NPCC: Understanding Disproportionality in Police Complaint & Misconduct Cases for BAME Police Officers & Staff
2019

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Executive Summary

In recent years research has identified disproportionality for Black, Asian, & Minority Ethnic (BAME) police officers in complaints and misconduct investigations. However there is no clear understanding of why this disproportionality is occurring and the previous academic work completed only focussed on a small number of forces.

Further research was carried out by National Police Chiefs Council (NPCC) in 2019 in order to improve understanding of the reasons for this disproportionality across the wider service. The results of this research concur with many of the findings of the previous academic research with the added evidence base to show that the issue is reflected across the service and not limited to those metropolitan forces who formed part of the initial work undertaken. This research also highlights some good and promising practice that has resulted since the previous academic research was undertaken.

The results of the 2019 NPCC research describes the following journey of BAME police officers when facing conduct allegations:

It begins with the BAME officer being referred to Professional Standards Department (PSD) by their supervisor for low level conduct allegations, with that supervisor failing to deal with the conduct allegation proportionately and at the earliest opportunity. This is either out of fear of being called racist or not having the knowledge to deal with the matters raised appropriately. As a result, BAME officers were often only made aware that their performance or conduct was in question when their supervisor informed them they had been reported to PSD.

**Key Finding:** Disparity is found in the amount of internal conduct allegations against BAME officers being assessed by PSD and a failure of supervisors to deal with low level matters at the earliest opportunity and proportionately.

Once the conduct allegation against the BAME officer is put through to PSD for a case to answer and/or severity assessment to be conducted, cultural factors, guidance and working practices are inconsistently applied or considered. Furthermore several PSD’s rarely consider the wider context other than that officers discipline/conduct history, particularly failing to explore if there is a ‘trigger incident’ e.g. whistleblowing or complaints of racism and that this can happen at any point in their career, at any rank. Whilst there is some promising good practice emerging in some forces, the inconsistent way the case to answer and severity assessment processes are conducted for BAME officers is leading to a postcode lottery across the service for severity assessment findings for BAME officers.

**Key finding:** There is disparity in the initial case to answer and severity assessment processes applied by PSDs and a disparity between BAME and white colleague’s results for those found to be misconduct or gross misconduct.

BAME officer’s subject to a misconduct investigation and the final outcome is significantly more likely to result in low level or no sanction outcomes than their white colleagues.

Some BAME officers have therefore been disproportionality subjected to a misconduct investigation by PSD, when the matter should have been dealt with by their supervision at the earliest opportunity. Thus preventing an unnecessary lengthy investigation period which subsequently has a significant negative impact on that BAME officer’s health, reputation, career progression, family and community of that BAME officer.

**Key finding:** A significant higher proportion of conduct allegations for white officers were assessed as management action, misconduct or gross misconduct compared to those for officers from a BAME background.

Whilst it has been possible to draw the above conclusions from the analysis carried out it is also clear that there remains a significant issue with the variety and inconsistent methods used by individual forces to capture data around protected characteristics within PSD. This extends to Home Office and IOPC data set requests which currently do not encourage a joined up approach to data presentation in this area.

**Key finding:** Despite the 2015 HMIC finding around inconsistent data capture hindering the ability to provide meaningful service-wide analysis this issue still remains.
This understanding of the journey of a BAME police officer in 2019 was established through the 2019 NPCC research. This research was conducted in the following ways:

- **UK wide workshops and one to one interviews** - asking BAME officers to describe their journey through complaint and misconduct investigation to understand why this disproportionality is occurring. In the same study supervisors were also asked to describe the challenges they face supervising BAME officers.
- For the first time a UK wide snapshot analysis of PSD complaint and conduct allegation data to identify what disparity exists in 2019 was conducted.
- A questionnaire was also sent out to all UK police PSDs to identify establishment composition and to understand current working practices in addressing the issue of disproportionality.

