

National Black Police Association Achievements Report 2015 – 2016



"This association is so important to my vision of policing. The NBPA was formed to give all black and ethnic minority officers a clear, single voice. [...] Franstine, I know the passion with which you have led this organisation – and I want to thank you and your members, for the immensely valuable contribution you make. In the last five years, we have taken great strides together.[...] Increasing diversity in our police forces is not an optional extra. It goes right to the heart of this country's principle of policing by consent.

We must ensure that the public have trust and confidence in the police, and that the police reflect the communities they serve. The NBPA has a vital role to play in this – supporting and working with the Government, Police and Crime commissioners and Chief constables. I hope that this is a role you will gladly take up. And that together we can ensure one nation policing for all".

Rt. Hon. Theresa May, Home Secretary 22nd October 2015, keynote speech to the NBPA Conference, Birmingham.



Foreword



Welcome to this Achievements report 2015-2016

Over the last couple of years, the NBPA have built upon the solid foundation laid by the previous President, Franstine Jones and embedded our brand into the fabric of national government. As a direct result of our conference in 2015 where the then Home Secretary, the Rt Hon. Theresa May MP attended, we were invited to a roundtable meeting in Downing Street on the 26th October 2015 with the then Prime Minister, the Rt Hon. David Cameron, to discuss how to deal with unconscious bias in recruitment. The NBPA were the only policing organisation represented at the meeting.

In April 2016, the Rt Hon. Keith Vaz invited the NBPA to give evidence at the Home Affairs Select Committee as part of their Inquiry into 'Police Diversity'. This was a great opportunity for us to put our points across from the lived experience of officers and staff that are of African and Asian heritage. There was a lot of work put into our submission; which was well received by a very receptive audience of influential MPs.

The NBPA influence continued and we were invited to make both written and oral submissions to the All Party Parliamentary Group on Migration, regarding the Immigration Bill 2015-2016; the Labour Party Home Affairs Policy Commission, and the Youth Select Committee Inquiry into Racism and Religious Discrimination.

In August 2016, the Cabinet members Franstine Jones, John Awosoga and myself attended the United Nations in Geneva to give evidence to the Committee for the Elimination of Racial Discrimination. Our evidence was well received and recommendations were put in place based on our submission.

There is no doubt that our organisation has come a long way in its short history and we are positioned to shape the future. All our achievements have been against a background of cuts where the issue of diversity has been put on the back burner. We have proved that diversity makes good business sense and have showcased how it works effectively and efficiently, with the deployment of officers with the range of language skills needed to be able to communicate with the victims and community who were most affected by the catastrophic fire at Grenfell Tower. There were also officers from the MetBPA deployed to the British Virgin Islands to assist with the clean-up operation following the recent hurricane.

We are now, looked at by other countries with admiration for our structure, organisation and effectiveness in achieving change. This is because of you. Thank you for your endless support and your service to our communities.

As we look forward to an uncertain future we know that the NBPA is uniquely positioned and will keep working to achieve equality and justice for all.

Janet Hills
NPBA President
Met BPA Chair

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Section 1 – Background



'We heard oral evidence from the National Black Police Association that it had not been consulted on the College's BME Progression 2018 programme. It was wrong of the College not to ensure that the NBPA was fully consulted on such an important policy document'.

**House of Commons, Home Affairs Select Committee,
Police Diversity, 18 May 2016**



'The Committee is concerned that the ethnic composition of the majority of police forces in the State party are not representative of the communities they serve, particularly Scotland. It also expresses concern at reports that police officers from black and ethnic minority groups face discriminatory treatment within the police and are under-represented at senior decision making levels'.

**United Nations Committee for the Elimination of
Racial Discrimination, 26 August 2016**

Introduction

1.1 The 2015 NBPA AGM and Training Conference will be remembered for the fact that it was attended for the first time since 2004 years by a Home Secretary, who 8 months later became Prime Minister.

1.2 The attendance of Rt. Hon Theresa May at the conference and her public support for the NBPA has been a contributory factor to our raised profile. This has led to an increase in confidence in the leadership of the NBPA and enabled us to engage in important issues which impact both BAME staff in the police and the diverse communities we serve at the political level, both nationally and internationally.

1.3 It is important that we recognise and celebrate our achievements. They are captured in this special report, which highlights what we, the NBPA leadership, have done to advance the issues facing our staff and communities in the aftermath of the conference.

1.4 These achievements are presented by a collation of submissions, letters and correspondence. We have developed our influence on the Home Office, Home Affairs Select Committee and the United Nations Committee for the Elimination of Racial Discrimination on behalf of our members.

1.5 A timeline and press coverage of our work is also captured within this report.

NBPA 2015-2016 Achievements

2.1 Three days after the conference, the NBPA President was invited to attend a roundtable on BAME issues at Downing Street with the Prime Minister. In December 2016, the NBPA President was requested to give an oral and written submission to the All Party Parliamentary Group on Migration (APPG) on the impact of the Immigration Bill. As a result,

the President undertook work with Liberty and the Migrants Rights Network.

2.2 Due to the success of her oral and written submission to the APPG, the NBPA President was requested to give oral evidence to the Home Affairs Select Committee on Police Diversity on the 15th April. This resulted in two written submissions to the HASC and extensive media coverage.

2.3 As a result of the strength of the written and oral submissions of the NBPA President, she was requested to undertake an oral and written submission to the Youth Parliament Select Committee on Racism and Religious Discrimination on the 15th July and then requested to provide a written submission to the Labour Party Shadow Home Affairs Commission on the 8th June 2016.

2.4 Our focussed and systematic activity culminated in our written and oral submission to the United Nations Committee for the Elimination of Racial Discrimination (UNCERD) in Geneva. This took place on the 3rd August – 5th August and was led by the NPBA President, supported by the Vice President and General Secretary. This work resulted in the acknowledgement from the Committee of the issues facing BME staff in the Police, where the Committee made the following Concluding Observations:

28. [...] Additionally, while the Committee welcomes some progress in improving ethnic diversity of some police forces, the Committee is concerned that the ethnic composition of the majority of police forces in the State party is not representative of the communities they serve, particularly Scotland. It also expresses concern at reports that police officers from black and ethnic minority groups face discriminatory treatment within the police and are under-represented at senior decision making levels.

29. The Committee recommends that the State party ensure that the over representation of persons belonging to

black and ethnic minority groups at all stages of the criminal justice system in England, Northern Ireland, Scotland and Wales is thoroughly investigated, and take concrete measures to effectively address racial prejudice and bias in the criminal justice system (taking into account the Committee's general recommendation No.31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system)¹. (CERD 2016:7)².

2.5 Our raised profile is due to two factors. First, the previous President of the NBPA and our current Vice President, Franstine Jones had established and sustained a positive working relationship with the Home Office. This supported the request for the Home Secretary to attend the Conference – the first time that a Home Secretary has attended an NBPA conference since 2004. This was a major coup for the NBPA and resulted in significant media interest and attention at the conference.

2.6 Secondly, the style of the NBPA leadership has changed. This is in part due to the differing nature of leadership styles of women (Silvestri 2003)³. The leadership style of the NBPA is now more strategic, outcomes-focused and collaborative. It is this, we believe which has enabled the NBPA to undertake its current level of work and **reassert our position at the national level.**

2.7 The endorsement of the NBPA by the Home Secretary and the issues identified by the Home Affairs Select Committee have made it very clear that the NBPA is an organisation which is **integral to the success of policing diverse communities.**

2.8 It is clear that as an organisation, the NBPA and our leadership has 'stepped up' and is more strategic both internally and in its

¹ CERD own emphasis.

² Committee on the Elimination of Racial Discrimination (26 August 2016) Concluding observations on the twenty-first to twenty-third periodic reports of United Kingdom of Great Britain and Northern Ireland. CERD/C/GBR/CO/21-23.

³ Silvestri, M (Women in charge, policing, gender and leadership. Devon: Willan Publishing.

relationships with our partners – we are now clearly a group at the centre. A group recognised as central to enabling the police to understand and address issues of race and racism in policing. The challenge for the NBPA **is that we need to carefully and strategically sustain and enhance our current position.**

Achievements and Accountability

3.1 Our achievements are rooted in the importance we place on our involvement in public life through engaging with stakeholders who have oversight and responsibility for policy areas which impact our members and the communities we serve. We have pushed for a greater level of accountability in race and policing.

3.2 Furthermore, we have made a deliberate attempt to change the existing narrative on

race and policing which focuses on BME recruitment into the police. This change highlights racial and religious discrimination and disproportionality facing BME officers and staff. We believe that this approach is vital to ensuring that the issues we face are not marginalised. The work we undertake is based on listening to our members and being aware of the policy arena in which we operate.

3.3 It is important that as an organisation, we continue to engage with those stakeholders who have oversight and responsibility for issues of race and policing. We acknowledge that this is a challenging and difficult role, where sometimes there are more failures than successes. However, participation is not about winning, it is about being heard and articulating concerns in a robust manner. We will continue to do this on behalf of our members and the communities we serve.

Section 2 – Timelines

The NBPA: Keeping Race and Policing on the Agenda

2015⁴

22 October: Extensive media coverage of NBPA conference on account of the attendance of the Home Secretary, Rt. Hon. Theresa May and announcements on the publication of Police Diversity Data.

26 October: NBPA President requested to attend meeting at Downing Street to discuss

22 December: NBPA President makes oral and written submission to All Party Parliamentary Group on Migration on the introduction of the Immigration Bill
Written Submission Lord Paddick (LD) and Baroness Sheehan (LD) make the following references to the NBPA at the second reading of the Immigration Bill: 2015

Baroness Sheehan (LD)

22 Dec 2015: Column 2499

The police have expressed grave reservations about this. Janet Hills, the president of the National Black Police Association, believes that if it becomes law, the Immigration Bill will set back the hard work of the police and in particular, the NBPA to improve community and race relations—relations which are hard to build and easy to destroy.

Lord Paddick (LD)

22 Dec 2015: Column 2516

My real concern is about unintended consequences. My noble friend Lady Sheehan quoted the president of the National Black Police Association regarding the negative impact of the Bill on what is already a hostile environment in this country towards black and minority ethnic people in general, and migrants in particular, as evidenced by recent hate crime figures. The Bill will do nothing to alleviate this with its increased stop, search and seizure powers. The effect on existing discrimination against BME renters and job applicants is that it is likely to be made worse. This takes me back to my days as a police constable over 30 years ago, when a common reason for detaining somebody who was black was because they were a suspected overstayer. The police decided to move away from immigration enforcement on the grounds of improving community relations.

22 December: NBPA makes joint press statement with Liberty on the impact of the Immigration Bill

15 April: NBPA President requested to give oral evidence to Home Affairs Select Committee on Police Diversity (HC27). Prior to the oral evidence session the NBPA agrees with the Second Clerk of the Committee that it will make a written submission on key issues around Police Diversity A further supplementary

⁴ The events and publications referred to in this timeline are outlined fully in this supplementary report, NBPA Achievements Report 2015-2016.

submission is sent to the Committee.

18 May: The Home Affairs Select Committee publishes its Inquiry into Police Diversity (HC27). The NBPA agrees with the Committee that, '*Urgent and radical action is needed if the Home Secretary's ambition, which we share, of all police forces reflecting the ethnic profile of their communities, is to be realised*'. The NBPA expresses its delight that the Committee took on board the written and oral evidence presented by Janet Hills, NBPA President, around the lack of accountability and leadership on the important issue of BME recruitment, retention and progression in UK policing. The NBPA also states that it is encouraged that the Committee has recognised that it was wrong for the College of Policing not to consult with the NBPA on its BME progression 2018 programme. A factor identified by the 2014 evaluation of the NBPA Conference.

8 June: NBPA president writes to the Home Office outlining concerns about the recommendations of the HASC

8 June: NBPA President requested to give written submission to Labour Party Home Affairs Commission

15 July: NBPA President requested to give evidence to the Youth Parliament Select Committee on Racism and Religious Discrimination

2-5 August: NBPA President, Vice President and General Secretary attend the United Nations Committee for the Elimination of Racial Discrimination following acceptance of a written submission to the CERD.

9th September 2016 NBPA sends a submission to Home Affairs Select Committee outlining its concerns on the Police Diversity Inquiry and the Government response to it.

17th October 2016 NBPA President and Vice President Meet with the Policing Minister, Brandon Lewis.

NBPA in the News

'May Challenges Met Commissioner over Stop and Search', Vikram Dodd, The Guardian 22 October 2016

'May to take on Met boss over knife crime' David Barrett, Daily Telegraph, 22 October 2015

'May attacks police over 'untruth' on knife crime' Richard Ford, The Times, 22 October 2015

'Police hit back over Stop and Search' Richard Ford, The Times, 23 October 2015

'The met chief is caught in the cross fire between Boris Johnson and Theresa May', Nigel Morris, The Independent, 23 October 2015

'Allow positive discrimination, urges Police Chief', Vikram Dodd and Peter Walker, The Guardian, 23 October 2015

'She's not taken for a suspect any more- but the new leader of black police officers tells Archie Bland that Theresa May has a lot to do- Building the thin Black Line, Archie Bland', The Guardian, 24 October 2016

'Policing needs public trust – and we won't win it with Tasers', Janet Hills, The Guardian, 16 August 2016

Section 3 – Annexes**Annex 1**

The Prime Minister

would like to invite

Ms Janet Hills

to a meeting on **Monday 26th October, 2.30 pm - 3.30 pm**
at 10 Downing Street

During his speech to the Conservative Party Conference two weeks ago, the Prime Minister said that it was time to end discrimination and finish the fight for real equality in Britain. This followed a set of commitments made in April, which included setting challenging targets across Whitehall to increase BAME opportunities, such as the take up of apprentices, employment and recruitment in the police and armed services. Announcements on closing the gender pay gap followed in June, and the Prime Minister has been playing a leading role in the government's Disability Confidence campaign, to which over 350 businesses are now signed up.

The Prime Minister is hosting a roundtable to discuss how leading organisations can help spread opportunity and end discrimination against women, people with disabilities and people from black and ethnic minority communities. We would like to invite you to join the Prime Minister for this roundtable discussion at 10 Downing Street.

The Prime Minister would like to discuss the following three items at the roundtable:

- 1) Recruitment practices;
- 2) Progression and retention; and
- 3) Senior representation, including at board-level.

We look forward to seeing you at this event so we can jointly work together on this agenda.

Please confirm your attendance to: rsvp4@no10.x.gsi.gov.uk

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NBPA Cambridge Union Debate**Speaking Note: This House has lost confidence in Her Majesty's Police Force**

"Ladies and Gentleman, Mr Chairman, thank you for inviting me to take part in this important debate.

My approach to this debate is very simple. Confidence in her Majesty's Police Service is underpinned by actions, evidence and experiences.

First, I will contextualise my thoughts by reminding you of a series of diverse events, which illustrate a litany of police organisational failures, malpractice and scandals. The cumulative effect of these events is the undermining of confidence in Her Majesty's Police Service.

So let's begin:

- *Improper relations between the police and the media revealed by the Levenson Inquiry;*
- *Investigative failure of child sexual abuse for example; Jimmy Saville, North Wales, Oxford and Rotherham;*
- *Discrediting of victims, cover-ups and related wrongdoing revealed by the Hillsborough Inquiry;*
- *Allegations that the police 'bugged' the family of Stephen Lawrence and Duwayne Brookes and other high profile race campaign groups;*
- *Serious allegations made against the Police undercover teams – including developing personal relationships and fathering children under their false identities and using the names of dead children as pseudonyms⁵.*

Let me now focus your attention to the issue of race, which I as Vice President of the National Black Police Association believe is at the heart of confidence in Her Majesty's Police Service, for members of my organisation and the diverse communities which we serve.

Whilst we are currently celebrating the 50th anniversary of the 1968 Race Relations Act, this important moment in British history belies an uncomfortable truth about her Majesty's Police Service.

*In 1968, James Callaghan (the then Home Secretary) was pressurised by the Police Federation, Police Service and Police Authorities into abandoning plans to make the Police come under the auspices of the 1968 Race Relations Act⁶. The result of which was that racial discrimination was **not** made an offence within the police disciplinary code!*

Racial discrimination only became an offence within the police disciplinary code through the introduction of the Race Relations Amendment Act (2000), in the aftermath of the Macpherson Inquiry into the death of Stephen Lawrence.

Ladies and gentlemen, this historical fact demonstrates the level of entrenched resistance to accountability of her Majesty's Police Service in the area of race. Accountability is a key feature of confidence.

The modern day reality of Her Majesty's Police Service is an organisation, which is slow, resistant and hostile to change, especially in employment and service delivery when it comes to race. Employment and Service delivery are two key features of confidence.

⁵ Policing for a Better Britain – Report of the Independent Police Commission, pp. 27, The Lord Stevens of Kirkwhelpington, QPM (2014).

⁶ CAB 128/43 (1968), Conclusions of a meeting of the Cabinet held at 10 Downing Street, SW1, on Tuesday, 12 November, 1968 at 11am pp. 10-11.

From Scarman to Macpherson, longstanding concern has been raised about the importance of the Police Service reflecting the community it serves.

In 1981, there were only 326 black officers in the police in England and Wales. Of this figure, 132 were from the Metropolitan Police⁷.

Currently, 5.5% of Police Officers are from a BME background in Her Majesty's Police Service in England and Wales. Whilst only 5 BME officers are of Chief Superintendent Rank or higher, the majority of BME police officers are concentrated in the lower ranks of Police Constable⁸.

