business interests of any person where the publication of that matter might, in the opinion of the Commission, prejudicially affect that individual or person.

Positive Action

Section 37

(1) Nothing in Parts II to IV shall render unlawful any act done in relation to particular work by a training body in or in connection with-

- (a) affording only persons of a particular racial group access to facilities for training which would help to fit them for that work; or
- (b) encouraging only persons of a particular racial group to take advantage of opportunities for doing that work,

where it appears to the training body that at any time within the twelve months immediately preceding the doing of the act –

- (i) there were no persons of that group among those doing that work in Great Britain; or
- (ii) the proportion of persons of that group among those doing that work in Great Britain was small in comparison with the proportion of persons of that group among the population of Great Britain.

(2) Where in relation to particular work it appears to a training body that although the condition for the operation of subsection (1) is not met for the whole of Great Britain it is met for an area within Great Britain, nothing in Parts II to IV shall render unlawful any act done by the training body in or in connection with-

- (a) affording persons who are of the racial group in question, and who appear likely to take up that work in that area, access to facilities for training which would help to fit them for that work; or
- (b) encouraging persons of that group to take advantage of opportunities in the area for doing that work.

(3) In this section ‘training body’ means –

- (a) a person mentioned in section 13(2)(a) or (b); or
- (b) any other person being a person designated for the purposes of this section in an order made by the Secretary of State.

Section 38

(1) Nothing in Parts II to IV shall render unlawful any act done by an employer in relation to particular work in his employment at a particular establishment in Great Britain, being an act done in or in connection with –

- (a) affording only those of his employees working at that establishment who are of a particular racial group access to facilities for training which would help to fit them for that work; or
- (b) encouraging only persons of a particular racial group to take advantage of opportunities for doing that work at that establishment, where any of the conditions in subsection (2) was satisfied at any time within the twelve months immediately preceding the doing of the act.

(2) Those conditions are –

- (a) that there are no persons of the racial group in question among those doing that work at that establishment; or
- (b) that the proportion of persons of that group among those doing that work at that establishment is small in comparison with the proportion of persons of that group –

- (i) among all those employed by that employer there; or
- (ii) among the population of the area from which that employer normally recruits persons for work in his employment at that establishment.

(3) Nothing in section 11 shall render unlawful any act done by an organisation to which that section applies in or in connection with –

- (a) affording only members of the organisation who are of a particular racial group access to facilities for training which would help to fit them for holding a post of any kind in the organisation; or
- (b) encouraging only members of the organisation who are of a particular racial group to take advantage of opportunities for holding such posts in the organisation, where either of the conditions in subsection (4) was satisfied at any time within the twelve months immediately preceding the doing of the act.

(4) Those conditions are –

- (a) that there are no persons of the racial group in question among persons holding such posts in that organisation; or
- (b) that the proportion of persons of that group among those holding such posts in that organisation is small in comparison with the proportion of persons of that group among the members of the organisation.

(5) Nothing in Parts II to IV shall render unlawful any act done by an organisation to which section 11 applies in or in connection with encouraging only persons of a particular racial group to become members of the organisation where at any time within the twelve months immediately preceding the doing of the act –

- (a) no persons of that group were members of the organisation; or
- (b) the proportion of persons of that group among members of the organisation was small in comparison with the proportion of persons of that group among those eligible for membership of the organisation.

(6) Section 8 (meaning of employment at establishment in Great Britain) shall apply for the purposes of this section as if this section were contained in Part II.

General statutory duty

Section 71

(1) Everybody or other person specified in schedule 1A or a description falling within that schedule shall, in carrying out its functions, have due regard to the need –

- (a) to eliminate unlawful racial discrimination; and
- (b) to promote equality of opportunity, and good relations, between persons of different racial groups.

THE RACE RELATIONS ACT 1976 (STATUTORY DUTIES) ORDER 2001

Made 23rd October 2001

Laid before Parliament 24th October 2001

Coming into force 3rd December 2001

The Secretary of State, in exercise of the powers conferred upon him by section 71(2) and (3) of the Race Relations Act 1976[1], after consultation with the National Assembly for Wales and with the consent of the Assembly[2], and after consultation with the Commission for Racial Equality[3], hereby makes the following Order:

Citation, commencement and interpretation

Race equality schemes

Section 2

(1) A body or other person specified in Schedule 1 to this Order shall, before 31st May 2002, publish a Race Equality Scheme, that is a scheme showing how it intends to fulfil its duties under section 71(1) of the Race Relations Act and this Order.

(2) A Race Equality Scheme shall state, in particular -

(a) those of its functions and policies, or proposed policies, which that person has assessed as relevant to its performance of the duty imposed by section 71(1) of the Race Relations Act; and

(b) that person's arrangements for -

(i) assessing and consulting on the likely impact of its proposed policies on the promotion of race equality;

(ii) monitoring its policies for any adverse impact on the promotion of race equality;

(iii) publishing the results of such assessments and consultation as are mentioned in sub-paragraph (i) and of such monitoring as is mentioned in sub-paragraph (ii);

(iv) ensuring public access to information and services which it provides; and

(v) training staff in connection with the duties imposed by section 71(1) of the Race Relations Act and this Order.

(3) Such a person shall, within a period of three years from 31st May 2002, and within each further period of three years, review the assessment referred to in paragraph (2)(a).

Monitoring by employers

Section 5

(1) A person to which this article applies shall,

- (a) before 31st May 2002, have in place arrangements for fulfilling, as soon as is reasonably practicable, its duties under paragraph (2); and
- (b) fulfil those duties in accordance with such arrangements.

(2) It shall be the duty of such a person to monitor, by reference to the racial groups to which they belong,

(a) the numbers of –

- (i) staff in post, and
- (ii) applicants for employment, training and promotion, from each such group, and

(b) where that person has 150 or more full-time staff, the numbers of staff from each such group who –

- (i) receive training;
- (ii) benefit or suffer detriment as a result of its performance assessment procedures;
- (iii) are involved in grievance procedures;
- (iv) are the subject of disciplinary procedures; or
- (v) cease employment with that person.

(3) Such a person shall publish annually the results of its monitoring under paragraph (2).

(4) Subject to paragraph (5), this article applies to a body or other person specified in Schedule 1A to the Race Relations Act[5].

(5) This article does not apply to –

- (a) a body specified in Part I, II or III of Schedule 2;
- (b) a person specified in Schedule 3;
- (c) a Scottish public authority with mixed functions or no reserved functions, as referred to in section L.2 of Part II of Schedule 5 to the Scotland Act 1998[6]; or

(d) a cross-border public authority in relation to the exercise of its Scottish functions within the meaning given by that section.

(6) In paragraph (5) the reference to a 'cross-border public authority' is a reference to such an authority within the meaning given by section 88(5) of the Scotland Act 1998.

Appendix 2: Terms of reference

The terms of reference, as required under section 49 (3) of the Race Relations Act 1976 as amended ('The Act'), for the General Formal Investigation into the Police Service, training centres and others (England and Wales) are:

1. To investigate the screening processes for potential recruits in order to ascertain whether they are effective in identifying and thereby screening applicants out who have a disposition to behave in a manner which is unlawful under the Act, or who may act in a manner which will inhibit police forces from complying with the duties.
2. To investigate the provision of probationary training in relation to issues of race and race discrimination, and relevant parts of the duties. Additionally, the Commission may investigate non-probationary diversity training to investigate its efficacy in assisting to establish police forces which operate in a manner which is compliant with the provisions of the Act.
3. To discover the extent to which recent police recruits and other police officers have experienced either race discrimination, or witnessed discriminatory behaviour by police officers or staff or consultants employed or engaged by the police forces and monitoring and inspection bodies.
4. To discover whether recent recruits and other police officers have access to an effective complaints system with respect to complaints of race discrimination, harassment victimisation, or generally.
5. To consider race-related disciplinary and grievance procedures and assess their efficacy.
6. To assess whether adequate sanctions are used when inappropriate race-related conduct is found
7. To investigate the management of police officers of all ranks in order to ascertain whether there are effective methods to identify and address inappropriate race-related conduct promptly.
8. To investigate, if considered appropriate, with regard to paragraphs 1 to 7, the role of the monitoring and inspection bodies such as police authorities and Her Majesty's Inspectorate of Constabulary in assessing how police forces combat race discrimination and comply with the duties.

9. To investigate any employment-related practice, procedure or policy that may be relevant to all or any of the above paragraphs, looking to see whether race-related inappropriate or unlawful behaviour is being addressed.
10. In relation to police forces and police authorities, to assess the efficacy of their race equality schemes and of their arrangements and implementation of the requirements under paragraph 5 of the Race Relations Act 1976 (Statutory Duties) Order 2001 in assisting them to address the duties in matters relating to the above paragraphs.

And in the light of any findings, if it appears necessary or expedient during the course of the investigation or after its conclusion, using powers under section 51 (1), to make any recommendations for change in policies or procedures, or make any recommendations to the Secretary of State for changes in the law or otherwise, and as required by section 51 (2), to prepare a report of the findings.

Appendix 3: Recommendations from ‘Learning the Lessons’

During 2003 representatives from a number of Police Service stakeholders met to consider how the service could learn lessons from the employment tribunal cases that had been taken against forces in England and Wales. It was felt that without a positive intervention strategy, discrimination would remain institutionalised within the police service and cases would continue to be taken; the public image of the service would continue to suffer; the personal and professional lives of officers and staff in the service would continue to be damaged and the service would lose the skills and experience of valuable personnel.

The stakeholders included representatives from the Home Office, the Association of Police Authorities, Her Majesty’s Inspectorate of Constabulary, the Association of Chief Police Officers, the Superintendent’s Association of England and Wales, the Police Federation of England and Wales, UNISON, the National Black Police Association, the Gay Police Association, the British Association of Women in Policing and the Police Legal Advisors Association.

The stakeholders made the following recommendations to the service:

Resolution not confrontation

1. By asking an employment tribunal to determine a workplace dispute a force will have failed its workforce. Although people appear before an employment tribunal in order to get an acknowledgement that they were right, there are no real winners. Appearing at an employment tribunal is a traumatic experience for all concerned, and is costly in terms of money, publicity and careers. Resolution strategies should be tailored to individual needs. There should be a duty on everyone to come to the table to resolve complaints

Lawyers should advise and managers decide

2. As soon as the force receives notification from the employment tribunal that a claim has been lodged the HR director or assistant chief constable (ACC) responsible for personnel should consider how the complaint could be resolved, or whether it should be resolved. Only when he/she is satisfied that there is no possibility of resolution should the HR director or ACC, after receiving advice from the force solicitor, the force Professional Standards Unit and the force equality advisor, consider the costs, merits and benefits of defending the claim at an employment tribunal.

Duty time for representatives dealing with discrimination

3. Duty time for staff association representatives should be made available to representatives involved in discrimination issues in the same way that it is currently available to officers acting as a friend under the Police Misconduct Regulations 1999 and in respect of the Health and Safety (Police) Regulations. Fairness and equality issues frequently span misconduct and forces must create an open opportunity to address all matters. This is becoming increasingly important as discrimination issues are extended to encompass not just sex and race discrimination, but also sexual orientation, religion and belief and disability.