This slow pace of change was recognised by the 2013 Home Affairs Committee Inquiry into Leadership and Standards in the Police. The committee stated the following:

"Diversity has for too long been given lip service but not action in the Police Service. It is very disappointing that ten years after the Macpherson Report and 20 years after the death of Stephen Lawrence, so little progress has been made. Indeed, in some respects the police service has gone backwards with the BME percentage of ACPO falling from 4% in 2010 to 2.9% in 2012."⁹

If we look at the area of disproportionality in misconduct proceedings, extensive research by Smith et al has identified the following:

- *Statistical evidence of racial disproportionality affecting BME staff in discipline and complaints proceedings;*
- *Perceived formalisation of measures aimed at dealing with the behaviour of BME staff as compared with white staff; and*
- *Perceptions that disproportionality in internally raised misconduct proceedings are connected to the under representation of BME officers in senior ranks¹⁰.*

As the Vice President of the NBPA, I see the scale and nature of race discrimination cases currently befalling Her Majesty's Police Service in England and Wales. Let me just inform you what is happening in Cleveland.

*In Cleveland there are currently 5 cases of race discrimination going through the employment tribunal system, **and** three cases pending! However, events have recently taken a more chilling turn.*

Cleveland police have recently been referred to the Independent Police Complaints Commission for allegedly using the Regulation of Investigatory Powers Act (RIPA) to take telecoms records of a police officer suspected of being a whistle-blower behind a story of 'institutional racism' in Cleveland police. Alleged victims are the then Chair of the Police Federation for Cleveland, a solicitor for the Federation and 3 journalists for the Northern Echo newspaper¹¹.

If we take the case of the former Metropolitan Police Detective Sergeant, Gurpal Viri¹² – a man more sinned against than sinning – a man who; complained of race discrimination; gave evidence to the Macpherson Inquiry into the death of Stephen Lawrence; was arrested in 1998; had his home searched; and was accused of sending racist hate mail to himself and other ethnic minority officers.

⁷ Scarman, Lord (1981), The Brixton Disorders, 10-12 April 1981, Report of an Inquiry by the Rt Hon Lord Scarman OBE, pp. 76:5.6, London:HMSO.

⁸ House of Commons library (Thursday November 12 2015), Police Numbers: Social Indicators Page.

⁹ House of Commons, Home Affairs Committee (26 June 2013), Leadership and Standards in the Police, Third Report of Session 2013-14, V1. HC47-1) Recommendation 109.

¹⁰ Smith, G; Haggart Johnson, H; Roberts, C; (2012:3) Disproportionality in Police Professional Standards: An Investigation of internally raised misconduct proceedings in Greater Manchester Police with additional statistical analyses of British Transport Police Data; and statistical analyses of counter-corruption intelligence data in the three services.

¹¹ "Cleveland Police accused of using RIPA to seize phone records of three Northern Echo journalists in leak probe" William Turvill, Press Gazette, 16 November 2015.

¹² The Viri Inquiry Report (MPA 2001).

Whilst a police disciplinary panel dismissed Gurpal in March 2000, an employment tribunal found that the Metropolitan police had racially discriminated against him in August 2000. Sadly for Gurpal, the story continued.

His nightmare only ended on the 31st July this year¹³. Ladies and gentlemen, I was there when he was cleared of indecently assaulting a male prisoner and misconduct in public office.

There are many disturbing elements of this case. However, the most disturbing aspect of this case is that the Metropolitan police put out a damaging and inaccurate press release.

*Ladies and gentlemen, that press release accused Gurpal Viridi of indecent assault of a boy under the age 16 – **when this was incorrect**. Furthermore, the Metropolitan Police knew for **over a year** that the individual was **not** under 16. Ladies and gentlemen, I don't need to explain to you the serious ramifications of this.*

Police powers such as stop and search, strip searches and other police powers are contentious issues especially across BME communities. Over the years, official figures and research have indicated that stop and search powers have been overused, misused and abused with a dramatic increase in the volume of stop and searches over the last decade. The impact of which has served to damage confidence in Her Majesty's Police Service.

Latest figures reveal that black people are 6 times more likely to be stopped and searched compared to white people¹⁴. It is telling that in its 2010 report into stop and search, the Equality and Human Rights Commission stated the following:

"The evidence points to racial discrimination being a significant reason why black and asian people are more likely to be stopped and searched than white people. It implies that stop and search powers are being used in a discriminatory and unlawful way."¹⁵

When it comes to race, history has shown us that excessive use of force by Her Majesty's Police Service can have devastating and widespread consequences. Examples of such historic events are as follows:

- *Excessive use of force on Cherry Groce and Cynthia Jarrett, which triggered the Brixton and Tottenham Riots of 1985; and*
- *The shooting of Mark Duggan which triggered rioting in Tottenham and beyond in 2011.*

The consequences of the actions, evidence and experiences I have highlighted are human, financial and reputational damage. The costs, losses and damage result in undermining confidence in Her Majesty's Police Service. In closing, let me leave you with the stern warning made by Lord Scarman in 1981:

"The police officer must act within the law; abuse of power by a police officer, if it be allowed to occur with impunity is a staging post to the police state".¹⁶

¹³ "Tory MP urges May to review Met's investigation into Asian Officer," Mark Tran, 18th August 2015, The Guardian.

¹⁴ Equality and Human Rights Commission (2013), Race Disproportionality in Stop and Searches 2011-12, Briefing Paper.

¹⁵ Equality and Human Rights Commission (2010), Stop and Think: A critical review of the use of stop and search powers in England and Wales.

¹⁶ Scarman, Lord (1981), The Brixton Disorders, 10-12 April 1981, Report of an Inquiry by the Rt Hon Lord Scarman OBE. Pp. 63:4.60, London, HMSO.

National Black Police Association Position Paper on the Immigration Bill 2015-16

Background

- 1.1 This paper sets out the views of the National Black Police Association on proposals contained in the Immigration Bill 2015-16. The contents of this briefing were used to inform the discussion with the All Party Parliamentary Group (APPG) on Migration. This meeting took place on the 14th December 2015. The NBPA President, Janet Hills presented concerns on the Bill to the APPG. In attendance at the meeting was the NBPA Vice President, Franstine Jones.

Introduction

- 2.1 This paper has been developed through a review of the legislation, parliamentary briefings, debates and critiques from human rights and campaign groups. It is divided into 4 sections:
- 1) Searches related to driving licences;
 - 2) Undermining of 'Best Use of Stop and Search Scheme';
 - 3) A return to the bad old days of SUS; and
 - 4) Accountability: Impact on Police community race relations

Searches related to driving licences

- 3.1 The main feature of the Immigration Bill (which has a direct correlation with the work of the NBPA) is regarding 'powers to carry out searches relating to driving licences'.
- 3.2 Specifically the Act creates new powers for both Police and Immigration Officers to:
- Enter premises and search for a driving licence. This power can only be exercised where there are reasonable grounds for believing that a driving licence held by an illegal migrant, is on the premises; and
 - Search a person where there are reasonable grounds for believing that the person is not lawfully present in the UK and may have a driving licence concealed on their person¹⁷.
- 3.3 Secondly, in the creation of the new offence of driving when unlawfully in the United Kingdom, both Police Officers and Immigration officers **would be able to arrest without a warrant, a person who has committed, or who they have reasonable grounds for suspecting has committed, the new offence**. They would also have **the power to enter the premises to search for and arrest** a person suspected of committing the new offence.
- 3.4 In its opposition to the Bill, the Campaign group Liberty has compiled comprehensive briefings for the Second¹⁸ and Committee Stage readings of the Bill¹⁹.
- 3.5 The briefings resonate with the views of the NBPA on the wider issues of stop and search. For ease of reference, the issues identified by Liberty are reproduced below in italics. The most pertinent issues being highlighted in bold.

¹⁸ Sankey, B.; Robinson, R.; and Ogilive, S.; (October 2015) Liberty's briefing on the Immigration Bill for Second reading in the House of Commons.

¹⁹ Sankey, B.; Robinson, R.; and Ogilive, S.; (October 2015) Liberty's briefing on the Immigration Bill for Committee Stage briefing on the Immigration Bill.

- 3.6 *"In England & Wales, police officers' powers to stop motor vehicles are contained in section 163 of the Road Traffic Act 1988 which states: "a person driving a motor vehicle on a road must stop the vehicle on being required to do so by a constable in uniform". This power is not currently subject to the requirements of the PACE Code of Practice and does not require an officer to have a particular reason to stop a motor vehicle nor for the officer to explain why he or she has carried out the stop. Once a vehicle has been stopped, an officer can require the driver to produce their driving licence²⁰. Beyond this the officer can ask the driver to account for themselves²¹.*
- 3.7 *Liberty believes that the law urgently needs to be reformed to require that police constables only stop vehicles when they have an objective reason to do so, and that they are required to make a record of such stops as they are currently required to do for all other statutory stop powers. Use of this power should also be brought within Code A.*
- 3.8 *In 2014, as part of her drive to combat discriminatory police stop and search, the Home Secretary commissioned HMIC to review police use of section 163 RTA to establish whether it is being used effectively and fairly²². Given that there is no national recording requirement, HMIC was unable to provide information on the volume of traffic stops each year. HMIC asked forces to conduct self-assessments of their use of the RTA power and found that only 3 police forces have a policy on its use and only two forces reported that they collected and recorded information about the use of the power. HMIC further commissioned a survey of 10,094 members of the public about the use of the power. The survey indicates that 7-8% of white drivers who responded were stopped in their vehicles in the last two years compared with 10-14% of black and minority ethnic drivers. **The survey also suggested that BME drivers were more likely not to be provided with a reason for the stop and are more likely to have their vehicle searched. Yet, white drivers are proportionately more likely than BME drivers to be arrested or result in prosecution, which suggests that BME drivers are more likely to be stopped for no reason. 73% of black respondents agreed or strongly agreed with the statement that the police unfairly target people from ethnic minorities for traffic stops.***
- 3.9 *The Bill seeks to add routine immigration checks – backed up by intrusive search and seizure powers – into this toxic mix. Clause 16 amends schedule 2 of the Immigration Act 1971 to provide a power for an authorised officer (police, immigration officers or third parties designated by the Secretary of State) to search premises – including a vehicle or residence an individual occupies or is present in when encountered – where the officer has "reasonable grounds for believing: (i) an individual is in possession of a driving licence and is not lawfully resident; and (ii) the licence is on the premises. Authorisation should be sought from a senior officer where "reasonably practicable". A further power in similar terms would allow police, IOs and designated third parties to search an individual for a driving licence²³. The Bill also makes provision for seizure and retention of licences²⁴.*
- 3.10 *"Liberty is deeply concerned about the existing power to stop vehicles without reason. As no reason is required to conduct a traffic stop, there is nothing to prevent routine stops to ascertain immigration status. **This lax power, together with the new offence and related search and seizure powers could see police and immigration officers stop vehicles without reason, demand papers (in this case driving licences) and then on the basis of body language infer reasonable suspicion to conduct intrusive searches of persons and vehicles.** Current guidance instructs IOs that the threshold for reasonable suspicion of an immigration offence may be met where they observe a person having "an adverse reaction to an immigration presence²⁵". Examples of an*

²⁰ Section 164, Road Traffic Act 1988

²¹ Liberty believes that the law urgently needs to be reformed to require that police constables only stop vehicles when they have an objective reason to do so, and that they are required to make a record of such stops as they are currently required to do for all other statutory stop powers. Use of this power should also be brought within Code A.

²² HMIC, Stop and Search Powers 2: Are the police using them effectively and fairly? March 2015

²³ Where the officer has reasonable grounds for believing the person is not lawfully resident, is in possession of a licence and that licence may be concealed on the person.

²⁴ The driving licence must then be passed on to the Secretary of State. Where the licence is not ultimately revoked, it must be returned to the holder.

²⁵ Home Office Enforcement instructions and guidance, Chapter 31: Enforcement Instructions.

“adverse reaction” include a sudden change in direction, walking away, a change in pace, hanging back from the barriers or seeking to limit interaction. The guidance instructs “under these circumstances, the IO may lawfully seek to stop that person with a view to asking them consensual questions about their identity and leave status”. The guidance then further instructs IOs that if a person attempts to leave while being consensually questioned, this may give rise to sufficient grounds to arrest the individual”²⁶.

3.11 Liberty have identified the following issues regarding the ‘Driving whilst not lawful in the UK’.

3.12 *“The implications of this provision can only be fully understood when considered in conjunction with search and seizure powers set out in clause 16 and considered above. **All drivers, but in particular drivers from minority ethnic groups are liable to be affected by these provisions, with discrimination in road traffic searches already an established concern.** Given the already unsatisfactory police practice in relation to traffic stops and its disproportionate use against BME groups, such operations will only add to – and potentially greatly exacerbate – the reality and perception of discrimination”²⁷.*

Undermining of Best Use of Stop and Search Scheme

- 4.1 The Bill has the very real potential to undermine the implementation of the Best Use of Stop and Search, which was introduced on 26th August 2014 by the Home Secretary.
- 4.2 The scheme is designed to contribute to a significant reduction in the overall use of stop and search, deliver better and more intelligence-led stop and search, and improve stop-to-arrest ratios. It will also provide the public with further information on the outcome of searches²⁸.
- 4.3 Furthermore, the proposals seek to undermine the spirit of the commitment given by the Home Secretary to tackle discrimination stemming from Stop and Search. She articulated her concerns during her address to the NBPA AGM and Conference on 22nd October 2015:

*“A few years ago a group of young men came to my office to see me. They were bright, decent young men with high hopes of getting on in life. They worked hard. They respected the law. And they had grown up doing all the things that were expected of them by their families and society. But what they told me that day was not just shocking, but deeply depressing. Because each of those young men had a tale about how having done nothing wrong, going about their ordinary business, walking home, driving to work, they had been stopped by the police, patted down, and had their pockets turned out. **And when they had asked why they were being searched, they had been given no good reason.** They had been told: “it’s just routine”. The problem was, for those young men, that it really was routine. Because this hadn’t just happened to them once, twice, three times – no it was ten, twenty, thirty times. Some of you here – before or even since you became police officers – might have had experiences like those young men. **And like them, you might have wondered, deep down, if this was only happening because of your appearance.** I don’t need to tell anyone here that properly conducted stop and search is an important police power – **and I will always back police officers who use their powers legitimately and accountably.** But when stop and search is misapplied, and when people are stopped and searched for no good reason, it is unfair, it wastes valuable police time, and it damages the relationship between communities and the police. And as the Prime Minister set out in his speech to Conservative Party conference last month, it is simply not right for people to be stopped and searched again and again because of the colour of their skin. That is why I have been determined to make sure stop and search is properly targeted and intelligence-led. We made sure officers*

²⁶ Sankey, B., Robinson, R., and Ogilvie, S (October 2015) Liberty’s briefing on the Immigration Bill for Committee Stage briefing on the Immigration Bill pp9-11

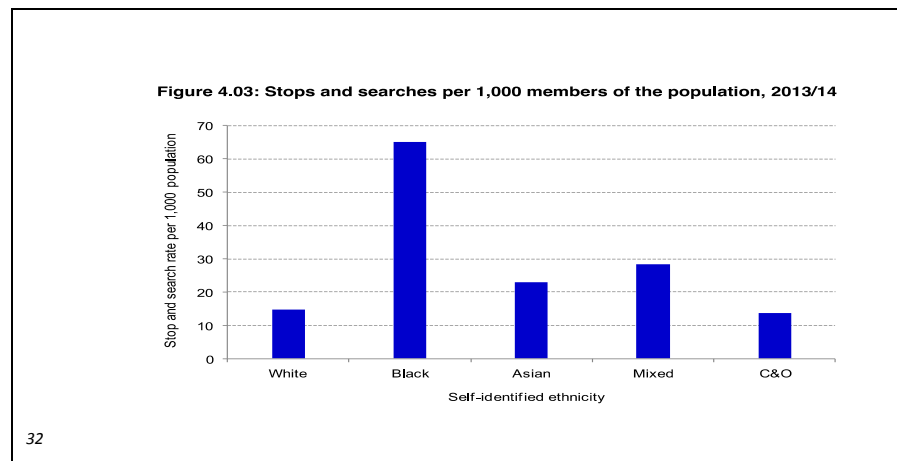
²⁷ Sankey, B., Robinson, R., and Ogilvie, S (October 2015) Liberty’s briefing on the Immigration Bill for Committee Stage briefing on the Immigration Bill p11

²⁸ Home Office (2014), Best use of stop and search scheme.

are clear what “reasonable grounds” of suspicion are, so that its use is both legal and reasonable – because Her Majesty’s Inspectorate of Constabulary said that over a quarter of stop and searches were unlawful. We brought in much greater transparency and required police forces to record the outcome of each and every stop and search – because only one in ten stop and searches led to an arrest. And we gave communities the ability to hold their police force to account through a “community trigger”, which means that the police must explain how stop and search powers are being used should concerns be raised”²⁹.

- 4.4 The potential impact of the search and driving aspects of the Bill need to be looked at in the light of the recently published Section 95 Statistics on Race and the Criminal Justice System 2014³⁰. The most salient points are captured below below:

“The overall ethnicity trends for stops and searches were heavily influenced by stops and searches conducted in London, due to London’s ethnic composition compared with the rest of England and Wales. According to the 2011 census, over half of the black ethnic population in England and Wales reside in London, compared with only a tenth of the white population. Also, in 2013/14 London accounted for a third of all stops and searches conducted in England and Wales, despite having only 14% of the population. The higher proportion of stops and searches in London is also apparent for each individual ethnic group. For each, the proportion of stops and searches carried out in London was higher than the proportion of the group resident in London. If the stop and search data is combined with population data to account for the differences in ethnic populations across England and Wales, it shows that there was a higher probability of being stopped and searched for the black ethnic group relative to all others. The black stop and search rate was four and a half times higher relative to the white ethnic group. The mixed ethnic group was twice as likely to be stopped and searched relative to the white ethnic group, while the asian group were one and a half times more likely. The Chinese and Other (C & O) ethnic group was just as likely to be stopped and searched as the white group”³¹.



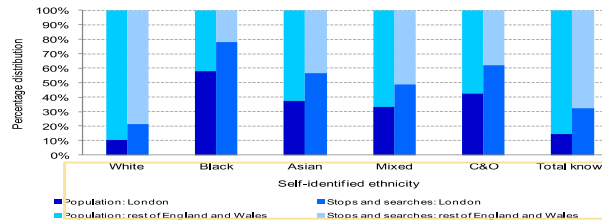
²⁹ Home Secretary, Rt. Hon Theresa May, Speech to the National Black Police Association Conference, Birmingham, 22nd October 2015.

³⁰ Ministry of Justice (26 November 2015), Statistics on Race and the Criminal Justice System 2014, A Ministry of Justice Publication under Section 95 of the Criminal Justice Act 1991.

³¹ Ministry of Justice (26 November 2015), Statistics on Race and the Criminal Justice System 2014, A Ministry of Justice Publication under Section 95 of the Criminal Justice Act 1991, pp. 29-30.

³² Ministry of Justice (26 November 2015), Statistics on Race and the Criminal Justice System 2014, A Ministry of Justice Publication under Section 95 of the Criminal Justice Act 1991, pp. 30.

Figure 4.02: Percentage distribution of population (persons aged 10 and above) and total stops and searches in England and Wales, by ethnicity, 2013/14.



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A return to the bad old days of SUS?

- 5.1 The arbitrary nature of the proposals contained within the Bill will mean that those people who do not look white British will be targeted. Furthermore, given that this legislation is aimed at 'migrants per se', it is inevitable that old people, women and girls will be targeted. This will lead to an historic shift of those traditionally stopped e.g. young black men.
- 5.2 Disturbingly, the proposals are reminiscent of the bad old days of the SUS laws³⁴.
- 5.3 The impact of the SUS laws was felt most acutely in areas with BME populations. Lord Scarman viewed the use of the SUS laws as a contributory factor in the 1981 Brixton Riots³⁵. It should be noted that the operation of the SUS laws was at its highest under a Conservative Administration. The question needs to be asked if history is repeating itself. If so, this is a very dangerous and toxic precedent to follow.
- 5.4 The NBPA believes that the proposals contained in the Bill are too serious to confine to 'legislate now and see the impact later politics'. Careful consideration needs to be given to ensure that the proposals contained in the Bill are not used as a state endorsed tool for racial stereotyping and racism.
- 5.5 The NBPA believes that the potential impact of the Bill will be an undermining of community cohesion – a stirring up of racial hatred and suspicion between different racial and religious groups.
- 5.6 There is the very real danger that the proposals could be exploited by those involved in neighbourhood disputes and by right wing groups such as Britain First and the English Defence League, in a malicious and vexatious manner to undermine community cohesion, create divisiveness and tension within communities. The Bill is silent on the sanctions available for those who would seek to exploit the legislation for malicious and/or racist reasons.

³³ Ministry of Justice (26 November 2015), Statistics on Race and the Criminal Justice System 2014, A Ministry of Justice Publication under Section 95 of the Criminal Justice Act 1991, pp. 29.

³⁴ The SUS (or 'suspected persons') laws allowed the police to stop and search, and potentially arrest any individual on suspicion of being in breach of Section 4 of the Vagrancy Act (1824) on the grounds that it was felt that they might commit an offence. However, prosecutions were dependent on the police ensuring that the defendant was a) acting suspiciously and b) had the intent to undertake an arrestable offence. Furthermore, two witnesses were required to corroborate the charge-witnesses who were almost invariably police officers.

³⁵ Scarman, Lord J.; (1981) The Brixton Disorders, 10-12 April, London HMSO.

Accountability

- 6.1 The Bill is silent on where complaints regarding key features of the implementation of the Bill should be directed.
- 6.2 Given long established concerns, around the handling of complaints of a racist nature, it is imperative that due consideration is given to this important matter. The NBPA would like to take this opportunity to remind the APPG of the findings of the 2014 IPCC review of the handling of complaints of discrimination³⁶.
- 6.3 The Independent Police Complaints Commission (IPCC) review highlighted that of 170 complaints from the public alleging discrimination only 94 were investigated and of those no discrimination allegations were upheld. The report also finds that whilst overall the three forces investigated (West Yorkshire, Greater Manchester and West Midlands) uphold between 11 and 13% of complaint allegations from the public, by contrast, over half of the 32 investigations into discrimination allegations raised by the police themselves were upheld. Furthermore it found that there was insufficient training in diversity, and that this both results in complaints and means that they are not well handled.
- 6.4 It is also extremely concerning that the Bill is silent on the issue of accountability. In particular, no mention is given as to whether these encounters will be documented.

Impact on Police Community Race Relations

- 7.1 From a policing and community race relations aspect, the NBPA is concerned that in the worst-case scenario, the impact of the Bill could lead to a repeat of some of the most damaging incidents in Police race relations history. The incidents highlighted below have contributed to undermining trust and confidence in the Police.
- 7.2 On 1st August 1993, Joy Gardiner, a 40 year-old Jamaican mature student living as an undocumented migrant in Crouch End London died of a brain haemorrhage during a raid on her flat. Three policemen were tried for her manslaughter, but were later acquitted.
- 7.3 The shooting of Cherry Groce in September 1985 during a police raid. This was a contributory factor to the 1985 Brixton riots. After the inquest into the death of Ms Groce, the Metropolitan Police Commissioner Sir Bernard Hogan-Howe, apologised to the family and admitted the 'irreparable damage' caused by the Police³⁷.
- 7.4 The death of Cynthia Jarrett who died of heart failure on the 5th October 1985 during a police search on her home. The death of Ms Jarrett was a contributory factor in the Broadwater Farm riots.
- 7.5 Given existing and proposed cuts to the policing budget and the knock on impact on Neighbourhood policing and the visibility of front line police officers, the impact of the proposed legislation is likely to extend the role of the police into that of 'Immigration Enforcement Officers'.
- 7.6 **In populist and crude terms, the proposals contained in the Bill would result in the Police becoming the 'whipping boy' for the immigration service.**
- 7.7 The Police Service is a visible organisation, which works with and within communities. The NBPA is an integral part of the Police Service. It is inevitable that the Police will foster the burden of

³⁶ Independent Police Complaints Commission (2014), Police handling of allegations of discrimination.

³⁷ 'Cherry Groce children to sue Met Police for damage shooting caused them', Diane Taylor, Thursday 6th August 2015, The Guardian.

hostility around the impact of the proposed legislation. This could potentially have an adverse impact on the numbers of BME recruits to the police and severely damage police community relations. **Police community relations have historically been hard to build and easy to destroy.**

- 7.8 If enacted, the Bill will set back the hard work undertaken by the police and in particular the National Black Police Association to improve community and race relations. It will potentially lead to a decrease in BME people coming forward to report crimes as victims and witnesses and seeing the Police as an employer of choice.
- 7.9 The divisive nature of this legislation creates the conditions for making “every black person a priori suspect, a potential criminal, a potential agitator”³⁸. This could return the UK to the ‘bad old days’ of the SUS laws, with the creation of a culture of suspicion – undermining cohesion. This toxic environment will be a fertile ground for discrimination, harassment and injustice to flourish. This will threaten rights and freedoms.

³⁸ Centre for Contemporary Cultural Studies (1982:31), *The Empire Strikes Back, Race and Racism in 70s Britain*, Oxford: Routledge.

Annex 4

**National Black Police Association**

**President
Janet Hills**

Submission**Home Affairs Select Committee- Police Diversity****Introduction**

- 1.1 The NBPA is grateful to the Committee for the opportunity to be able to present its concerns prior to the oral hearing on Diversity in Policing on the 12th April 2016. This submission outlines the main concerns of the NBPA on this issue.
- 1.2 For ease of understanding, the submission is organised thematically; Governance, Cleveland Police, Transparency, Racial Disproportionality in Discipline and Complaints and Racial Discrimination.

Issues

- 2.1 The NBPA is concerned and frustrated that focus on diversity in policing, is concerned with the recruitment of BME people, when their progression and retention should also be considered. We take this opportunity to remind the Committee of evidence that the Metropolitan Black Police Association gave to the Macpherson Inquiry on 25th September 1999³⁹.

Unfortunately, what we see, at this moment in time is black people are invited into the organisation as sure. Our recruitment schemes, initiatives are second to nil, second to nil. However, once the black person becomes a member of the organisation then it becomes all too apparent to that individual that they must conform, conform to that, the norms which predominantly are white in these organisations. So, the black person is expected to become, if you like, a clone. I would say it is as severe as that. You are not asking a black person to come in to experience that persons views, cultures, et cetera, the different manner that he may do things or might perceive things, you are asking them to come into this organisation and to conform to the norm of the majority of the organisation. If you do not do so then you will feel, personally, very uncomfortable.

- 2.2 We acknowledge that it is important for the police service to reflect the communities it serves and applaud the concern of the Committee and the commitment of the Home Secretary on this issue.

³⁹ Transcript of the Macpherson Inquiry, (pp. 218), Friday 25th September 1999, National Archives.

2.3 However, we believe that the preoccupation with BME recruitment detracts from more significant concerns, which undermine the recruitment of BME police officers and present serious risks for the future of policing and public confidence in the police. These concerns are identified as follows:

- Failure of police organisations tasked with developing interventions aimed at understanding, identifying and addressing racial disproportionality, to involve the NBPA in its governance arrangements for those interventions.
- Significant race issues in Cleveland Police.
- Racial disproportionality of BME police officers in the area of discipline and complaints⁴⁰.
- Failure of police forces to deal effectively with race discrimination cases.
- Lack of progression of BME officers⁴¹ and in particular BME female officers.
- Bullying and harassment of BME police officers⁴².
- Perceived vindictive and malicious criminal prosecutions, pursued against police officers who pursue race discrimination cases.

2.4 These concerns undermine attempts to attract and retain BME people in the police service. As such, they require urgent attention and action.

Governance

3.1 Whilst the College of Policing is tasked with providing guidance on diversity and policing matters, it does not readily involve the NBPA in the governance arrangements of race specific work-streams, which impact the NBPA and its members.

3.2 We alert the Committee to the fact that the College of Policing did not involve the NBPA in the governance arrangements in the development of its National Survey of BAME staff (BME 2018). Good practice in the engagement of stakeholders would have ensured the involvement of the NBPA in this initiative from its inception.

3.3 Furthermore, the NBPA were only provided with a summary of the survey findings and not the full report. The full report was only given to the NBPA after persistent pressure. Given that the survey findings are of direct relevance for the NBPA and its members, it is vital in the interests of good governance and transparency, that initiatives of this nature involve the NBPA.

3.4 We refer the Committee to the concerns it made about the lack of BME officers on the strategic command course and the Government's subsequent identification of positive steps taken by the College of Policing to extend the deadline for expressions of interest from BME officers to the PNAC⁴³. It is unfortunate that the NBPA and also the National Association of Muslim Police (NAMP) were **not** informed of this development and neither were they invited to cascade this information to their members.

3.5 This series of events crystallises concerns of the NBPA as to whether it is truly embedded within governance arrangements of initiatives/interventions designed to impact positively on BME police officers and staff.

3.6 It is important that the NBPA supports the interventions developed by the College of Policing to improve the recruitment, retention and progression of BME people in the police. However, it is

⁴⁰ Smith, G., Johnson HH and Roberts, C. (2012) Disproportionality in Police Professional Standards.

⁴¹ Black Wiltshire police officer was racially harassed (10th April 2015) BBC News

⁴² Bradford, B., Brown, J and Schuster, I (December 2012) Results of a Survey on the State of the Police Service in England and Wales, Independent Police Commission,

⁴³ Leadership and Standards in the Police (November 2013) The Government response to the Third Report from the Home Affairs Committee Session 2013-14 HC 67. Cm8759

equally important that the NBPA are viewed and treated as an interested party and key stakeholder with solutions to historic problems around racial disproportionality in the police. This is especially so, given the positive public commitment of the Home Secretary to the NBPA.

Cleveland Police

- 4.1 The NBPA highlights to the Committee serious race issues, which are prevalent within Cleveland Police. These issues follow from a recent high profile race discrimination case of a firearms officer, Nadeem Saddique⁴⁴ (however, they stem historically from the high profile case of Sultan Alam⁴⁵). The case reveals a nuanced shift in the discrimination faced by asian police officers; where they are subjected to racial stereotyping which equates them with being terrorists⁴⁶. There are currently 6 race discrimination cases being brought by Cleveland police officers and two civil actions, which are rooted in race issues.
- 4.2 The serious nature of the race issues resulted in the NBPA taking the unprecedented step in referring the police to the Independent Police Complaints Commission in November 2015. This was due to the fact that the Professional Standards Department conducted an on-going and covert operation against all asian officers. Furthermore, the phone records of a whistle blower, a local journalist, solicitor and Police Federation representative were accessed following an article in the media regarding institutional racism at Cleveland Police⁴⁷. This is currently being investigated by the Investigatory Powers Tribunal. The IPCC announced on the 23rd March 2016 that they would undertake an investigation into Cleveland Police. The terms of reference for the investigation have not been announced.

Racial Disproportionality in Discipline and Complaints

- 5.1 Despite reviews by Morris et al⁴⁸ (2004) and Ghaffur⁴⁹ (2004), concerns still exist into the prevalence of racial disproportionality of BME people in the area of discipline and complaints. The most recent research highlights that⁵⁰:
 - Statistical evidence of racial disproportionality affecting BME staff in discipline and complaints proceedings.
 - Perceived formalisation of measures aimed at dealing with the behaviour of BME staff as compared with white staff.
 - Perceptions that disproportionality in internally raised misconduct proceedings are connected to the under representation of BME officers in the Professional Standards Unit.
- 5.2 We are concerned that despite the identification of racial disproportionality in this area, little action seems to be taken to address the root causes. It is imperative that these issues are tackled. A failure to do so will impact adversely on the recruitment, retention and progression of BME officers and only sets people up to fail.

⁴⁴ N. Siddique and the Chief Constable of Cleveland Police (25th November 2015), Employment Tribunals: Case Number 2501606/14.

⁴⁵ 'Former Police officer wins £840,000 compensation after stitch up', Helen Carter, 16th April 2012, The Guardian.

⁴⁶ 'His oral evidence and many documents reveal he felt his being of Pakistani decent caused prejudice against him. Many people associate Pakistan with being sympathetic to Islamic terrorism. The claimant wrote at the time of one incident that he was considered a 'security risk'. This is not to do with colour. Irish people complained of similar prejudice in the 1970s and 80's when the threat to security came from the IRA'. Para 3.9, pp. 17, N. Siddique and the Chief Constable of Cleveland Police (25th November 2015), Employment Tribunals: Case Number 2501606/14.

⁴⁷ 'Northern Echo journalists' phone records 'accessed' by Cleveland Police', Julia Breen, 17th November 2015, Northern Echo.

⁴⁸ Morris, W.; Burden, A.; Weekes, A.; (2004), The Case for Change – The report of the Morris inquiry: An independent inquiry into professional standards and employment matters in the Metropolitan Police Service.

⁴⁹ Ghaffur, T., (2004) Thematic Review of Race and Diversity in the Metropolitan Police Service.

⁵⁰ Smith, G.; Johnson HH; Roberts, C.; (2012) Disproportionality in Police Professional Standards.

Transparency

- 6.1 We note that the Committee recommended that the police should “*collect and publish data detailing diversity within each department to be completed by April 2014*” (HASC 2013:41)⁵¹. Despite our efforts, we have been unable to locate data relating to Muslim police officers and staff. Whilst we recognise that the Equality Act (2010) does not place a specific duty on public authorities to gather equality data in relation to protected characteristics, we believe that the gathering and analysis of key data on staff with protected characteristics will facilitate an understanding and identification of disproportionality and facilitate strategies for addressing them. We therefore would welcome the Committee’s guidance in this matter.

Accountability

- 7.1 We note a pattern, albeit not widespread, of perceived vindictive and malicious prosecutions of police officers who bring forward cases of race discrimination. In particular, we highlight the cases of Carol Howard⁵² (Metropolitan Police) and Kashif Ahmed⁵³ (West Yorkshire Police). Whilst we welcome the introduction of the Code of Ethics, we are concerned that there has historically been little appetite to apply or enforce ethical standards in cases of this nature. In particular, we are aware of anecdotal evidence which suggests that officers involved in instigating malicious and vindictive prosecutions are ‘rewarded’ through promotion.
- 7.2 A failure to tackle this issue effectively not only undermines public confidence in the police, but it also impacts adversely on BME recruitment into the police. This issue is important especially when seen in the context of information produced by the College of Policing. This highlights that the BME population of England and Wales will be 16% of the total population by 2026. This will require the police service to recruit 17,000 BME officers over the next 10 years for the police to be reflective of the community it serves⁵⁴. Not tackling these issues are impediments to securing the Government’s ambition of ‘one nation’ policing.

Racial Discrimination

- 8.1 Despite a number of public inquiries into race issues into the police, racism is still an issue for a number of police officers and staff. In particular, we highlight the findings of research into bullying and harassment of BME police officers⁵⁵ and female police staff⁵⁶. We draw attention to the racism and sexism faced by female BME police officers and staff such as Ricky Haruna⁵⁷ (Metropolitan Police), who are ‘invisible’ within the police organisation.
- 8.2 A number of our members are currently on their third employment tribunal case: Paul Bailey⁵⁸ (Greater Manchester) is one such member. This illustrates that lessons are seldom learned and action rarely taken against perpetrators. Instead, a culture of protecting the perpetrators and victimising the victims seems to be prevalent.