Use of the statutory procedures

4. The employment tribunal procedures are designed to aid resolution. The statutory questionnaire procedure, the employer's answer to the allegations of discrimination known as the IT3, and the opportunities to mediate and conciliate offered by ACAS should be used in order to facilitate resolution and avoid a tribunal hearing.

Dispute Resolution Regulations

5. Police Regulations should include similar provisions as those in the Dispute Resolution Regulations 2003 in order to ensure that, like police staff, police officers are required to use their force 'Fairness at Work' procedure and the time limit for lodging a claim at an employment tribunal is extended by a further three months in order to facilitate an in-force resolution of the complaint.

Force review

6. The force equality officer should review each completed 'Fairness at Work' complaint or employment tribunal case in order to ascertain whether the matter affected just one person or has the potential to affect other people and necessitates a change in policy or procedures. If possible, the complainant, and/or, with the complainant's agreement, their representative, should be interviewed by the force equality officer to identify any learning points from their experience of the procedure. Learning points could include a change of policy or procedure, identification of training requirements, etc. The force equality officer should also, if possible, interview the other people involved in the complaint including the stage managers who dealt with the matter, to identify any learning points from their experience of the procedure. Any learning points and recommendations from the force equality officer's review should be considered with the chief officer and the force legal advisor. The review and its outcomes should be discussed and approved by the police authority.

Police authority review

7. Grievances and employment tribunal cases should be monitored and reviewed by the police authority in line with the APA guidance “Tackling Discrimination: Police Authority Oversight and Scrutiny of Grievance Procedures and employment Tribunals”. This would include assessment of the financial impact, as well as the likely impact on trust and confidence in the force in the wider community and on the recruitment and retention of officers and staff.

HMIC Review

8. As part of their inspection of forces, HMIC should review the use of the ‘Fairness at Work’ procedure and evaluate the decision-making process of any employment tribunal cases.

Consultation arrangements

9. ‘Fairness at Work’ procedural issues should be a standing item on JNCC or other consultation meetings

Networking lessons and good practice

10. Any lessons that are identified and that could have a wider impact on the police service, for example, by preventing similar practices occurring, should be networked through the Home Office website,

Please note the full text of ‘Learning the Lessons’ can be found on the home office website at: www.homeoffice.gov.uk/crimpol/police/equality/index.html

Appendix 4: Witness evidence

Introduction

At the outset of this investigation we issued a call for evidence to current and former police officers to assist us with our inquiries. The purpose of this was to help us to establish where there are barriers to change and what good practice may already exist.

In our call for evidence we also invited evidence from police bodies such as the Black Police Association, Superintendents Association, ACPO, the Police Federation and IPCC as well as legal firms with experience of supporting police officers in legal actions against the police.

We repeated our call for evidence when we published our interim report in June 2004 and since that time more witnesses came forward. We are grateful to those who have given their time to talk to us about their experiences within the police service.

We used the evidence we obtained from oral and written submissions to inform our findings and have referred to the evidence where appropriate, throughout the different chapters of this report.

Methodology

We relied on our call for evidence to attract witnesses and when they contacted us we made arrangements, whenever possible, to interview them face to face. We invited them to give evidence about the subject areas covered by our terms of reference. The subject areas that we covered in the interviews were:

- a. probationary training;
- b. in-service race equality training;
- c. personal experience of racial discrimination or as a witness;
- d. experience of using the internal grievance procedure or bringing an employment tribunal race case and support by staff associations;
- e. experience of the disciplinary procedure;
- f. management of officers;
- g. the role of inspection bodies; and
- h. knowledge or experience of the race equality duty.

When consent was given we recorded the interviews and drafted written statements for those witnesses to sign and return to us on a confidential basis for our records. As this is a general formal investigation under section 49(3) of the Race Relations Act 1976, we have kept all individual witness evidence confidential and have not included in our report any names or information that could lead the identification of either the individual or the force.

Although the terms of reference of this investigation are limited to police officers, we agreed to interview police staff who came forward to give evidence about their experiences of the police service.