⁵¹ House of Commons Home Affairs Committee (July 2013), Leadership and Standards in the Police, Third Report of Session 2013-14 VI HC 67-I pp. 41.

⁵² ‘Police officer Carl Howard v the Met: ‘I was absolutely humiliated’’, Rachel Williams, 9 September 2015, The Guardian.

⁵³ ‘Bradford Officer tells of his relief and now plans to go on a pilgrimage to reflect and recover’, Steve Wright, 11th March 2011, The Telegraph and The Argus.

⁵⁴ College of Policing (March 2015), Leadership review – Interim Report.

⁵⁵ Bradford, B.; Brown, J.; Schuster, I.; (December 2012) Results of a Survey on the State of the Police Service in England and Wales, Independent Police Commission.

⁵⁶ Unison (2016), Police Staff Bullying Survey.

⁵⁷ ‘Kate Middleton’s former police guard reinstated after wrongful dismissal’, The Telegraph, 17th March 2015.

⁵⁸ ‘Tribunal finds GMP victimised black police officer, leading to fresh claims of ‘institutional racism’’, John Scheerhout, 15th February 2015, Manchester Evening News.

- 8.3 We alert the Committee to the impact of out of court settlements in race discrimination cases. As liability is not admitted, lessons are not learnt and a cavalier attitude develops which undermines race relations within force areas.

Conclusion

- 9.1 We believe that focus should be placed on understanding and addressing the issues faced by BME police officers and staff. This requires an honest, proactive and mature approach, which is underpinned by the analysis of data and the genuine and active engagement and involvement of BME staff and staff support networks like the NBPA. The development of meaningful interventions, which contribute to understanding, identifying and addressing racial disproportionality in the police is, we believe, the key to delivering a 'one nation' policing.

**National Black Police Association**

President
Janet Hills

House of Commons Home Affairs Select Committee
Oral Evidence: Police Diversity, HC 933

Introduction

- 1.1 This supplementary briefing of the National Black Police Association is a response to questions raised by the Home Affairs Select Committee on the 12th April 2016 as part of its inquiry into Police Diversity (HC 933). This was also at the request of the Chairman for further written evidence to Questions 23 – 24 and 31, raised by Nusrat Ghani MP and Mr Burrows MP respectively.
- 1.2 The NBPA would like also to take this opportunity to clarify matters raised during the Oral Evidence session regarding Positive Action and Institutional Racism made by members of the Committee. The NBPA wants to identify ways in which race issues in the Police Service can be better addressed.

Questions Raised by the Committee

- 2.1 “Q23-24: Nusrat Ghani – can you explain to me a policy that has been produced that you believe to be racist?”
- 2.2 The NBPA has attached at **Annex A** two case examples of policies which it feels are institutionally racist. Due to the sensitive nature of the case examples, they have been attached as a separate document as discussed and agreed with the Second Clerk to the Committee.
- 2.3 We would like to bring to the attention of the Committee the concerns made by HMIC in its PEEL: Police Legitimacy Report 2015, a national overview⁵⁹:

‘HMIC is deeply concerned that there may be bias in the way that those from a black, Asian and minority ethnic background are treated, following a public complaint or an internal allegation of misconduct. We also have some evidence to support our earlier inspection findings that, following a complaint or allegation against a BAME officer or staff member, a pattern of behaviour seems to take place that makes it more likely for that complaint or allegation to be considered by the professional standards department.

We are extremely disappointed that, given the sensitivity and importance of this issue, forces have not done more to have robust

⁵⁹ HMIC (February 2016) Peel Legitimacy 2015 A national overview.

and consistent processes in place for gathering and analysing data to assess for themselves whether all complaints or allegations against officers and staff are dealt with fairly and consistently’.

2.4 “Q31: Mr David Burrows – will you be able to provide us with details of those rates?”

2.5 The NBPA has attempted to locate official data on dismissal rates of BME officers, however unfortunately, this information is not readily available. Despite this, in its search for the information, the NBPA has located a response to an FOI from the Metropolitan Police which outlines the rates of dismissal for misconduct for both BME and white staff from the period of 2002-2015. This is outlined at **Annex B**.

Matters of Clarification

Covert Racism/Culturally Insensitive:

3.1 “Q23: Nusrat Ghani – Janet Hills, you mentioned something quite early on in your opening statement that you felt some of the policies that were produced were covertly racist”.

3.2 Respectfully, the NBPA clarifies to the Committee that Ms Hills stated very clearly at Q10 the following; ‘ I believe that there is institutional racism within the police service, given the policy and practices that are written that have hidden biases that are not always visible until you overlay the lived experiences of members on the policy’.

3.3 At no point during the proceedings did Ms Hills state that policies were ‘covertly racist’. Ms Hills’ responses to the Committee were underpinned by the definition of Institutional Racism as outlined in the Macpherson Inquiry, which is as follows:

“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”. Macpherson 1999: 6.34⁶⁰.

3.4 The NBPA would like to clarify its viewpoint on the remarks made by Nusrat Ghani at Q66:

*“The evidence that you have presented today and that you have submitted to the Committee I would argue is less about race but more about the **lack of shared cultural experiences** amongst minority ethnic people coming forward in the police force, than there would be for a white British person. I do not think the issue is just about race, or more about race. The people coming forward who are black or Asian **will not have had the same experiences**. They will not have gone to the same schools and colleges, they will not have the same corporate language, there will not be an environment where their friends or family would have worked in that environment, so they might struggle a bit more at a selection process. They might struggle a bit more possibly understanding the process. They might struggle a bit more possibly understanding how to get through each promotion, and also they will not have the friendship networks to understand where the promotion comes forward and to get promoted. Would you argue then that it possibly is less about race and more about cultural experiences, because black and Asian people will have come from a completely background or community from a white*

⁶⁰ Macpherson, W.; (1999) The Stephen Lawrence Inquiry, Report of an Inquiry By Sir William Macpherson of Cluny, CM 4262-I Stationary Office.

counterpart? [...] You said it was institutionally racist and I think it is **culturally insensitive**.”

- 3.5 Whilst the NBPA respects the views of Nusrat Ghani, we believe them to be unhelpful, as they attribute the lack of BAME promotion, recruitment and retention in these areas to BAME people **themselves**. This **deflects** attention away from discriminatory practices, which may operate within public sector organisations such as the police service.
- 3.6 In view of the comments made and their potential negative impact on BAME members of staff in the police service and other public sector organisations, the NBPA feels that it is important to highlight the views of the Prime Minister on this very subject, which are welcomed by the NBPA:

“But we need to sweep away the other things holding people back, not least discrimination. You can give someone all the opportunities in the world – a brilliant school, first-class training, decent jobs – but it’s no good if they’re prevented from getting on because of their gender, race, religion, sexuality or disability. Getting this right is a natural and logical next step for a modern, compassionate Conservative party that wants to extend social mobility. [...] But for all the legislation we have passed, discrimination still persists. It’s no longer signs on doors that say “no blacks allowed”; it’s quieter and more subtle discrimination. It’s the disappointment of not getting your first choice of university place; it’s being passed over for promotion and not knowing why; it’s organisations that recruit in their own image and aren’t confident enough to do something different, like employing a disabled person or a young black man or woman”⁶¹.

Positive Action:

- 4.1 “Q57: Naz Shah – do you think you are missing it because you are teaching your BME staff to go away and look at BME issues when the issue for your white staff is to understand BME issues? Why not have mixed ones? Can somebody explain that to me?”
- 4.2 It is important that the NBPA clarifies the issue of Positive Action within the police service. The NBPA does not develop or implement positive action traineeships. Positive Action guidance/schemes/traineeships are developed and implemented at a national and local level (by the College of Policing and Police Forces).
- 4.3 The NBPA recommends to the Committee the very useful guidance on Positive Action developed by the College of Policing⁶². This sets out what is meant by Positive Action in the context of the police service, which is defined as:

“Positive action does not mean people will be employed or promoted simply because they share a protected characteristic. Rather it aims to encourage and assist people from disproportionately under-represented groups in order to help them overcome disadvantages associated with the protected characteristic when competing with other applicants, or to enable them to participate in the activity. Positive action creates a level playing field to enable people to compete on equal terms and promote equality of opportunity. This ensures that all applicants are treated in an equal way or treated differently, depending on their needs, to preserve equal treatment and recruitment based on merit” (College of Policing Limited: 2014:2.7)

⁶¹ ‘The Conservatives have become the party of Equality’, David Cameron, Monday 26th October 2015, The Guardian.

⁶² College of Policing (2014): Positive Action Practical Advice Considerations for the police service and stakeholders on the use of positive action initiatives to promote equality in the police service workplace.

What needs to be done

- 5.1 The NBPA has identified a number of areas where it believes focus needs to be placed on understanding, identifying and addressing race issues in the police service. This will enable the Government to achieve its vision of 'One Nation Policing' of which the NBPA are an integral part.
- 5.2 The NBPA would like the Committee to consider that the College of Policing develop a more rigorous framework for scrutiny and oversight on race issues through setting standards on leadership and workforce development of BAME Officers and police staff.
- 5.3 The NBPA would like the Committee to consider that HMIC develop an inspection framework with specific workforce and operational intrusive questions on race, which the NBPA supports through an advisory capacity.
- 5.4 The NBPA welcomes the Home Secretary's push for accessible diversity policing data. The NBPA believes that this could be improved by a greater level of granularity, especially in the area of inter-sectionality (gender and race) and the inclusion of data around misconduct and dismissal at both national and local level. Transparency and accessibility of data are tools for action in the area of race in the police. Without robust data, it is difficult to identify where the real challenges lie. The NBPA would like the Committee to consider greater transparency around exit data, which should also include dismissal.
- 5.5 The NBPA believes that through her statements and actions, the Home Secretary has demonstrated her commitment to diversity issues in the police service. This is appreciated and welcomed by the NBPA. It is important that her example is emulated by police leaders, be they Chief Constables or Police and Crime Commissioners and that they engage in a meaningful and proactive way with the NBPA at both the local and national level. Given the lack of diversity in the statutory staff support associations, the NBPA would like the Committee to consider that they (the NBPA) are placed on an equal footing at both national and local level in engaging with Chief Constables and Police and Crime Commissioners.
- 5.6 The NBPA and National Association of Muslim Police (NAMP) have an important role to play in the fight against extremism. The NBPA would like the Committee to consider that the NBPA and the NAMP are proactively involved in work of this nature with police and communities at national and local level.
- 5.7 The NBPA does not have the same legal status as the Police Federation or Trade Unions. However, it plays a vital function in ensuring that race equality is considered within the police service. The NBPA Cabinet – the President, Vice President and General Secretary undertake their roles alongside their day jobs. Notwithstanding, this presents a number of challenges. The NBPA would like the Committee to consider that, at minimum the President role is funded by the National Police Chief Council given that the NBPA provides support to all 43 police forces.

Annex 6

**National Black Police Association****Submission****Labour Party Home Affairs Policy Commission****How should we reform the police to better tackle the crime and policing challenges of the future?****Introduction**

- 1.1 The NBPA is grateful to the Labour Party Home Affairs Policy Commission for the opportunity to be able to present its views on police reform to tackle the crime and policing challenges of the future. This submission outlines the main concerns of the NBPA on this issue.
- 1.2 For ease of understanding, this submission is organised thematically; governance; race discrimination; transparency/accountability; racial disproportionality in discipline and complaints; Home Affairs Select Committee Police Diversity (HC27); PREVENT; Provisions within the Policing and Crime Bill 2015-16: complaints, super complaints, whistleblowing and the requirement to confirm nationality.

Background

- 2.1 The aim of the NBPA is to promote good race relations and equality of opportunity within the police services of the United Kingdom and the wider community. Our objectives are to:
 - Advise, consult and intervene on matters of racism nationally, which have a negative effect on communities.
 - Work towards improving relationships between the police and Black and Minority Ethnic (BAME) communities within the United Kingdom.
 - Influence the direction of policies nationally, in line with equality issues and anti-discrimination.
 - Work towards improving the recruitment, retention and progression of officers and police staff members within the police service.

Issues

- 3.1 The NBPA has identified that the key issues in terms of race and policing are as follows:
 - Governance
 - Race discrimination
 - Transparency and accountability
 - Racial disproportionality in discipline and complaints
 - Home Affairs Select Committee Police Diversity (HC27)

- PREVENT
- Provisions within the Policing and Crime Bill 2015-16: complaints, super complaints, whistleblowing and the requirement to confirm nationality

Governance

- 4.1 It is important that organisations tasked with pursuing race issues in policing embrace the principles of participative governance and readily involve organisations with both the experience of race issues in policing and the mandate to advocate in the interests of their members. This was a principle established by Lord Scarman (1981) and confirmed by the Macpherson Inquiry (1999). A failure to do so only serves to demonstrate 'lip service' to participative governance.
- 4.2 Organisations such as the NBPA are tasked with advocating on behalf of its members. We play a vital role in articulating concerns and identifying solutions to enhance industrial and race relations. As such, we should be an integral part of the Police, Home Office, College of Policing, Police and Crime Commissioners consultative framework and not an afterthought. Consideration should be given to formalising the consultative role of the NBPA with these agencies.
- 4.3 It is important for the NBPA to continue to actively engage with Parliamentarians, the Home Office, the College of Policing and Police and Crime Commissioners. Thereby ensuring that ***race is a priority and not a mainstream issue***, in terms of employment, service delivery and community engagement.

Racial Discrimination

- 5.1 Despite numerous public inquiries into race in policing (Scarman (1981); Macpherson (1999); HMIC (2001); HMIC (2003); Morris et al (2004); Ghaffur (2004); and CRE (2005)), race issues are not dealt with effectively and are still an issue for a number of police officers staff and communities.
- 5.2 The 2012 survey into the state of the UK police by the Independent Police Commission of 14,000 respondents (one in ten being serving officers up to the rank of Chief Superintendent⁶³) identified the extent of bullying and harassment of BME police officers. **It is important that the Commission undertakes further work in this important area.**

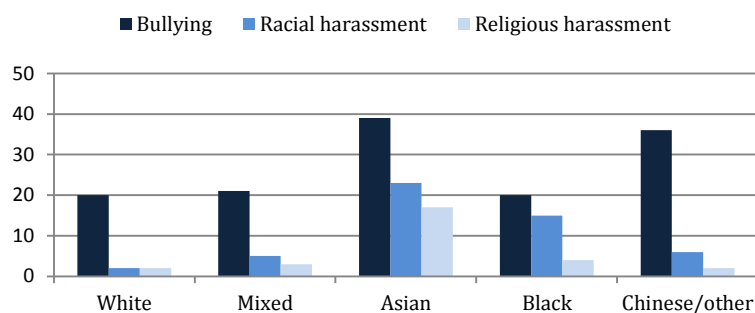


Figure 1. Percentage reporting being bullied 'all' or most of the time

⁶³ Source: Bradford, B.; Brown, J.; and Schuster, I.; (2012) Results of a survey on the state of the Police Service in England and Wales, Independent Police Commission.

- 5.3 We draw attention to the racism and sexism faced by female BME police officers and staff, such as Ricky Haruna⁶⁴ (Metropolitan Police) who are 'invisible' within the police organisation. **It is important that the Commission actively explores the issues faced by BME women in policing.**
- 5.4 A number of NBPA members are currently on their third Employment Tribunal cases. This is the experience of Paul Bailey from Greater Manchester. This illustrates that lessons are seldom learned and action rarely taken against perpetrators. Instead, a culture of protecting the perpetrators and victimising the victims seems to be prevalent.
- 5.5 We alert the Commission to the impact of out of court settlements in race discrimination cases. As liability is not admitted, lessons are not learnt and a cavalier attitude develops which undermines race relations within force areas. **Fundamentally, this masks the true extent of racism within the Police.**
- 5.6 **We believe that the implementation of the Police Complaints and Misconduct (Amendment) Regulations 2008 which came into force on the 1st December 2008 is symptomatic of institutional racism and needs to be urgently addressed. This has created the situation whereby whilst the guidance from the National Police Chief Council states that racism is gross misconduct and is so serious that it warrants dismissal, complaints about racism and other protected characteristics are 'masked' and labelled as misconduct. The Regulation is such, that once decisions are made they can't be revoked or changed.**
- 5.7 **It is perceived that the Regulation is interpreted and implemented to benefit white officers, whilst it is used to the detriment of BME officers. This apparent double standard and failure to accurately, holistically and sensitively assess complaints is fuelling resentment and mistrust of procedures designed to promote fairness and equity. A review of the application of the Regulation with reference to Conduct would be welcomed.**
- 5.8 We remind the Commission of the Concerns made by the HMIC in its PEEL: Police Legitimacy Report 2015, a national overview:

'HMIC is deeply concerned that there may be bias in the way that those from a black, Asian and minority ethnic background are treated, following a public complaint or an internal allegation of misconduct. We also have some evidence to support our earlier inspection findings that, following a complaint or allegation against a BAME officer or staff member, a pattern of behaviour seems to take place that makes it more likely for that complaint or allegation to be considered by the professional standards department.'

We are extremely disappointed that, given the sensitivity and importance of this issue, forces have not done more to have robust and consistent processes in place for gathering and analysing data to assess for themselves whether all complaints or allegations against officers and staff are dealt with fairly and consistently'⁶⁵.