Witness data

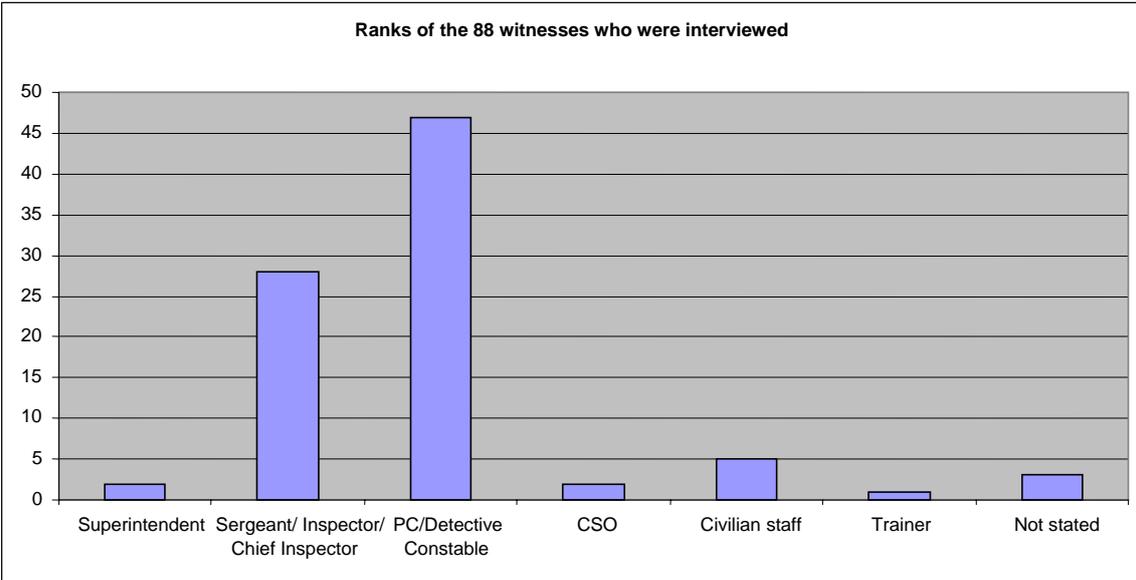
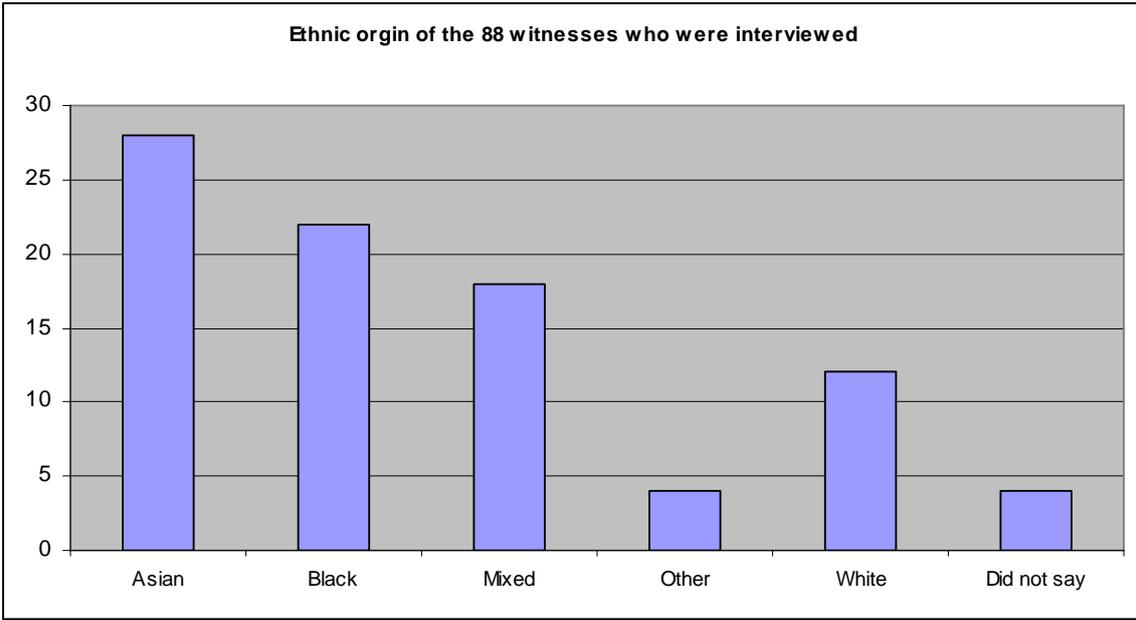
We were contacted by 111 individuals from 24 different forces across England and Wales. Of the total number, 83 were male and 28 were female.

We were able to interview 88 of the 111 individuals who approached us. Of the remaining 23:

- a. four provided written submissions only;
- b. seven came too late to be interviewed and were invited to make written submissions but chose not to; and
- c. 12 were unable or unwilling to be interviewed or did not respond to our further correspondence.

Of the 88 individuals we interviewed, 62 were male and 26 were female. The ethnic origin and rank of the 88 individuals we interviewed are given together in the following table and separately in the bar charts set out below.

Ethnic origin	Super-intendent	Sergeant/Inspector/Chief Inspector	PC/Detective Constable	Community Support Officer	Civilian staff	Trainer	Did not give rank
Asian		13	13	1	1		
Black		4	13	1	2		2
Mixed	1	5	10		1		1
Other		1	3				
White	1	4	5		1	1	
Did not say		1	3				
Total	2	28	47	2	5	1	3



Appendix 5: Main stakeholders and brief explanation of their remit

Association of Chief Police Officers (ACPO)

ACPO was set up so that work in developing policing policies could be undertaken in one place on behalf of the police service as a whole, rather than in 44 forces separately (the 43 forces in England and Wales plus the Northern Ireland police service). ACPO's members are police officers who hold the rank of chief constable, deputy chief constable or assistant chief constable, or their equivalents in the 44 forces of England, Wales and Northern Ireland, national police agencies and certain other forces in the UK, the Isle of Man and the Channel Islands, and certain senior non-police staff. There are presently 280 members.

ACPO supports the philosophy of strong local policing, and believes that must be maintained within the tripartite framework of policing which brings together the local chief constable, the local police authority and the Home Secretary. In developing common approaches, ACPO aims to:

- a. assist chief officers to provide excellence in the leadership of the service;
- b. ensure a professional and ethical service is delivered to all communities; and
- c. provide professional advice to government, police authorities, and other appropriate organisations and individuals.

ACPO is not a staff association (the Chief Police Officers' Association is the staff association for ACPO level officers). It is a private company governed by a board of directors. The Association has 10 main business areas, one of which is race and community relations.

ACPO is funded by a combination of a Home Office grant, contributions from each of the 44 police authorities, membership subscriptions and the proceeds of its annual exhibition.

ACPO is not subject to the race equality duty, but its members are representatives of police forces and every police force is subject to the general and specific duties.

The Association of Police Authorities (the APA)

The APA is a membership organisation set up in 1997 to represent police authorities in England, Wales and Northern Ireland. All police authorities in England and Wales are

members of the APA. The APA Diversity Policy Group has lead responsibility for race and diversity issues.

The aims of the APA are:

- a. to seek to influence the policing agenda at national level on behalf of police authorities and local communities;
- b. to support police authorities in securing efficient and effective policing services across the country;
- c. to help police authorities to improve;
- d. to promote awareness of policing needs and the role and achievements of police authorities; and
- e. to uphold and champion the principles of local accountability and policing by consent.

The APA develops policies on all police related issues, coordinates responses from member authorities and seeks to raise public awareness of its concerns.

The APA is funded by subscriptions from member authorities, by surplus income generated from conferences/sponsorship and by specific grants.

The APA is not subject to the race equality duty, although each police authority member is.

The Audit Commission

The Audit Commission is a non-departmental public body established in 1983 to appoint and regulate the external auditors of local authorities in England and Wales. It is audited itself by the National Audit Commission.

Responsibilities include the financial audit of police authorities and auditing best value performance plans.

It receives a government grant but derives most of its income from the fees charged to audited bodies.

The Audit Commission is subject to the general and specific race equality duties.

Centrex (the Central Police Training and Development Authority)

The Central Police Training and Development Authority was established on 1 April 2002 by the Criminal Justice and Police Act 2001 and is better known as Centrex. It is an executive non-departmental public body with the Home Secretary as lead Minister.

Centrex aims to promote a modernising agenda for the police service by creating and delivering career-long learning, and by providing a centre of policing excellence and support. It works with the extended police family, from special constables and security officers to street or community wardens.

Centrex is funded by a grant from the Home Office and income from fees charged to forces for the attendance of their officers on many post-probationary modules.

Centrex is subject to the general and specific race equality duties.

Chief Police Officers' Staff Association (CPOSA)

CPOSA was established in 1996 to represent the interests of police chief officers above the rank of superintendent in matters such as pay negotiations, welfare and conduct issues and represents members' interests on the Police Negotiating Board.

CPOSA has its own constitution, officers and funding and is headed by directly elected members of the association.

It is distinct from ACPO which aims to represent a police service view on policy and strategy.

CPOSA is funded by subscriptions and is not subject to the race equality duty.

Hendon Metropolitan Police Training Establishment (Peel Centre)

Hendon is the training school for the Metropolitan Police Service (MPS) and hence a part of that force; it accounts for the training of around 20 per cent of officers in England and Wales.

Hendon provides training for MPS officers and, it is understood, syllabuses and guidance for local delivery of training in the 32 basic command units, which are coterminous with the London boroughs. Its principal product is its foundation training for all MPS recruits.

It is funded by the MPS and as part of the MPS it is subject to the race equality duty.

Her Majesty's Inspectorate of Constabulary (HMIC)

HMIC is independent of the police service and, although part of the Crime Reduction and Community Safety Group of the Home Office, operates independently in accordance with its statutory duties. HM Inspectors of Constabulary have been charged with examining

and improving the efficiency of the police service in England and Wales since the County and Borough Police Act 1856.

The functions of the Inspectorate can be divided into three main areas:

- a. the formal inspection of the 43 police forces in England and Wales; the Police Service of Northern Ireland; the NCIS; the NCS; Centrex; and, by invitation, the three island forces (Jersey, Guernsey and the Isle of Man);
- b. an advisory role within tripartite system; and
- c. advising the Home Secretary on senior appointments in the police service.

HMIC is funded by the government through the Home Office and is subject to the general and specific race equality duties. HMIC has an associate race equality scheme, under the Home Office parent scheme.

The Home Office

The Home Office is one of the largest and oldest state departments. Amongst other responsibilities, it is the lead government body responsible for internal order and security, including policing. The Home Office operates within a tripartite governance structure in partnership with police authorities and chief officers of police.

The Home Office is also the lead government department on race equality through the Race Equality Unit, which is responsible for race relations policy and legislation and helps promote equal opportunities in other Home Office policy areas and in outside agencies.

It is funded through taxation by central government and is subject to the general and specific race equality duties.

The Independent Police Complaints Commission (IPCC)

The Independent Police Complaints Commission is a non-departmental public body established by the Police Reform Act 2002. It formally came into existence on 1 April 2004 and replaces the Police Complaints Authority.

It was set up following concerns about the handling of complaints made by the public against the police and as a result of a recommendation from the Lawrence inquiry.

The IPCC's remit covers the police service of England and Wales and includes police staff, special constables, community support officers and contracted escort and detention officers as well as sworn police officers.

Its stated statutory duty is to increase the efficiency and effectiveness of the system for handling complaints against the police; improve openness and accountability; and ensure an appropriate degree of independence throughout the system. In doing so the IPCC has an overriding duty to improve public confidence in the police complaints system and so contribute to an increase in public confidence in the police service overall. It has an investigatory duty with respect to complaints against the police from the public and a wider guardianship role to monitor the way complaints are handled by police forces.

The IPCC receives central government funding and subject to the general and specific race equality duties.

The National Black Police Association (NBPA)

The NBPA was officially launched in November 1999 and is a nationwide organisation which has a membership of over 40 affiliated local associations in England, Wales and Northern Ireland, with Scotland in the process of developing an all-Scotland association.

Full membership is open to all serving police officers, traffic wardens, special constables and police staff directly employed by the police service.

The aim of the NBPA is to improve the working environment of ethnic minority staff employed within the police service, with a view to enhancing the quality of service to the ethnic minority community of the United Kingdom and it does this by:

- a. representing the views of all associations affiliated to the NBPA;
- b. providing a support network;
- c. influencing the direction of policies nationally in line with equality issues and anti-discrimination policies in the police service and wider criminal justice system;
- d. advising and consulting nationally on matters of racism;
- e. working towards improving relationship between the police and the ethnic minority community of the UK;
- f. working towards improving the recruitment, retention and progression of staff members within the police service;
- g. assisting the police service in the development of new and existing policies, where necessary and
- h. establishing relationships and working with other groups and individuals whose aims are compatible with or supportive of the NBPA.

The NBPA is a registered charity funded by Home Office grants.

The NBPA is not a public body and is not subject to the race equality duty.