Transparency and Accountability

- 6.1 Whilst we recognise that the Equality Act (2010) does not place a specific duty on public authorities to gather equality data in relation to protected characteristics, we believe that the gathering and analysis of key data on staff with protected characteristics will facilitate an understanding and identification of disproportionality and facilitate strategies for addressing

⁶⁴ 'Kate Middleton's former police guard reinstated after wrongful dismissal', 17th March 2015, The Telegraph.

⁶⁵ HMIC (February 2016), PEEL: Police legitimacy, a national overview, pp. 7.

them. We therefore would welcome the Commission's support in this matter.

- 6.2 We note a pattern, albeit not widespread, of perceived vindictive and malicious prosecutions of police officers who bring forward cases of race discrimination. In particular, we highlight the cases of Carol Howard⁶⁶ (Metropolitan Police) and Kashif Ahmed⁶⁷ (West Yorkshire Police).
- 6.3 Whilst we welcome the introduction of the Code of Ethics, we are concerned that there has historically been little appetite to apply or enforce ethical standards in cases of this nature. We are aware of anecdotal evidence, which suggests those involved in instigating malicious and vindictive prosecutions are perceived to be *rewarded* via promotion. We would be grateful for the Commission's attention to this matter.
- 6.4 A failure to tackle this issue effectively undermines public confidence in the Police and impacts adversely on BME recruitment into the Police. This issue is important especially when seen in the context of information produced by the College of Policing. This highlights that the BME population of England and Wales will be 16% of the total population by 2026. This will require the police service to recruit 17,000 BME officers over the next 10 years for the Police to be reflective of the community it serves⁶⁸.

Race Disproportionality

- 7.1 A simple comparison of the achievements for female police officers in the aftermath of the Alison Halford case in 1992 highlights that the push from the Inquiry by the Equal Opportunities Commission had a subsequent impact on the treatment and experiences of women within the Police.
- 7.2 It is important to note that the Equal Opportunities Commission submission to the Select Committee on Home Affairs in 1998 outlined concern regarding a 'resistance to sex equality'.
- 7.3 The situation facing women in the Police has improved⁶⁹. Currently, 28.2% of all officers are female:
 - From 31 March 2015, there are 35,738 female police officers in the 43 police forces – an increase of 85 (0.2%) compared with the previous year.
 - The proportion of female police officers has increased from 22.3% in 2006 to 28.2% in 2015.
 - 21.4% of female police officers are in senior ranks (Chief Inspector and above) – a 1.9% increase since March 2014.
 - 30.2% of women are at Constable rank – an increase of 0.1% from March 2014.

⁶⁶ Police officer Carl Howard v the Met: *'I was absolutely humiliated'*, Rachel Williams, Tuesday 9 September 2015, The Guardian.

⁶⁷ *'Bradford Officer tells of his relief and now plans to go on a pilgrimage to reflect and recover'*, Steve Wright, 11th March 2011, Telegraph and The Argus.

⁶⁸ College of Policing (March 2015), Leadership review- Interim Report.

⁶⁹ Home Office (July 2015), National Statistics Police Workforce, England and Wales: 31 March 2015.

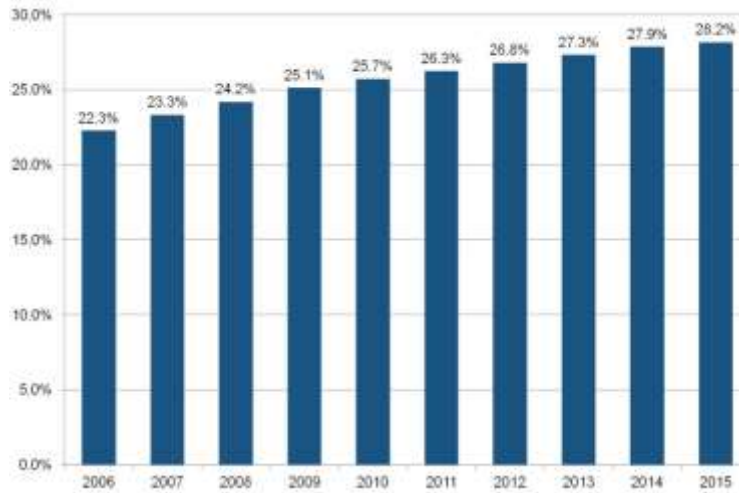


Figure 1: Proportion of police officers who are female, as at 31 March 2006 to 2015, England and Wales

7.4 However, whilst the situation for female police officers has improved, there has only been a slight increase in the numbers of BME police officers. It is the poor levels of progression which are concerning:

- There are currently 6,979 BME police officers in the 43 forces. This is an increase of 3.9% from the previous year.
- Whilst there has been an increase of the proportion of BME police officers from 3.6% in 2006 to 5.5% in 2015, BME police officers are disproportionately concentrated at the lower ranks.
- 3.4% of Chief Inspectors or above are from a BME background.
- 6.0% of BME police officers are at Constable rank.
- BME Police officers in the Police are from the following ethnic backgrounds; 40.0% Asian or Asian British, 29.0% Mixed, 19.7% Black or Black British and 11.2% Chinese or Other ethnic group.

7.5 It is fair to say that despite all the interventions and policies, **there is still 'resistance to race equality'**.

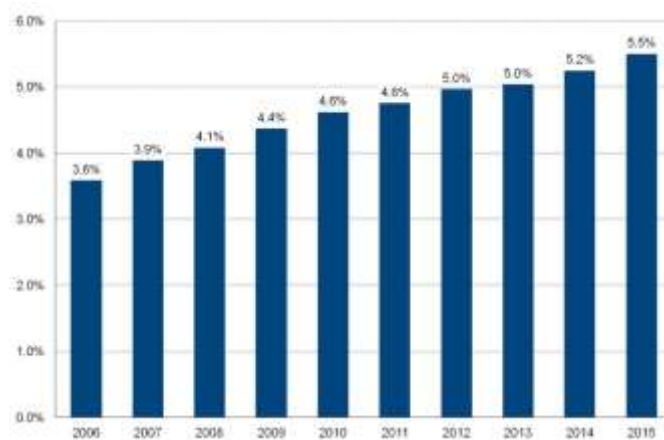


Figure 2: Proportion of police officers who are Minority Ethnic, as at 31 March 2006 to 2015, England and Wales

7.6 The 'resistance' to race equality is best exemplified in the levels of racial disproportionality in

the area of discipline and complaints. **We believe that this issue is stagnating the progression of BME police officers, as time limitations placed on disciplinary sanctions have a knock-on effect on an officer's ability to apply for promotion.**

7.7 **We believe that identifying, understanding and addressing racial disproportionality in discipline and complaints is key to tackling the stubborn lack of progression of BME people officers.**

7.8 In his 2004 *'Thematic Review of Race and Diversity in the Metropolitan Police'*, Assistant Commissioner Tarque Ghaffur identified the following:

*'It is of considerable concern that Black and Asian officers are one and a half times more likely to be the subject of internal investigations and written warnings. This finding is verified by the BPA report and through evidence of other staff associations. Some of the reasons for this include a **tendency for managers to initiate formal processes quickly, a lack of knowledge of how to resolve complaints locally, and a difference in the interpretation of the codes of conduct by diverse groups within the organisation**' (Ghaffur 2004: 4).*

7.9 Smith et al (2012) identified the following concerns:

'Statistically significant over-representation of BME officers and staff was identified in the GMP counter-corruption intelligence data. Asian officers and staff were 2.79 and 3.59 times more likely than white officers and staff, respectively, to be subjected to counter-corruption intelligence. The experiences and perceptions of BME officers interviewed were of a two-tier misconduct system in which they were subjected to unjust and punishing treatment and white officers were dealt with informally. There was broad consensus among interviewees of the preference of divisional managers and supervisors to refer BME officers to PSB.' (Smith et al 2012:4).

PREVENT

8.1 The NBPA believes that the introduction of the duty in the Counter Terrorism and Security Act (2015) as detailed through the revised *Prevent* duty guidance⁷⁰ will further exacerbate the culture of fear, mistrust and suspicion of Muslims and have a potentially devastating effect on the Muslim community. The NBPA agrees with the viewpoint set out by Baroness Professor Ruth Lister⁷¹ et al who assert that Prevent *'reinforces an 'us' and 'them' view of the world, divides communities, and sows mistrust of Muslims'*. As such, **the NBPA endorses the view of David Anderson QC⁷² regarding an independent review of the Prevent Strategy⁷³.**

Home Affairs Select Committee Police Diversity (HC27)

Introduction

9.1 Whilst we generally welcome the recommendations made by the HASC, we do not feel they will address the stubborn issues at the heart of race inequality and policing, as they are not underpinned by a supportive public policy discourse around racism/race equality – which is the case with gender.

⁷⁰ HM Government (16 July 2015), Revised *Prevent* Duty Guidance for England and Wales: Guidance for specified authorities in England and Wales in the duty in the Counter Terrorism and Security Act 2015 to have due regard to the need to prevent people from being drawn into terrorism.

⁷¹ *'Prevent will have a chilling effect on open debate, free speech and political dissent'*, Friday 10th July 2015, The Independent.

⁷² Supplementary written evidence submitted by David Anderson Q.C. (Independent reviewer of Terrorism Legislation).

- 9.2 We believe that a supportive public policy discourse (which channels support for equality issues) is essential to ensuring that these recommendations are not only implemented but embedded within the police culture. In a climate where issues of immigration and radicalisation dominate the national and international media in a negative manner, much more needs to be done than what is being recommended by the HASC.
- 9.3 At the heart of our concerns is the HASC's failure to state the words: race and racism, and its inability to acknowledge the continued existence of institutional racism within policing. Sadly, this is nothing new and part of a continued pattern of marginalisation and backlash against race and racism in favour of the more conciliatory terminology of diversity and unconscious bias.
- 9.4 Furthermore, we feel that there is little within the report, which focuses fully on governance and accountability, save for apparent 'light touch' internal governance and accountability mechanisms. These omissions lend themselves to a range of interventions, which we feel we are ideally placed to advise on and influence, both at national and local level.
- 9.5 On face value whilst the report focuses primarily on race issues, *it does not* explicitly mention this term. The use of the term 'diversity' is confusing. **We are concerned that the potentially deliberate usage of the term (diversity) could result in a dilution from a focus on race to the wider protected characteristics.** It is imperative that we establish what in actual fact the Commission, the Home Office and the HASC understand by the term 'diversity' in the context of the recommendations. We believe that it is this, which will govern what is implemented at local and national level. **From the NBPA perspective, it is imperative that the focus is on race issues, as the Committee *did not* explore issues pertaining to other groups.** If this is indeed the case, then careful consideration needs to be made to ensure that there is no internal or external backlash for the focus on race issues.
- 9.6 We believe that the HASC has missed an opportunity to develop a range of recommendations aimed at tackling inherently structural issues, which are fuelling and exacerbating the experiences of BME people in the Police. It is these structural issues, which we identified in both oral and written submissions to the HASC. We offer the Commission two recommendations that we feel could tackle structural race issues in policing:
- That the College of Policing develop a more rigorous framework for scrutiny and oversight on race issues through setting standards on leadership and workforce development of BAME Officers and police staff.
 - That HMIC develop an inspection framework with specific workforce and operational intrusive questions on race, which the NBPA would support through an advisory capacity.
- 9.7 Instead, we believe that the HASC has developed a range of 'soft' interventions concentrated on 'training/coaching/mentoring' which whilst they may be beneficial, are not 'deep rooted' enough to be able to facilitate and sustain changes in practice and decision-making. We make this statement on the basis that both the Scarman and Lawrence Inquiries resulted in the introduction of training which did not result in a decrease in discrimination cases and no significant/sustained reduction in racial disproportionality. What we feel is missing is an accompanying public discourse, which explicitly acknowledges that racism and racial discrimination is still an everyday occurrence of British society. Instead, the political climate is such that the use of these terms has been scorned upon because of their perceived combative nature. These words are not combative, but fact.
- 9.8 Whilst we believe that the recommendations are positive, they are unimaginative and it is unclear as to whether they will result in meaningful measurable outcomes. The HASC has not taken the opportunity to stress that the introduction of training, coaching and mentoring should result in performance related measurable outcomes which will transform race in policing on a par with gender in policing. Our concern stems from our experience that the recommendations have the potential to involve contractors and consultants who are motivated solely by pecuniary

advantage and not the longer-term issues of racial equality/inclusion. It is therefore crucial that there is careful monitoring and evaluation of the contracts and their delivery.

Training, Coaching, Mentoring

- 9.9 Training, coaching and mentoring plays a central part of the HASC recommendations, with the implication that previous training in the area of race has not been successful. This has the potential to mask organisational cultural issues, which impact on decision making in the areas of recruitment and discipline. **It would be extremely useful if an audit of the effectiveness of existing training which takes into consideration the cost of the training and the measured outcomes is undertaken.**

Diversity Champions

- 9.10 The HASC has recommended that each force appoint a 'workforce diversity lead' stating that the role must be at the rank of Deputy Chief Constable or equivalent level and that the Home Office appoint a national 'Diversity Champion'. We are concerned that this could potentially be a 'tick box exercise' with individuals appointed to 'boost' their career prospects without being fully committed to the issues at stake.
- 9.11 Furthermore, given that the roles of force 'Diversity Champions' will be of the grade of Police Chief Constable or equivalent rank (HASC 27:47) this will mean that the post-holders will be white men and women. We are conscious that this recommendation is nothing new, as many CJS agencies have adopted the roles of Diversity Leads/Champions to progress equality issues. However, what is not apparent from the report is clarity around what is meant by the term 'diversity', when there are nine protected characteristics.
- 9.12 We are conscious that it is not the role of the HASC to specify the recruitment process and the appointment criteria of the identified 'roles'. However, it is imperative that we have trust and confidence in both the recruitment process and 'posts' as this will ensure the success of the recommendation. We believe that to ensure trust and confidence in the recommendation, consideration should be given to an external independent appointment, especially for the role of national Diversity Champion.
- 9.13 Additionally for the appointments to be effective, consideration needs to be given to how success in the roles can be measured and how accountability can be ensured. It would be very easy for the role to be meaningless and superficial. We believe that the roles should focus primarily on trying to understand, identify and address racial disproportionality in the areas of recruitment, retention and progression in an evidence based manner, where due consideration to the issues of accountability and transparency are made. The NBPA is happy to provide advice and assistance on the development and implementation of both roles at both local and national level.

BME senior leaders forum

- 9.14 The proposed BME senior leaders forum has the potential to provide a supportive BME staff network at senior level. However, there is an element of vagueness in the recommendation. There is no clarity as to what would constitute a senior leader – the President and Vice President of the NBPA could be termed as 'senior leaders'. **It is important that this terminology is clarified, so that it is as inclusive as possible.**
- 9.15 For support networks to be successful and to have the trust and confidence of their members, they need to be developed by the people who they are aimed at supporting and not 'imposed'

upon people. Otherwise, this could undermine the concept of participatory governance and erode trust and confidence in the process. It is imperative that such a network is developed with the oversight and direction of the NBPA and is not forced upon BME staff. We stress that care needs to be taken to ensure that the forum is not dominated by Police Officers and that police staff are actively involved.

- 9.16 Given the lack of diversity in the statutory staff support associations, the NBPA would like the Home Office to consider that they (the NBPA) are placed on an equal footing at both national and local level in engaging with Chief Constables and Police and Crime Commissioners.
- 9.17 The NBPA and National Association of Muslim Police (NAMP) have an important role to play in the fight against extremism. The NBPA would like the Home Office to consider that the NBPA and the NAMP are proactively involved in work of this nature with police and communities at national and local level.
- 9.18 The NBPA does not have the same legal status as the Police Federation or Trade Unions. However, it plays a vital function in ensuring that race equality is considered within the police service. The NBPA Cabinet – the President, Vice President and General Secretary – undertake their roles alongside their day jobs. Notwithstanding, this presents a number of challenges. The NBPA would like the Commission to consider that at minimum, the National Police Chief Council funds the role of the President given that the NBPA provides support to all 43 police forces.

Provisions within the Policing and Crime Bill 2015-16: complaints, super complaints, whistleblowing and the requirement to confirm nationality

Introduction

- 10.1 Whilst the NBPA is generally supportive of the Policing and Crime Bill 2015-16, we endorse the viewpoint of Liberty⁷⁴ who have outlined that the proposals in relation to complaints present a ‘missed opportunity’ (Liberty, 2016: 3). In relation to the requirement for individuals to declare their nationality upon arrest and in court, Liberty have described this as a ‘*poisonous conflation of the immigration considerations and the criminal justice system*’ (Liberty, 2016: 4). We believe that this will deliberately feed into the existing racially driven hysteria around immigration and do much to undermine race relations and cohesion. This is deeply unhelpful especially given the disturbing rhetoric stemming from the EU referendum debate. The NBPA seeks to draw the attention of the Commission to the concerns it has about the Bill and in doing so, share a number of views which have been helpfully articulated by Liberty through their very helpful briefing.

Recording of Complaints

- 10.2 Currently, not all complaints have to be recorded. Schedule 4 of the Bill proposes that in cases where complainants withdraw their complaint or in instances where cases are dealt with informally, they will not be recorded. Furthermore, Schedule 4 also outlines a range of various instances where complaints **will not** be resolved informally. The NBPA shares the view with Liberty that it is essential for complaints to be recorded. This is a major feature of public trust and confidence in the police and ensures that the public believes that the Police treat them seriously. This is especially the case with BAME, LGBTI communities, people with disabilities and women. Historically, these communities have had little trust and confidence in the police. We agree with Liberty that the broad and confusing nature of the exemptions will create a level of discretion, which could be open to abuse. Thereby, further undermining trust and confidence in the Police. Recording complaints is an essential performance management tool, which helps to

⁷⁴ Liberty (March 2016), Liberty’s briefing on the policing and crime bill for second reading in the House of Commons.

understand trends and improve services. It is essential that the Police are transparent and accountable to the public and the recording of complaints facilitates this. Similarly, we share the concern articulated by Liberty about the proposal to remove the appeal right against decisions not to record a complaint, as unhelpful (especially so in the aftermath of the Hillsborough Inquiry).

Process for handling complaints

- 10.3 The NBPA shares the concerns articulated by Liberty regarding the shift in process in the handling of complaints. The Bill proposes that the current system be replaced by an overarching duty to take ‘reasonable and proportionate action’ to resolve complaints. Individuals would then have a right of appeal to the PCC on the basis that they believed the outcome not to be ‘reasonable or proportionate’. We share the concerns articulated by Liberty which states:

‘[The proposal] grants far too much latitude to police forces as to how to handle complaints which involve themselves. Not only is there once again considerable risk of great divergence in treatment in complaints across the country, but in the absence of clearer directions there is huge scope for police forces to fail to take complaints seriously or address them adequately. There will be an urgent need for much greater clarity and detail as to what constitutes “reasonable and proportionate” in different types of cases. The fact that there is no appeal to the IPCC, only to an elected PCC, exacerbates these concerns. The continued major role played by local police forces in handling a huge number of complaints with no recourse to an independent review serves to undermine the independence of the system. In order to have a truly independent complaints system which commands confidence of the public, the majority of cases should be handled or reviewed by a reformed IPCC’, (Liberty 2016:8).

- 10.4 In raising this concern, the NBPA reminds the Commission of the IPCC review of police handling of complaints of discrimination published in June 2014⁷⁵. This identified that in a review of 170 complaints from the public alleging discrimination, only 94 were investigated and of those, no discrimination allegations were upheld. The report also found that whilst overall the three forces investigated (West Yorkshire, Greater Manchester and West Midlands) uphold between 11% and 13% of complaint allegations from the public, by contrast, over half of the 32 investigations into discrimination allegations raised by the Police themselves were upheld. Furthermore, it found that there was insufficient training in diversity and that this resulted in complaints that were not well handled.

Super-Complaints

- 10.5 The proposed ‘super-complaints’ system stems from historic concerns as to ‘whether the Police complaints system is truly able to identify systematic failures in policing and give a sufficient voice to those individuals and groups who are not confident in their own ability to make a complaint’ (Home Office 2015: 20⁷⁶). In principle this proposal is welcomed by the NBPA. However, there is very little detail on how the initiative would be implemented and what criteria organisations would need to gain ‘super complaints’ status. We are also fearful that organisations deemed by sections of Government and the Police as ‘combative’ would not be awarded ‘super complaint’ status. Furthermore, we share the same concerns articulated by Liberty as to why the IPCC have not been appointed as the body to receive the complaints.

⁷⁵ Independent Police Complaints Commission (2014), Police handling of allegations of discrimination.

⁷⁶ Home Office (2015), Improving police integrity: reforming the police complaints and disciplinary systems – Summary of consultation responses and next steps, CM 9031.

Whistleblowing

10.6 Given that the Pitchford Inquiry into undercover policing is currently underway and that we are still digesting the outcome of the Hillsborough Inquiry, the NBPA believes that the public have a greater level of respect for whistle-blowers and as such, will be more concerned for their protection. We are concerned that whilst the IPCC will be given powers to investigate issues raised by a whistle-blower (without the whistle-blower raising the concern with their force first), they will not be able to raise issues related to conditions of service – nor issues that could be dealt with as a complaint. We are concerned that this could impact adversely on individuals with protected characteristics who attempt to raise issues, which are underpinned by discriminatory practice either in relation to employment or service delivery. As such, we raise our concern that if the whistleblowing is related to a matter where an individual may have committed a criminal offence or behaved in a way which would justify the bringing of proceedings, they must be referred back to the relevant force. The NBPA believes that this does not take into account the reality of ‘command and control’ organisations such as the Police themselves and the operation of ‘police culture’ within departments such as the Directorate of Professional Standards.

Requirement to confirm nationality

10.7 The NBPA is deeply concerned of the introduction of the requirement for police and immigration officers on arresting an individual for any offence, that they demand the individual to state their nationality ‘*where the immigration officer or police constable suspects that the individual may not be a British citizen*’⁷⁷. In addition to a written record of the individual’s nationality, not complying with the request will be made a criminal offence, punishable by a year in prison. The NBPA believes that this requirement is racially and politically motivated and fuelled by the hysteria around immigration. It will undermine race relations and cohesion, as the NBPA believes that individual’s who are non-white will be targeted. This requirement will undermine police community race relations which are hard to establish and easy to destroy. The NBPA requests that the Commission looks very carefully at this proposed requirement.

Conclusion

10.8 We believe that focus should be placed on understanding and addressing the issues faced by BME police officers, staff and communities. This requires an honest, proactive and mature approach, which is underpinned by the analysis of data and the genuine and active engagement and involvement of BME staff, staff support networks like the NBPA and communities. The development of meaningful interventions, which contribute to understanding, identifying and addressing racial disproportionality in the police is, **we believe, the key to delivering ‘one nation’ policing creating racial equality and building social inclusion. However, due to the scale and nature of race issues in the UK Police, we urge the Commission to push for a public inquiry into this issue.**

Janet Hills
President
National Black Police Association
June 2016

⁷⁷ Clause 104, proposed new section 43A(2).

Annex 7

**National Black Police Association****Submission****Youth Select Committee Inquiry into Racism and Religious Discrimination****Introduction**

- 1.1 The National Black Police Association (NBPA) is grateful to the Committee for the opportunity to be able to present its concerns prior to the oral hearing into racism and religious discrimination, which is scheduled to take place in July 2016. This submission outlines the responses of the NBPA on the issues identified by the Committee, as set out in its helpful Terms of Reference.

Background

- 2.1 The aim of the NBPA is to promote good race relations and equality of opportunity within the police services of the United Kingdom and the wider community. Our objectives are to:
- Advise, consult and intervene on matters of racism nationally, which have negative effects on communities.
 - Work towards improving relationships between the Police and Black and Minority Ethnic (BAME) communities within the United Kingdom.
 - Influence the direction of policies nationally and in line with equality issues and anti-discrimination.
 - Work towards improving the recruitment, retention and progression of officers and police staff members within the police service.

Issues

- 3.1 For ease of understanding, this submission is organised thematically; awareness and education, services and prevention. However, attention is **only** focused on those issues for which the NBPA is directly involved.

Awareness and Understanding

- 4.1 The most current official statistics⁷⁸ on the prevalence of Hate crime in the area of race and religion reveal that in the period 2014/15, of the 52,528 hate crimes, 42,930 (82%) were race hate crimes and 3,254 (6%) were religion hate crimes (these figures do not include incidents reported to the British Transport Police). The statistics also reveal that race hate crime was the *'most commonly recorded strand of hate crime in all 44 police forces. For 41 forces, religious hate*

⁷⁸ Home Office (2015), Hate Crime, England and Wales 2014/15, Statistical Bulletin 05/15, 13th October 2015.

crime was either the third or fourth most commonly recorded strand’ (Home Office 2015: 7).

- 4.2 There has been an increase in the number of hate crimes recorded by the Police from the periods 2011/2012 to 2014/15⁷⁹.

Hate crime Strand	2011/12	2012/13	2013/14	2014/15	% change 2013/14 to 2014/15
Race	35,944	35,845	37,466	42,930	15
Religion	1,618	1,572	2,269	3,254	43

- 4.3 ‘Racist incidents’ is the term used to describe ‘any incident, including any crime, which is perceived by the victim or any other person to be motivated by a hostility or prejudice based on a person’s race or perceived race’ (Home Office 2015: 3).
- 4.4 The NBPA adopts the definitions of racism and discrimination on the basis of religion or belief on those developed by the Independent Police Complaints Commission in their published guidance on ‘handling allegations of discrimination’⁸⁰.
- 4.5 ‘*Racism is a much-debated term: in the context of complaints of race discrimination, it includes any discrimination relating to race, ethnicity, or nationality*’ (IPCC 2015: 26).
- 4.6 ‘*Religious discrimination is discrimination relating to a person’s philosophical or religious belief. You can also be discriminated against for holding no such belief. Religious discrimination often interests with racism. For example, Islamophobia or anti-Semitism could be either an expression of racism or religious discrimination or both*’ (IPCC 2015: 30).
- 4.7 As an organization, the NBPA is concerned about the deliberate association of BAME communities with social problems specifically relating to crime, lack of housing and education provisions. We feel that this is fuelling racial and religious tension and is deeply unhelpful. We believe this is linked to a rise in UK right-wing extremist groups such as English Defence League, Britain First and UK Pegida.
- 4.8 The NBPA invites the Committee to view the coverage of the London Mayoral Election⁸¹ and the current EU Referendum debate⁸². The NBPA is concerned that there has been no consistent and sustained counter to these attacks, especially at a political level.
- 4.9 The NBPA is concerned around the worrying demonization of Islam and Muslims through a direct association of Muslims/Islam with Terrorism. This is directly contributing to Muslims being perceived and treated as a suspect community. The NBPA believes that this situation has echoes of the treatment of the Irish community in the 1970s – 1990s (Hickman et al 2012⁸³; Runnymede Trust 1997⁸⁴). Whilst right-wing extremists at both national and international level initially fueled this in the aftermath of the 11th September 2001 attacks on the World Trade Centre, it has now

⁷⁹ Police Recorded Crime (Home Office).

⁸⁰ Independent Police Complaints Commission (2015), IPCC guidelines for handling allegations of discrimination.

⁸¹ ‘*Its ugly and dangerous: the inside story of the battle to be London Mayor*’, Simon Hattenstone, Saturday 30th April 2016, The Guardian.

⁸² ‘*Vote leave embroiled in a race row over Turkey security threat claims*’, Daniel Boffey and Toby Helm, Sunday 22nd May 2016, The Guardian.

⁸³ Hickman, M.J.; Thomas, L.; Nickels, H.C.; and Silvestri, S.; (2012) Social Cohesion and the notion of ‘suspect communities’: a study of the experiences and impacts of being ‘suspect’ for Irish communities and Muslim communities in Britain. Critical Studies in Terrorism, Vol.5, No.1, May 2012.

⁸⁴ Runnymede Trust (1997), Islamophobia a challenge for us all.

achieved mainstream status as exemplified in the current American Presidential elections and the London Mayoral elections.

- 4.10 The NBPA believes that the introduction of the duty in the Counter Terrorism and Security Act (2015) as detailed through the revised *Prevent* duty guidance⁸⁵ will further exacerbate the culture of fear, mistrust and suspicion of Muslims and have a potentially devastating effect on young people. The NBPA agrees with the viewpoint set out by Baroness Professor Ruth Lister⁸⁶ et al who assert that Prevent ‘reinforces an ‘us’ and ‘them’ view of the world, divides communities, and sows mistrust of Muslims’. As such, the NBPA endorses the view of David Anderson QC⁸⁷ regarding an independent review of the Prevent Strategy.
- 4.11 Despite numerous public inquiries into race in policing (Scarman⁸⁸ (1981); Macpherson⁸⁹ (1999); HMIC⁹⁰ (2001); HMIC⁹¹ (2003); Race and Faith Inquiry Report; Metropolitan Police Authority⁹² (2010)), racism is still an issue within the police service.
- 4.12 The 2012 survey into the state of the UK police by the Independent Police Commission of 14,000 respondents (one in ten being serving officers up to the rank of Chief Superintendent⁹³) identified the extent of bullying and harassment of BME police officers.

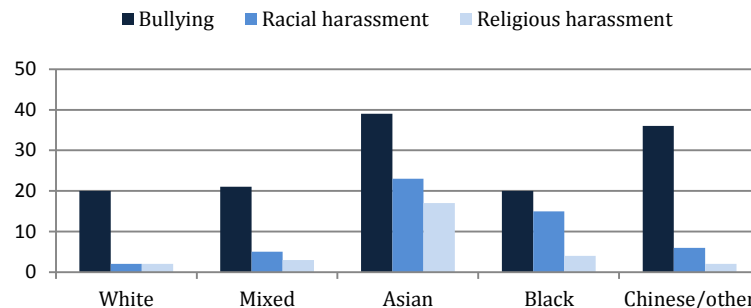


Figure 1. Percentage reporting being bullied ‘all’ or most of the time

- 4.13 We make the Committee aware of the concerns made by Her Majesty’s Inspectorate of Constabulary in its PEEL: Police Legitimacy Report 2015, a national overview:

‘HMIC is deeply concerned that there may be bias in the way that those from a black, Asian and minority ethnic background are treated, following a public complaint or an internal allegation of misconduct. We also have some evidence to support our earlier inspection findings that, following a complaint or allegation against a BAME officer or staff member, a pattern of behaviour seems to take place that makes it more likely for that complaint or allegation to be considered by the professional standards department. We are extremely

⁸⁵ HM Government (16 July 2015), Revised *Prevent* Duty Guidance for England and Wales: Guidance for specified authorities in England and Wales in the duty in the Counter Terrorism and Security Act 2015 to have due regard to the need to prevent people from being drawn into terrorism.

⁸⁶ ‘*Prevent will have a chilling effect on open debate, free speech and political dissent*’, Friday 10th July 2015, The Independent.

⁸⁷ Supplementary written evidence submitted by David Anderson Q.C. (Independent reviewer of Terrorism Legislation).

⁸⁸ Scarman, Lord (1981), *The Brixton Disorders 10-12 April 1981*. Report of an Inquiry by the Rt.Hon. The Lord Scarman, OBE. London: HMSO.

⁸⁹ MacPherson of Cluny, Sir William (1999), *The Stephen Lawrence Inquiry: Report of an Inquiry by Sir William MacPherson of Cluny*, London: The Stationery Office.

⁹⁰ Her Majesty’s Inspectorate of Constabulary (2001), *Winning the Race Policing Plural Communities*.

⁹¹ Her Majesty’s Inspectorate of Constabulary (2003), *Diversity Matters*.

⁹² Metropolitan Police Authority (July 2010), *Race and Faith Inquiry Report*.

⁹³ Source: Bradford, B.; Brown, J.; and Schuster, I.; (2012) *Results of a survey on the state of the Police Service in England and Wales*, Independent Police Commission.

*disappointed that, given the sensitivity and importance of this issue, forces have not done more to have robust and consistent processes in place for gathering and analysing data to assess for themselves whether all complaints or allegations against officers and staff are dealt with fairly and consistently*⁹⁴.

- 4.14 The NBPA refers the Committee to the recent Home Affairs Select Committee (HASC) Inquiry into Diversity in Policing (HC27). Whilst the NBPA welcomes the HASCs recommendations, we are concerned that they will **not** address stubborn issues at the heart of race inequality and policing, **as they are not underpinned by a supportive public policy discourse around anti-racism/race equality. A supportive public policy discourse, which champions race equality and anti-racism is much needed**
- 4.15 At the heart of our concerns is the HASC's failure to state the words: race and racism, and its inability to acknowledge the continued existence of institutional racism within policing. However, this is not new, and is part of the pattern of marginalisation and backlash against race and racism in favour of the more conciliatory terminology of diversity and unconscious bias.
- 4.16 Stop and Search has historically been a contentious issue for BAME communities. The Committee is referred to Section 95: Statistics on Race and the Criminal Justice System 2014⁹⁵ which helpfully articulates the following salient points:

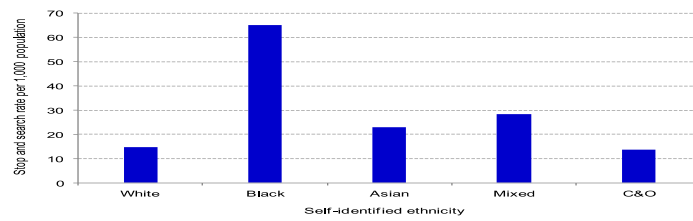
'The overall ethnicity trends for stops and searches were heavily influenced by stops and searches conducted in London, due to London's ethnic composition compared with the rest of England and Wales. According to the 2011 census, over half of the black ethnic population in England and Wales reside in London, compared with only a tenth of the white population. Also, in 2013/14 London accounted for a third of all stops and searches conducted in England and Wales, despite having only 14% of the population. The higher proportion of stops and searches in London is also apparent for each individual ethnic group. For each, the proportion of stops and searches carried out in London was higher than the proportion of the group resident in London. If the stop and search data is combined with population data to account for the differences in ethnic populations across England and Wales, it shows that there was a higher probability of being stopped and searched for the black ethnic group relative to all others. The black stop and search rate was four and a half times higher relative to the white ethnic group. The mixed ethnic group were twice as likely to be stopped and searched relative to the white ethnic group, while the Asian group were one and a half times more likely. The Chinese and Other (C&O) ethnic group were just as likely to be stopped and searched as the white group⁹⁶.

⁹⁴ HMIC (February 2016), PEEL: Police legitimacy, a national overview, pp. 7.

⁹⁵ Ministry of Justice (26 November 2015), Statistics on Race and the Criminal Justice System 2014, A Ministry of Justice Publication under Section 95 of the Criminal Justice Act 1991.

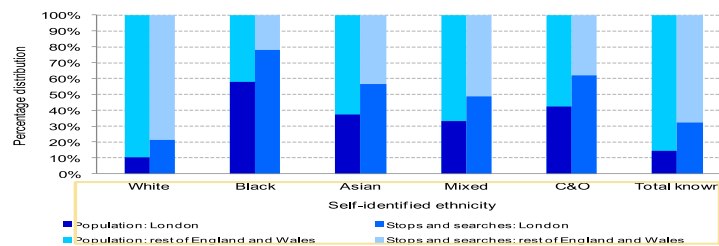
⁹⁶ Ministry of Justice (26 November 2015), Statistics on Race and the Criminal Justice System 2014, A Ministry of Justice Publication under Section 95 of the Criminal Justice Act 1991 pp. 29-30.