The Police Federation of England and Wales

The Police Federation of England and Wales is the representative body to which every police officer below the rank of superintendent belongs. It was established by the Police Act 1919 to provide the police with a means of bringing their views on welfare and efficiency to the notice of the government and the police authorities. It is currently the representative body for over 136,000 police officers from the federated ranks.

Each of the 43 police forces in England and Wales has a joint branch board which represents three constituent parts, elected by constables, sergeants and inspectors. Every three years, the branch board members elect a central committee for each rank and there is a Joint Central Committee (JCC) consisting of representatives from each of the central committees. The JCC deals with all business affecting its members and is the policy-making body of the Police Federation – it has specialist sub-committees including one relating to diversity.

The Police Federation is not a union, but has a statutory responsibility to represent its members in all matters affecting their welfare and efficiency. It negotiates on all aspects of pay, allowances, hours of duty, annual leave and pensions. The Police Federation also represents and defends members at employment tribunal and internal disciplinary hearings, through the provision of legal representation.

The Police Federation is funded by its members' subscriptions and receives a Home Office grant.

The Police Federation is not subject to the race equality duty, but has agreed to introduce a voluntary diversity equality scheme.

Police Superintendents' Association of England & Wales (PSAEW)

The PSAEW is the staff association of superintendents and chief superintendents in the police service in England and Wales. It aims to maintain and improve upon the professional status of the rank of superintendent and strives to enhance the efficiency and effectiveness of superintendents and the service as a whole.

It has over 1,500 members and operates a legal insurance scheme that meets the costs of defending employment tribunal and disciplinary proceedings against its members.

The PSAEW is funded by its members' subscriptions and receives a Home Office grant.

The PSAEW is not subject to the race equality duty.

Skills for Justice (SfJ)

SfJ's remit covers the criminal justice field and its aims are:

- a. understanding and identifying the current and future skills needs, gaps and shortages;
- b. working with employers, learning providers and individuals to improve the skills of the workforce through the use of National Occupational Standards, the National Competency Framework and career structures opening up career pathways; and
- c. engaging and influencing government, devolved administrations, funding providers and regulatory bodies so that through their policies they support good quality learning programmes.

SfJ is a company limited by guarantee and under license from the Department for Education and Skills.

About half of the funding for SfJ comes from the Sector Skills Development Agency, which is an executive agency of the Department for Education and Skills. The rest comes from membership fees from employers, paid on behalf of the 43 police forces by the Home Office.

SfJ is not subject to the racial equality duty but the Sector Skills Development Agency became subject to the general and specific duties in December 2003.

Appendix 6: Ethnic monitoring

16 (+ 1) 2001 Census Categories England & Wales:

1. White
 - a. British
 - b. Irish
 - c. Any other White category
2. Mixed
 - a. White and Black Caribbean
 - b. White and Black African
 - c. White and Asian
 - d. Any other Mixed background
3. Asian or Asian British
 - a. Indian
 - b. Pakistani
 - c. Bangladeshi
 - d. Any other Asian Background
4. Black or Black British
 - a. Caribbean
 - b. African
 - c. Any other Black background
5. Chinese or other ethnic group
 - a. Chinese
 - b. Any other
6. + 1 – Unknown

5 (+1) 2001 Census Categories England & Wales:

1. White
2. Mixed
3. Asian or Asian British
4. Black or Black British
5. Chinese or other ethnic group
6. +1 – Unknown

Appendix 7: Glossary

Terms

Adverse effect on race equality	The effect of policies and actions which disadvantage some racial groups over others.
Assessment centre	National method for recruiting and selecting officers to posts, based on job-related exercises rather than a traditional interview.
Baseline Assessment	A self-assessment tool developed by HMIC to enable police forces to identify their strengths and weaknesses. HMIC have a validation role in ensuring the quality of the assessment.
Bramshill	One of the national training centres run by Centrex.
The Chatham House rule	When a meeting, or part thereof, is held under the Chatham House rule, participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed.
Code of Conduct	The code which sets out expected conduct of police officers, breach of which can lead to disciplinary proceedings. It is set out in Schedule 1 of the Police (Conduct) Regulations 2004.
Conduct regulations	The regulations which set out the disciplinary procedure for police officers, contained in the Police (Conduct) Regulations 2004.
Conduct matter	In the context of the police complaints system, a conduct matter is defined in section 12 (2) of the Police Reform Act 2002 as ‘any matter which is not and has not been the subject of a complaint but in the case of which there is an indication (whether from the circumstances or otherwise) that a person serving with the police may have – (a) committed a criminal offence; or (b) behaved in a manner which would justify the bringing of disciplinary proceedings’.

CRR training	'Community and Race Relations' training introduced from the mid to late 1990s which is now being succeeded by race and diversity training
Disproportionate impact	An alternative term used to indicate adverse impact or effect on racial equality
Ethnic categories	These are categories used to describe someone's ethnicity, for example the 5 + 1 and the 16 + 1 census categories, which we have set out in appendix 6 above.
Ethnic minorities	Groups of people, defined by colour, race, nationality or ethnic or national origins, which are not the numerically dominant group in a country or region they live in. The CRE also uses the term to refer to groups defined by religious and/or cultural bonds, such as Muslims, Rastafarians and others that may not have formal protection under the Race Relations Act. According to context, the term may refer to all those who do not define themselves within the 'White British' 2001 census category for England and Wales, or ('White Scottish' in Scotland).
Ethnic monitoring	The process of collecting, analysing and evaluating information, to measure performance, progress or change with reference to the ethnic background of affected individuals.
Employment monitoring duty	The duty to ethnically monitor employment processes in accordance with the Race Relations Act 1976 (Statutory Duties) Order 2001.
'Fairness at Work'	A circular issued by the Home Office on 30 April 2004, offering best practice guidance to police forces on how to deal with workplace grievances.
Foundation training	The main training programme for newly recruited police constables.
General duty	The statutory duty to promote race equality as set out in section 71(1) of the Race Relations Act 1976.
Ghaffur Report	A report by Mr Tarique Ghaffur, Assistant Commissioner Specialist Crime, Metropolitan Police Service, entitled 'Thematic review of race and diversity in the Metropolitan Police Service', March 2004.