Figure 4.03: Stops and searches per 1,000 members of the population, 2013/14



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Figure 4.02: Percentage distribution of population (persons aged 10 and above) and total stops and searches in England and Wales, by ethnicity, 2013/14.



⁹⁷ Ministry of Justice (26 November 2015), Statistics on Race and the Criminal Justice System 2014, A Ministry of Justice Publication under Section 95 of the Criminal Justice Act 1991, pp. 30.

- 4.17 Concerns about Stop and Search are being tackled by the introduction of the Best Use of Stop and Scheme, which was introduced on 26 August 2014 by the Home Secretary.
- 4.18 The scheme is designed to contribute to a significant reduction in the overall use of stop and search, deliver better and more intelligence-led stop and search, and improve stop-to-arrest ratios. It will also provide the public with further information on the outcome of searches⁹⁸.
- 4.19 The NBPA welcomes the spirit of the commitment given by the Home Secretary to tackle discrimination stemming from Stop and Search. She articulated her concerns during her address to the NBPA AGM and Conference on 22nd October 2015⁹⁹.
- 4.20 Through our youth engagement activity VOYAGE (Voices of Youth and Genuine Empowerment), we have gained valuable insight into the concerns of young people around policing and racism, key findings of which are as follows:
- Dogs were used by young people to arm themselves against Police and Peers (as dogs were used against them in both scenarios).
 - In some cases young people would ask a white friend to call the Police so they can be taken more seriously.
 - Systematic failings to engage with young people have resulted in crimes being unreported, and the perpetrators having a sense of power within the community.

Services

- 5.1 As part of our work, the NBPA engages with voluntary and statutory organisations and the Government to push forward issues of equality, fairness and social inclusion. A particular feature of our work is through outreach with young people, whether it be through visiting schools as part of citizenship classes; or informing young people about their rights in the area of stop and search.
- 5.2 The Metropolitan Black Police Association was instrumental in developing VOYAGE (part of the NBPA's charitable trust – BPACT), a social justice charity which aims to empower marginalised black young people and provide them with the self-awareness and motivation to transform themselves and their communities. VOYAGE's mission is to encourage and assist young people to bridge the gap between their schools, communities and criminal justice system whilst supporting young people to sustain successful partnerships and meaningful relationships.
- 5.3 Through this work, we believe we have improved the level of understanding around issues such as stop and search and how to report crime for those involved in the initiative. Feedback from participants on the programme to the NBPA conference in October 2014 revealed the following:
- *"I feel I could handle a stop and search situation as I know my rights and know how a Stop and Search should be conducted".*
 - *"I now understand why Stop and Search is necessary as Police need to tackle crime on our streets".*
 - *"I feel that officers are human and don't feel under threat as many young people feel".*
 - *"I now understand and feel confident to report crime, if I had to do so".*
 - *"I have a better understanding of how and why there is the need to Police".*

⁹⁸ Home Office (2014), Best use of stop and search scheme.

⁹⁹ Home Secretary, Rt. Hon Theresa May; Speech to the National Black Police Association Conference, Birmingham, 22nd October 2015.

Prevention

- 6.1 Youth engagement initiatives such as VOYAGE have demonstrated their effectiveness in creating powerful BAME young leaders who have been equipped with the skills, knowledge and capacity to create changes in attitudes of young Londoners. It is important that initiatives such as VOYAGE are supported as they hold the key to effective engagement with young people especially in the area of policing and criminal justice.

Conclusion

- 7.1 We believe that more work should be done to promote good race relations to understand and address the issues faced by BAME communities, police officers and staff. This requires an honest, proactive and mature approach, which is underpinned by the analysis of data and the genuine and active engagement and involvement of BAME communities, staff and staff support networks like the NBPA. The development of meaningful interventions which contribute to understanding, identifying and addressing racial disproportionality in the Police is the key to delivering 'one nation' policing.

Janet Hills
President
National Black Police Association

Annex 8



National Black Police Association

**Submission to the United Nations Committee for the Elimination of
Racial Discrimination**

United Kingdom

Introduction

- 1.1 The National Black Police Association (NBPA) is grateful to the Committee for the opportunity to be able to present its concerns prior to the oral examination of the UK Government on the 2nd – 5th August 2016.
- 1.2 The NBPA was formed in 1999. We currently have 15,000 members who range from Police Officers, Police Community Safety Officers (PCSOs) and Police Staff.
- 1.3 The aim of the NBPA is to promote good race relations and equality of opportunity within the police services of the United Kingdom and the wider community. Our objectives are to:
 - Advise, consult and intervene on matters of racism nationally, which have negative effects on communities.
 - Work towards improving relationships between the Police and Black and Minority Ethnic (BAME) communities within the United Kingdom.
 - Influence the direction of policies nationally and in line with equality issues and anti-discrimination.
 - Work towards improving the recruitment, retention and progression of officers and police staff members within the police service.
- 1.4 This submission outlines the main concerns of the NBPA on the Government via issues identified in paragraph 22 of the Committees' concluding observations:

'The Committee recommends that the State party vigorously pursue its efforts to close the existing employment gap in the personnel administration of the criminal justice system and other sectors between ethnic minorities and the wider population [...] the State party should also consider adopting such special measures to ensure that employment in the criminal justice administration reflects the diversity in the State party's society'.

- 1.5 It is structured thematically into the following areas; governance, racial disproportionality, discipline and complaints and racial discrimination. It also provides an overview of the conclusions, recommendations and our concerns of the recent inquiry by the House of Commons Home Affairs Select Committee Inquiry into Police Diversity (HC27) published on the 21st May 2016. The main conclusion of which was that:

'Urgent and radical action is needed if the Home Secretary's ambition, which we share, of all police forces reflecting the ethnic profile of their communities, is to be realised' (HC27:51).

Issues

- 2.1 On 25th September 1999¹⁰⁰ our previous leaders gave evidence to the Macpherson Inquiry, into the death of Stephen Lawrence. We assert that little has changed in the intervening years:

'Unfortunately, what we see, at this moment in time is black people are invited into the organisation as sure. Our recruitment schemes, initiatives are second to nil, second to nil. However, once the black person becomes a member of the organisation then it becomes all too apparent to that individual that they must conform, conform to that, the norms which predominantly are white in these organisations. So, the black person is

¹⁰⁰ Transcript of the Macpherson Inquiry (pp. 218), Friday 25th September 1999, National Archives.

expected to become, if you like, a clone. I would say it is as severe as that. You are not asking a black person to come in to experience that persons views, cultures, et cetera, the different manner that he may do things or might perceive things, you are asking them to come into this organisation and to conform to the norm of the majority of the organisation. If you do not do so then you will feel, personally, very uncomfortable’.

- 2.2 We acknowledge that it is important for the police service to reflect the communities it serves and we applaud the Committee for recognising the importance of this issue through paragraph 22 of its concluding observations.
- 2.3 However, we believe that the preoccupation with BME recruitment detracts from more significant concerns, which undermine the recruitment of BME police officers, PCSOs and staff and present serious risks for the future of policing and public confidence in the police. These concerns are identified as follows:
 - Failure of police organisations tasked with developing interventions aimed at understanding, identifying and addressing racial disproportionality; to involve those BME staff networks tasked with articulating the concerns of BME staff in its governance arrangements for those interventions.
 - Racial disproportionality of BME police officers in the area of discipline and complaints¹⁰¹.
 - Failure of police forces to deal effectively with race discrimination cases.
 - Lack of progression of BME officers¹⁰² and in particular, BME female officers.
 - Bullying and harassment of BME police officers¹⁰³ and staff¹⁰⁴.
 - Perceived vindictive and malicious criminal prosecutions, pursued against police officers who pursue race discrimination cases.

Governance

- 3.1 It is important that those organisations tasked with pursuing race issues in policing embrace the principles of participative governance; readily involve those organisations with the experience and understanding of race issues and the mandate to advocate in the interests of their members. This was a principle established by Lord Scarman (1981)¹⁰⁵ and confirmed by the Macpherson Inquiry (1999)¹⁰⁶. A failure to do so, only serves to demonstrate ‘lip service’ to participative governance.
- 3.2 Organisations such as the NBPA are tasked with advocating on behalf of their members. They play a vital role in articulating concerns and identifying solutions to enhance operational and race relations. Organisations such as the NBPA should be an integral part of the Police’s consultative framework and not an afterthought.
- 3.3 The role of the College of Policing is to give national guidance and steer on policing policy to police forces. As such, they play a critical leadership role. Consideration should be given to formalising the consultative role of the NBPA with agencies such as the College of Policing and the Home Office.

¹⁰¹ Smith, G.; Johnson HH; and Roberts, C.; (2012) Disproportionality in Police Professional Standards.

¹⁰² ‘Black Wiltshire police officer was racially harassed’, 10th April 2015, BBC News.

¹⁰³ Bradford, B.; Brown, J.; Schuster, I.; (December 2012) Results of a Survey on the State of the Police Service in England and Wales, Independent Police Commission.

¹⁰⁴ Unison (2016), Police Staff Bullying Survey.

¹⁰⁵ Scarman Lord (1981), The Brixton Disorders 10-12 April 1981, Report of an Inquiry by the Rt.Hon. The Lord Scarman, OBE, London: HMSO.

¹⁰⁶ MacPherson of Cluny, Sir William; (1999) The Stephen Lawrence Inquiry: Report of an Inquiry by Sir William MacPherson of Cluny, London: The Stationery Office.

- 3.4 It is important that Parliamentarians, Home Office, College of Policing and Police and Crime Commissioners engage proactively with the NBPA to ensure that race is a priority and not a mainstream issue, in terms of employment, service delivery and community engagement.

Racial Discrimination

- 4.1 Despite numerous public inquiries into race in policing (Scarman (1981); Macpherson (1999); HMIC¹⁰⁷ (2001); HMIC¹⁰⁸ (2003); Morris et al¹⁰⁹ (2004); Ghaffur¹¹⁰ (2004); CRE¹¹¹ (2005); MPA¹¹² (2010)), race issues are not dealt with effectively and are still an issue for a number of police officers and staff.
- 4.2 The 2012 survey into the state of the UK police by the Independent Police Commission of 14,000 respondents (one in ten being serving officers up to the rank of Chief Superintendent¹¹³) identified the extent of bullying and harassment of BME police officers. It is important that the Committee urges the Government to undertake further work in this important area.

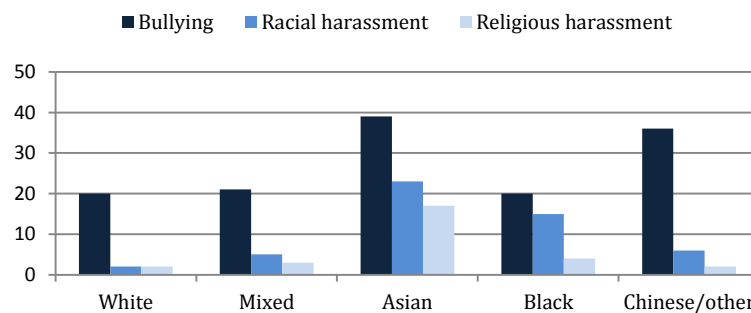


Figure 1. Percentage reporting being bullied 'all' or most of the time

- 4.3 We draw attention to the racism and sexism faced by female BME police officers and staff such as P.C. Ricky Haruna¹¹⁴ (Metropolitan Police) who are 'invisible' within the police organisation. It is important that the Committee encourages the Government to actively explore this issue.
- 4.4 We highlight to the Committee the impact of a recent high profile race discrimination case of a firearms officer, PC Nadeem Saddique¹¹⁵. The case reveals a nuanced shift in the discrimination faced by Asian police officers; where they are subjected to racial stereotyping which equates them with being terrorists¹¹⁶.

¹⁰⁷ Her Majesty's Inspectorate of Constabulary (2001), Winning the Race Policing Plural Communities.

¹⁰⁸ Her Majesty's Inspectorate of Constabulary (2003), Diversity Matters.

¹⁰⁹ Morris, W.; Burden, A.; Weekes, A.; 2004 The Report of the Morris Inquiry, An independent inquiry into professional standards and employment matters, The Morris Inquiry, London.

¹¹⁰ Ghaffur, T.; (2004) Thematic Review of Race and Diversity in the Metropolitan Police Service.

¹¹¹ Commission for Racial Equality (2005), The Police Service in England and Wales.

¹¹² Metropolitan Police Authority (July 2010), Race and faith Inquiry Report.

¹¹³ Source: Bradford, B.; Brown, J.; and Schuster, I.; (2012) Results of a survey on the state of the Police Service in England and Wales, Independent Police Commission.

¹¹⁴ 'Kate Middleton's former police guard reinstated after wrongful dismissal', 17th March 2015, The Telegraph.

¹¹⁵ N. Siddique and the Chief Constable of Cleveland Police (25th November 2015), Employment Tribunals Case Number 2501606/14.

¹¹⁶ 'His oral evidence and many documents reveal he felt his being of Pakistani decent caused prejudice against him. Many people associate Pakistan with being sympathetic to Islamic terrorism. The claimant wrote at the time of one incident that he was considered a 'security risk' This is not to do with colour. Irish people complained of similar prejudice in the 1970s and 80's when the threat to security came from the IRA'. Para 3.9, pp. 17, N. Siddique and the Chief Constable of Cleveland Police (25th November 2015), Employment Tribunals Case Number 2501606/14.

- 4.5 A number of NBPA members are currently on their 4th Employment Tribunal cases. This is the experience of DC Paul Bailey from Greater Manchester. This illustrates that lessons are seldom learned and action rarely taken against perpetrators. Instead, a culture of protecting the perpetrators and victimising the victims seems to be prevalent.
- 4.6 We alert the Committee to the impact of out of court settlements in race discrimination cases. As liability is not admitted, lessons are not learnt and a cavalier attitude develops which undermines race relations within force areas. **Fundamentally, this masks the true extent of racism within the Police.**
- 4.7 **We believe that the implementation of the Police Complaints and Misconduct (Amendment) Regulations 2008 which came into force on the 1st December 2008 is symptomatic of institutional racism and needs to be urgently addressed. This has created the situation whereby whilst the guidance from the National Police Chief Council states that racism is gross misconduct and is so serious that it warrants dismissal, complaints about racism and other protected characteristics are ‘masked’ and labelled as misconduct. The Regulation is such, that once decisions are made they can’t be revoked or changed.**
- 4.8 **It is perceived that the Regulation is interpreted and implemented to benefit white officers, whilst it is used to the detriment of BME officers. This apparent double standard and failure to accurately, holistically and sensitively assess complaints is fuelling resentment and mistrust of procedures designed to promote fairness and equity. A review of the application of the Regulation with reference to Conduct would be welcomed by the Government.**
- 4.9 We refer the Committee of the Concerns made by Her Majesty’s Inspectorate of Constabulary (HMIC) in its PEEL: Police Legitimacy Report 2015, a national overview:

‘HMIC is deeply concerned that there may be bias in the way that those from a Black, Asian and Minority ethnic background are treated, following a public complaint or an internal allegation of misconduct. We also have some evidence to support our earlier inspection findings that, following a complaint or allegation against a BAME officer or staff member, a pattern of behaviour seems to take place that makes it more likely for that complaint or allegation to be considered by the professional standards department. We are extremely disappointed that, given the sensitivity and importance of this issue, forces have not done more to have robust and consistent processes in place for gathering and analysing data to assess for themselves whether all complaints or allegations against officers and staff are dealt with fairly and consistently’¹¹⁷.

Transparency and Accountability

- 5.1 Whilst we recognise that the Equality Act (2010) does not place a specific duty on public authorities to gather equality data in relation to protected characteristics, we believe that the gathering and analysis of key data on staff with protected characteristics will facilitate an understanding and identification of disproportionality and facilitate strategies for addressing them. We therefore would welcome the Committee’s support in this matter.
- 5.2 We note a pattern, albeit not widespread, of perceived vindictive and malicious prosecutions of police officers who bring forward cases of race discrimination. In particular, we highlight the cases of Carol Howard¹¹⁸ (Metropolitan Police) and Kashif Ahmed¹¹⁹ (West Yorkshire Police).

¹¹⁷ HMIC (February 2016) PEEL: Police legitimacy, a national overview, pp. 7.

¹¹⁸ Police officer Carl Howard v the Met: ‘I was absolutely humiliated’ Rachel Williams Tuesday 9 September 2015, The Guardian.

- 5.3 Whilst we welcome the introduction of the Code of Ethics¹²⁰, we are concerned that there has historically been little appetite to apply or enforce ethical standards in cases of this nature.
- 5.4 A failure to tackle this issue effectively undermines public confidence in the Police and impacts adversely on BME recruitment into the Police. This issue is important especially when seen in the context of information produced by the College of Policing. This highlights that the BME population of England and Wales will be 16% of the total population by 2026. This will require the police service to recruit 17,000 BME officers over the next 10 years for the Police to be reflective of the community it serves¹²¹. Not tackling these issues are impediments to securing the Governments ambition of 'one nation' policing.