Guardianship	The oversight role given to the IPCC over the police complaints system.
HEA	Head of Examination Centre for the SEARCH process.
Hendon	The Metropolitan Police Training College, formally known as the 'Peel Centre'.
Race impact assessment	A race equality impact assessment is a way of systematically and thoroughly assessing, and consulting on, the effects that a proposed policy is likely to have on people, depending on their racial group.
ICF	Integrated Competency Framework, comprising both the National Competency Framework and the National Occupational Standards.
Institutional racism	Institutional racism is the 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 racist stereotyping which disadvantage minority ethnic people. It is a term defined in the Stephen Lawrence inquiry report in February 1999.
IPLDP	Initial Police Learning and Development Programme – the new foundation training programme for newly recruited police constables.
KUSAB	Knowledge, Understanding, Skills, Attitudes and Behaviour.
L&SDF	The Learning and Skills Development Framework devised by Centrex outlining the competencies and skills for trainers used by the police service.
'Learning the Lessons'	A toolkit launched by the Home Office, ACPO, the Police Superintendents Association and the Police Federation to avoid contested litigation and learn from employment tribunal cases.
Mainstreaming/integrating race equality	In practice the race equality duty means that wherever race equality is relevant, an organisation is expected to make it

an integral part of all the policies, plans, and processes involved – it is not an ‘extra’.

Monitoring	The process of collecting, analysing and evaluating information in relation to policies and actions to measure performance, progress or change.
Morris inquiry	An independent inquiry into professional standards and employment matters in the Metropolitan Police Service, commissioned by the Metropolitan Police Authority and led by Sir William Morris, which reported in December 2004.
NCF	National Competency Framework.
NLR	National Learning Requirement for race and diversity devised by ACPO. The NLR outlines the knowledge, skills and understanding required by all those working in the police service in respect of race and diversity.
NOS	National Occupational Standards.
National Intelligence Model	In the context of the police reform agenda, the national intelligence model (NIM) is a model for policing that ensures that information is fully researched, developed and analysed to provide intelligence that senior managers can use to provide strategic direction; make tactical resourcing decisions about operational policing; and manage risk. NIM is not just about crime and not just about intelligence, it is a model that can be used for most areas of policing. It offers, for the first time, the realisable goal of integrated intelligence in which all forces and law enforcement agencies play a part in a system bigger than themselves. Launched by the National Criminal Intelligence Service and adopted by the Association of Chief Police Officers in 2000, the government placed the NIM at the centre of the police reform agenda.
Office of constable	Every police officer, of all ranks up to and including chief constable, is an office holder under the Crown. Police officers are not employees of the chief constable, or the police force or the police authority. Officers acquire the authority and status of constable by attestation, which is swearing an oath pledging to serve the Queen, uphold human rights, preserve the peace and prevent crime.

OSPRE	Objective Structured Performance Related Examination. The national assessment process for promotion to sergeant and inspector roles.
PDR	Performance and Development Review is the name of the new appraisal system for police officers.
PPAF	Policing Performance Assessment Framework.
PTP	Probationary Training Programme.
PLP	Personal Leadership Programme.
PRDLDP	Police Race and Diversity Learning and Development Programme. A nationally devised programme to improve police performance in the area of race and diversity. The programme is supported by a strategy – referred to as the ‘race and diversity strategy’ throughout this report.
PSD	Professional Standards Department. The department within a police force with responsibility for investigating complaints and dealing with internal disciplinary matters.
Politeness and tolerance	This is one heading of the Code of Conduct, which specifies that ‘officers should treat members of the public and colleagues with courtesy and respect, avoiding abusive or deriding attitudes or behaviour. In particular, officers must avoid: favouritism of an individual or a group; all forms of harassment, victimisation or unreasonable discrimination; and overbearing conduct to a colleague, particularly to one junior in rank or service.’
Positive action	Under section 37 and section 38 of the Race Relations Act it is lawful to: <ul style="list-style-type: none"> 1. Provide training for people from a particular racial group (or groups) to help make them eligible for particular work in which they have been under-represented at any time during the previous 12 months; and 2. Encourage people from a particular racial group (or groups) to apply for work in which they have been under-represented at any time during the previous 12 months. <p>Encouragement means making it easier for people from a racial group under-represented in particular work to take advantage of job opportunities when they arise. It may take</p>

the form of explicit encouragement to apply, for example in advertisements for jobs, mentoring opportunities, careers fairs etc.

Positive discrimination	Positive discrimination is unlawful under the Race Relations Act. The term is sometimes used to describe giving preference in recruitment to members of a particular racial (or religious) group (or groups) which is claimed to be justified in order to compensate for past discrimination and disadvantage and to facilitate equal representation of that particular group (or groups) in the workplace. The practice is lawful in some jurisdictions, eg Northern Ireland in relation to religious quotas, but is unlawful under the Act.
Quality assurance	The process of evaluating a project or activity to ensure that it meets its aims and objectives.
Race and diversity strategy	The strategy devised by the Police Race and Diversity Learning and Development Programme Board to improve performance in race and diversity.
Race equality duty	The general duty to promote race equality in section 71 (1) of the Race Relations Act 1976 and the related specific duties.
Racial misconduct	A non-technical term used in this report to indicated behaviour at work which constitutes racial discrimination in its broadest sense.
Recordable conduct matter	<p>In the police complaints system some conduct matters (see above) have to be recorded and referred to the IPCC. The definition of which recordable conduct matters have to be referred to the IPCC (referred to in the legislation as the Commission) is set out in regulation 5 of the Police (Complaints and Misconduct) Regulations 2004:</p> <ul style="list-style-type: none">(a) serious assault, as defined in guidance issued by the Commission;(b) a serious sexual offence, as defined in guidance issued by the Commission;(c) serious corruption, as defined in guidance issued by the Commission;(d) a criminal offence or behaviour which is liable to lead to a disciplinary sanction and which in either case was aggravated by discriminatory behaviour on

- the grounds of a person's race, sex, religion, or other status identified in guidance by the Commission;
- (e) a serious arrestable offence, within the meaning of section 116 of the Police and Criminal Evidence Act 1984;
 - (f) conduct whose gravity or other exceptional circumstances make it appropriate to record the matter in which the conduct is involved; or
 - (g) conduct which is alleged to have taken place in the same incident as one in which conduct within subparagraphs (a) to (e) is alleged.

RES	Race equality scheme.
RES duty	The duty to publish a race equality scheme in accordance with the Race Relations Act 1976 (Statutory Duties) Order 2001.
RfR&D	Respect for Race and Diversity, a behaviour within the National Competency Framework.
RRA	Race Relations Act 1976.
Screening	A term we have used in this report for the process of identifying a candidate's ability to deal competently with issues of race and diversity, and discontinuing the application of those who do not meet the defined standards.
SEARCH	Selection Entrance Assessment for Recruiting Constables Holistically.
Specific duties	The duties imposed by the Race Relations Act 1976 (statutory duties) Order 2001 (to publish a race equality scheme and the employment monitoring duty).
<i>The Secret Policeman</i>	A BBC documentary broadcast on 21 October 2003. Mark Daly, an undercover journalist, applied and was successfully recruited to the Greater Manchester Police. He attended probationary training at the Police National Training Centre in Warrington, where he and other trainees from 10 forces in the North West and Wales spent 15 weeks. He secretly filmed his colleagues, catching some shocking examples of racism from some of the recruits.

The Taylor review	An independent review of police officer discipline arrangements commissioned by the Home Office in May 2004, and led by Sir William Taylor.
TDP	Trainer Development Programme, run by Centrex, which is the main programme for enabling officers to become police trainers.
TNA	Training needs analysis.
Whistle blowing	Otherwise referred to in this report as confidential reporting, by which fraud or misconduct can be reported to an organisation.
The <i>Viridi</i> case	An employment tribunal case brought by Detective Sergeant Gural Viridi against the Metropolitan Police alleging racial discrimination. DS Viridi was accused of disseminating racist documents in December 1997 and January 1998, was disciplined and dismissed in March 2000. He had brought two employment tribunal cases, the first was heard and racial discrimination proven and the second was settled on agreed terms. DS Viridi was reinstated in November 2000 and returned to work for the Metropolitan Police in February 2002.
Workforce modernisation	The Home Office has indicated that it wants police forces to move towards a more integrated model of staffing that maximises the potential that civilian police staff can play in releasing police officers for front line duties and improving efficiency. Workforce modernisation is at the centre of the second wave of police reform. The workforce modernisation agenda will support forces in gaining the maximum advantage from flexible use of the extended police family, including designation staff under the Police Reform Act, special constables, volunteers, accredited staff, wardens and community members.

Organisations

ACAS	Advisory, Conciliation and Arbitration Service
ACPO	Association of Chief Police Officers
APA	Association of Police Authorities
BCU	Basic Command Unit is usually a geographical management unit commanded by a chief superintendent or superintendent
BNP	British National Party
BTP	British Transport Police
Centrex	Centrex is the working name of the Central Police Training and Development Authority
CRE	Commission for Racial Equality
DfES	Department for Education and Skills
GMP	Greater Manchester Police
HMIC	Her Majesty's Inspectorate of Constabulary
IAG	Independent Advisory Group. A group of independent members of the community appointed by a police force to advise on race equality matters
IPCC	Independent Police Complaints Commission
FI	Formal investigation
LSC	Lawrence Steering Committee. A group of people appointed by the Home Secretary to advise him on the implementation of recommendations from the Stephen Lawrence inquiry report
MBPA	Metropolitan Black Police Association
MPS	Metropolitan Police Service
NBPA	National Black Police Association

NCIS	National Criminal Intelligence Service
NCS	National Crime Squad
NDPB	Non Departmental Public Body
NPT	National Police Training (predecessor to Centrex)
PCA	Police Complaints Authority succeeded by the Independent Police Complaints Commission as of 1 April 2004
PLPU	Police Leadership and Powers Unit. The Home Office unit responsible for improving police effectiveness and public confidence by developing and implementing policies on issues such as police powers, training, complaints, conduct and community relations
PPU	Police Personnel Unit. The Home Office unit responsible for modernising the police workforce, including recruitment, assessment and selection, terms of service, and diversity and equality
PSSO	Police Skills and Standards Organisation. The PSSO was recognised as the National Training Organisation (NTO) for the Police Sector, covering both operational and police staff in March 2001. PSSO was the standard setting body for the UK Police Service. The core roles of the PSSO were to develop National Occupational Standards, increase skills levels and provide the recognised voice of the Police Service; addressing their needs across the whole spectrum of learning, skills, training and development issues. PSSO has now been superseded by Skills for Justice
PSNI	Police Service of Northern Ireland
PSU	Police Standards Unit
SfJ	Skills for Justice
SSDA	Sector Skills Development Agency

Appendix 8: Bibliography

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