Race Disproportionality

- 6.1 A simple comparison of the achievements for female police officers in the aftermath of the Alison Halford case in 1992 highlights that the push from an inquiry by the Equal Opportunities Commission had a subsequent impact on the treatment and experiences of women within the Police. It is important to note that the Equal Opportunities Commission submission to the Select Committee on Home Affairs in 1998 outlined concerns regarding a 'resistance to sex equality'.
- 6.2 We welcome the fact that the situation facing women in the Police has improved¹²². Currently 28.2% of all officers are female:
- From 31 March 2015, there are 35,738 female police officers in the 43 police forces – an increase of 85 (0.2%) compared with the previous year.
 - The proportion of female police officers has increased from 22.3% in 2006 to 28.2% in 2015.
 - 21.4% of female police officers are in senior ranks (Chief Inspector and above) – a 1.9% increase since March 2014.
 - 30.2% of women are at Constable rank – an increase of 0.1% from March 2014.

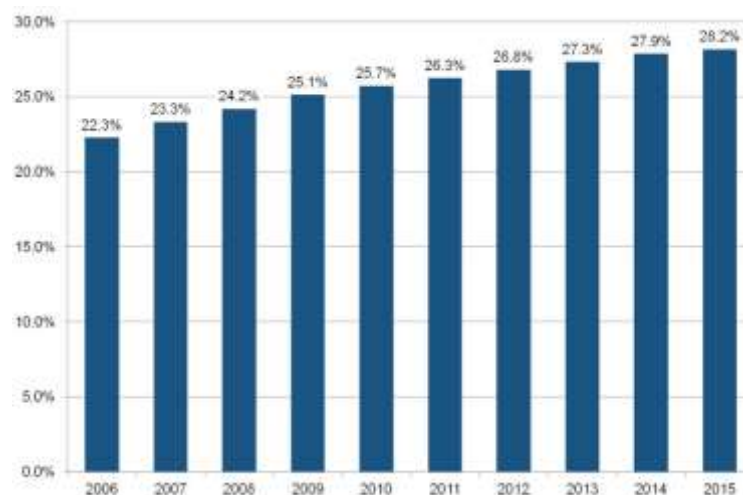


Figure 1: Proportion of police office who are female, as at 31 March 2006 to 2015, England and Wales¹²³

¹¹⁹ Bradford Officer tells of his relief and now plans to go on a pilgrimage to reflect and recover, Steve Wright, 11th March 2011, Telegraph and Argus.

¹²⁰ College of Policing – Code of Ethics

¹²¹ College of Policing (March 2015) Leadership review- Interim Report

¹²² Home Office (July 2015) National Statistics Police Workforce, England and Wales: 31 March 2015

6.3 However, whilst the situation for female police officers has improved, there has only been a slight increase in the numbers of BME police officers. It is the poor levels of progression which are concerning:

- There are currently 6,979 BME police officers in the 43 forces. This is an increase of 3.9% from the previous year.
- Whilst there has been an increase of the proportion of BME police officers from 3.6% in 2006 to 5.5% in 2015, BME police officers are disproportionately concentrated at the lower ranks.
- 3.4% of Chief Inspectors or above are from a BME background.
- 6.0% of BME police officers are at Constable rank.
- BME Police officers in the Police are from the following ethnic backgrounds; 40.0% Asian or Asian British, 29.0% Mixed, 19.7% Black or Black British and 11.2% Chinese or Other ethnic group.

6.4 It is fair to say that despite all the interventions and policies, **there is still 'resistance to race equality'**.

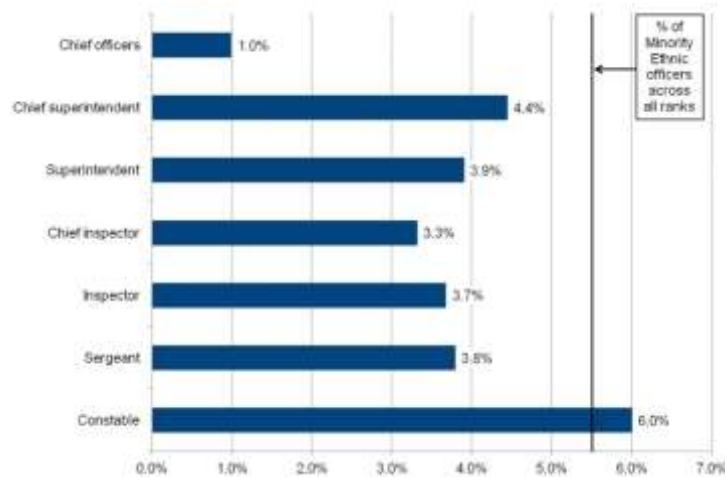


Figure 2. Proportion of police officers who are Minority Ethnic, by rank, as at 31 March 2015 England and Wales¹²⁴

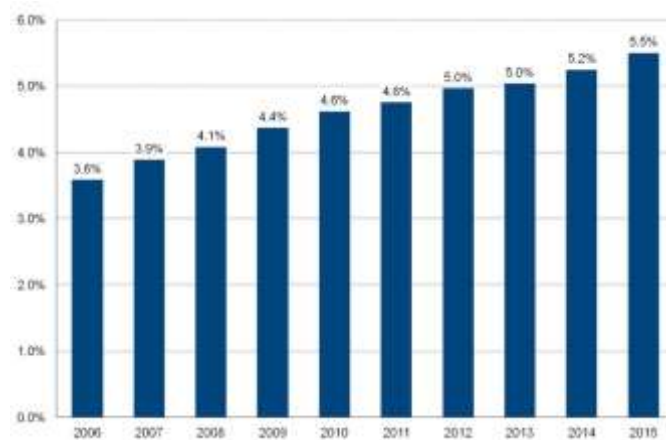


Figure 2: Proportion of police officers who are Minority Ethnic, as at 31 March 2006 to 2015, England and Wales¹²⁵

¹²³ Source: Home Office (16 July 2016), National Statistics, Police Workforce, England and Wales: 31 March 2015.

¹²⁴ Source: Home Office (16 July 2016), National Statistics, Police Workforce, England and Wales: 31 March 2015.

Race Disproportionality in Discipline and Complaints

7.1 The 'resistance' to race equality is best exemplified in the levels of racial disproportionality in the area of discipline and complaints. **We believe that this issue is stagnating the progression of BME police officers, as time limitations placed on disciplinary sanctions have a knock-on effect on an officer's ability to apply for promotion.**

7.2 In his 2004 *'Thematic Review of Race and Diversity in the Metropolitan Police'*, Assistant Commissioner Tarque Ghaffur identified the following:

*'It is of considerable concern that Black and Asian officers are one and a half times more likely to be the subject of internal investigations and written warnings. This finding is verified by the BPA report and through evidence of other staff associations. Some of the reasons for this include a **tendency for managers to initiate formal processes quickly, a lack of knowledge of how to resolve complaints locally, and a difference in the interpretation of the codes of conduct by diverse groups within the organisation'** (Ghaffur 2004: 4).*

7.3 Despite reviews by Morris et al (2004)¹²⁶ and Ghaffur (2004)¹²⁷, concerns still exist into the prevalence of racial disproportionality of BME people in the area of discipline and complaints. The most recent research¹²⁸ highlights:

- Statistically significant over-representation of BME officers and staff was identified in the GMP counter-corruption intelligence data. Asian officers and staff were 2.79 and 3.59 times more likely than white officers and staff, respectively, to be subjected to counter-corruption intelligence.
- The experiences and perceptions of BME officers interviewed were of a two-tier misconduct system in which they were subjected to unjust and punishing treatment and white officers were dealt with informally. There was the broad consensus among interviewees of the preference of divisional managers and supervisors to refer BME officers to PSB.
- Perceptions that disproportionality in internally raised misconduct proceedings are connected to the under representation of BME officers in the Professional Standards Unit (Smith et al 2012: 4).

7.4 We are concerned that despite the identification of racial disproportionality in this area, little action seems to be taken to address the root causes. **The NBPA recommends to the Committee that the Government tackle these issues** as a failure to do so will impact adversely on the recruitment, retention and progression of BME officers and only sets people up to fail.\

7.5 **We believe that identifying, understanding and addressing racial disproportionality in discipline and complaints is key to tackling the stubborn lack of progression of BME police officers.**

¹²⁵ Home Office (16 July 2016), National Statistics, Police Workforce, England and Wales: 31 March 2015.

¹²⁶ Morris, W.; Burden, A.; Weekes, A.; (2004) The Case for Change, The report of the Morris inquiry: An independent inquiry into professional standards and employment matters in the Metropolitan Police Service.

¹²⁷ Ghaffur, T.; (2004) Thematic Review of Race and Diversity in the Metropolitan Police Service.

¹²⁸ Smith, G.; Johnson HH; and Roberts, C.; (2012) Disproportionality in Police Professional Standards.

Background

8.1 On 21st May 2016, the Home Affairs Select Committee (HASC) published its inquiry report into Police Diversity (HC27). The NBPA gave oral and written evidence to the Committee.

8.2 The HASC made a number of observations. The most significant of which is as follows:

'In 2013, our predecessor Committee concluded that for too long lip service has been paid to diversity in the police service, but this was unmatched by action. It also believed that progress since the 1999 Macpherson report on the Metropolitan Police and the Stephen Lawrence case was disappointing; and that it was shameful that not a Chief Constable was Black or Asian. Three years have passed since the publication of that report, and progress has not been sufficient, but all of those conclusions are even more valid today and the need to address this problem has even greater urgency. Whilst there has been a steady increase in the overall proportion of officers and staff who are of a BME background, progress is painfully slow; there is a wide variation between forces; and increased numbers of BME officers remain overwhelmingly in the most junior ranks. Even allowing for appropriate career progression, the number of police officers above the rank of Inspector is very disappointing. We find this unacceptable. We believe it is time for concerted action, prioritised across all forces, policing bodies and Government.' (HC27: 12)

8.3 The NBPA generally welcomes the recommendations made by the HASC and are delighted that the HASC took on board the written and oral evidence presented by the NBPA, around a lack of accountability and leadership on the important issue of BME recruitment, retention and progression in UK policing. We are also encouraged that the HASC recognised that it was wrong for the College of Policing not to consult with the NBPA on its BME progression 2018 programme.

8.4 However, we do not feel that the recommendations made by the HASC will address stubborn issues at the heart of race inequality and policing, as they are not underpinned by a supportive public policy discourse around race equality and social inclusion (which is the case with gender).

8.5 We believe that a supportive public policy discourse, which channels support for race equality and social inclusion is essential to ensuring that these recommendations are not only implemented but embedded within the police culture. In a climate where issues of immigration and radicalisation dominate the national and international media in a negative manner, the Government must do more than what is being recommended by the HASC.

8.6 At the heart of our concerns is the HASCs failure to state the words, race and racism, and its inability to acknowledge the continued existence of institutional racism within policing. Sadly, we believe this is reflective of a continued pattern of marginalisation and backlash against the terminology of race and racism in favour of the more conciliatory terminology of diversity and unconscious bias.

8.7 Furthermore, we feel that there is little within the report, which focuses fully on governance and accountability, except for apparent 'light touch' internal governance and accountability mechanisms. These omissions lend themselves to a range of interventions, which we feel (the NBPA) are ideally placed to advise and influence, both at national and local level.

8.8 On face value whilst the report focuses primarily on race issues, *it does not* explicitly mention this term. The use of the term 'diversity' is confusing. **We are concerned that the potentially deliberate usage of the term 'diversity' could result in a dilution from a focus on race to the wider protected characteristics.** It is imperative that the Government establishes what it means by the term 'diversity' in the context of the recommendations.

- 8.9 We believe that it is this, which will govern what is implemented at local and national level. **From the NBPA perspective, it is imperative that the Government focus is on race issues, as the HASC *did not* explore issues pertaining to other groups.** If this is indeed the case, then careful consideration needs to be made to ensure that there is no internal or external backlash for the focus on race issues.
- 8.10 We believe that the HASC has missed an opportunity to develop a range of recommendations aimed at tackling inherently structural issues, which are fuelling and exacerbating the experiences of BME personnel in the Police. It is these structural issues, which we identified in both oral and written submissions to the HASC. We offer to the Committee two recommendations that we feel the Government should adopt to tackle structural race issues in policing:
- 1) That the College of Policing develop a more rigorous framework for scrutiny and oversight on race issues through setting standards on leadership and workforce development of BAME Officers and Police Staff.
 - 2) That Her Majesty's Inspectorate of Constabulary (HMIC) develop an inspection framework with specific workforce and operational intrusive questions on race, which the NBPA would support through an advisory capacity.
- 8.11 Instead, we put it to the Committee that the HASC has developed a range of 'soft' interventions concentrated on 'training/coaching/mentoring' which whilst they may be beneficial are not 'deep rooted' enough to be able to facilitate and sustain changes in practice and decision-making. We make this statement on the basis that both the Scarman¹²⁹ and Lawrence¹³⁰ Inquiries, resulted in the introduction of training. This did not result in a decrease in discrimination cases and no significant/sustained reduction in racial disproportionality.
- 8.12 What we feel is missing from the Government is an accompanying public discourse, which explicitly acknowledges that racism and racial discrimination is still an everyday occurrence of British society. Instead, the political climate is such that the use of these terms has been scorned upon because of their perceived combative nature. These words are not combative, but fact.
- 8.13 Whilst we believe that the recommendations are positive, they are unimaginative and it is unclear as to whether they will result in meaningful measurable outcomes. The HASC has not taken the opportunity to stress that the introduction of training, coaching, mentoring should be accompanied by performance related measurable outcomes and evaluated. Our concern stems from our experience that the recommendations have the potential to involve contractors and consultants who are motivated solely by pecuniary advantage and not the longer-term issues of racial equality/inclusion. It is therefore crucial that there is careful oversight and transparency in the awarding and delivery of these contracts.

Training, Coaching, Mentoring

- 9.1 Training, coaching and mentoring plays a central part of the HASC recommendations, with the implication that previous training in the area of race has not been successful. This has the potential to mask organisational cultural issues, which impact on decision making in the areas of recruitment and discipline. **It would be extremely helpful if the Government undertook an audit of the effectiveness of existing training, which takes into consideration costs and measurable outcomes.**

¹²⁹ Scarman, Lord (1981) The Brixton Disorders 10-12 April 1981, Report of an Inquiry by the Rt Hon. The Lord Scarman, OBE, London, HMSO.

¹³⁰ Macpherson of Cluny, Sir William (1999) The Stephen Lawrence Inquiry: Report of an Inquiry by Sir William Macpherson of Cluny, London: The Stationary Office.

Diversity Champions

- 10.1 The HASC has recommended that each force appoint a workforce 'diversity lead', stating that the role must be at the rank of Deputy Chief Constable or equivalent level and that the Home Office appoint a national 'Diversity Champion'. We are conscious that at present most UK Police forces have workforce diversity leads at Chief Officer level. However, we believe that those roles are not sufficiently underpinned by an accountability, delivery and transparency function.
- 10.2 We highlight to the Committee our concern that this recommendation could potentially be a 'tick box exercise' where individuals are appointed to 'boost' their career prospects without being fully committed to the issues at stake. Furthermore, given that the roles of force 'Diversity Champions' will be of the grade of Police Chief Constable or equivalent rank (HASC 27:47), this will mean that the post-holders will invariably be white men and women. We are conscious that this recommendation is nothing new, as many Criminal Justice Agencies (CJS) have adopted the roles of Diversity Leads/Champions to progress equality issues. However, what is not apparent from the report is clarity around what is meant by the term 'diversity', when there are nine protected characteristics.
- 10.3 Whilst we are aware that it is not the role of the HASC to specify the recruitment process and the appointment criteria of the identified 'roles', it is imperative that there is public trust and confidence in the recruitment process and 'posts' as this will do much to ensure the success of the recommendation. However, we believe it can be better achieved if consideration is given to an external independent appointment, especially for the role of national Diversity Champion.
- 10.4 Furthermore, for the appointments to be effective, consideration needs to be given to how success in the roles can be measured and how accountability can be ensured. It would be very easy for the role to be meaningless and superficial. We believe that the roles should focus primarily on trying to understand, identify and address racial disproportionality in the areas of recruitment, retention and progression in an evidence based manner, in which due consideration is given to the issues of accountability and transparency. The NBPA is happy to provide advice and assistance on the development and implementation of both roles at both local and national level.

BME senior leaders forum

- 11.1 The proposed BME senior leaders forum has the potential to provide a supportive BAME staff network at senior level. However, there is an element of vagueness in the recommendation. There is no clarity as to what constitutes a senior leader – the President and Vice President of the NBPA could be termed as 'senior leaders'. **It is important that the HASC clarifies this terminology, so that it is as inclusive as possible.**
- 11.2 For support networks to be successful they need to engender the trust and confidence of their members. As such, they need to be **developed** by those they are aimed at supporting and who don't feel 'imposed' upon. A failure to do so undermines the concept of participatory governance and erodes trust and confidence. It is imperative that such a network is developed with the oversight and direction of the NBPA and is not forced upon BAME staff. We stress that care needs to be taken to ensure that the forum is not dominated by Police Officers or men, and that police staff are actively involved.
- 11.3 Given the lack of diversity in the statutory staff support associations, the NBPA would like the Government to consider that we are placed on an equal footing at both national and local level in engaging with Chief Constables and Police and Crime Commissioners.

- 11.4 The NBPA and the National Association of Muslim Police (NAMP) have an important role to play in the fight against extremism. The NBPA would like the Government to consider that the NBPA and the NAMP are proactively involved in work of this nature with police and communities at national and local level.

Conclusion

- 12.1 We recommend to the Committee that the Government should focus its attention on understanding and addressing the issues faced by BME police officers and staff. This requires an honest, proactive and mature approach, which is underpinned by the analysis of data and the genuine and active engagement and involvement of BME staff and staff support networks like the NBPA. The development of meaningful interventions, which contribute to understanding, identifying and addressing racial disproportionality in the Police is, we believe, the key to addressing longstanding concerns in this area.

**National Black Police Association
July 2016**