**UK Workshops and One to Ones to Understand the Journey of BAME Police Officers Facing Complaint and Misconduct investigation**

BAME police officers describe their journey as one of unfair treatment compared to their white colleagues and that this journey begins when joining the service. BAME officers describe being put through unfounded and unfair investigations based on poor evidence with clear comparators of white colleagues being treated more favourably than BAME officers when facing the same situation. They describe ‘weak and incompetent’ supervisors failing to deal with performance and misconduct issues at the earliest opportunity, either not dealing with the issues for fear of being labelled ignorant or racist or waiting until there are a sufficient number of issues to package together and then passing the responsibility by escalating grouped low level issues to PSD, enabling the supervisor to feel ‘they have done their bit’. BAME officers highlight a lack of cultural competence in PSD’s and were critical of their approach and failure to consider culture when assessing and conducting often lengthy misconduct investigations. Also that PSD’s rarely consider the wider context other than that officers conduct history, particularly failing to explore if there is a ‘trigger incident’ e.g. whistleblowing or complaints of racism and that this can happen at any point in their career at any rank.

When consulting with IOPC over this point they state:

“Severity assessments should be made in light of all the available evidence. As the whistleblowing guidance suggests, this should include investigators and decision makers being alive to the possibility that an allegation is retaliatory in nature following a protected disclosure when making their assessments/determinations”.

Further to this Home Office guidance to be found in Annex H of the Home Officer circular on Whistleblowing states at para.21:

“This [guidance] should not prohibit allegations being made against whistle-blowers and investigated, but, where an officer who has made a protected disclosure is subsequently subject to a contested allegation, the possibility of a reprisal should be part of the consideration at the ‘case to answer’ decision, the severity assessment and at any subsequent disciplinary proceedings, once all the evidence is available”.

In accordance with s47B (1) Employment Rights Act 1996, “a worker has the right not to be subjected to any detriment by any act, or deliberate failure to act, by his employer done on the ground that the worker has made a protected disclosure”. It should also be noted that even after a whistleblowing complaint has been dealt with it could be argued that the protection from suffering a detriment remains in place, so long as the officer subject to the allegation can show a causal link between the initial protected disclosure and any subsequent detriment.

The practical difficulty for a PSD is that they may not always know who has made a protected disclosure and whilst a protected disclosure may not meet the legislative criteria, say does not meet the public interest test, it may still be a protected disclosure for misconduct purposes, if the detriment was due to a breach of standards of professional behaviour.
The impact on the BAME officers under investigation has a detrimental effect on their health, career progression and family life. BAME officers feel the impact extends also to their communities, which there tends to be closer connections than their white colleagues. Also the study heard that BAME officers are less likely to promote joining the service to others and are now telling their communities, family and children not to join because of their lived experiences. Support for BAME officers going through investigation was described as inconsistent and reflected a feeling that the Federation were too close to PSD’s. However, further exploration of this revealed BAME officers feeling the Federation did not always understand cultural differences and therefore some BAME officers would turn to their BPA’s for support. The risk this creates is that BPA members are not routinely trained in misconduct procedures and therefore those BAME officers may not be gaining the appropriate advice and guidance.

This study also provided detail from the perspectives of supervisors of all backgrounds from across the UK. They described a lack of confidence challenging BAME colleagues for fear of being labelled racist and being subjected to misconduct investigations and employment tribunals themselves, so either ignore or pass the responsibility to PSD. The study heard from supervisors that they feel there is a clear need to for the leaders at all levels to develop cultural awareness to improve their cultural competence so they can improve their ability to lead. To achieve this, training and new approaches such as Wellbeing Passports are needed and the time to conduct regular one to one contact with the members of their team, something that is not happening due to the demand they face day to day. They also describe a ‘move the problem’ rather than deal with the problem culture is still present in policing today. Both BAME police officers and supervisors were in agreement for the causes of this disparity as well as the measures that are required to improve this situation.

An Assessment of Complaint and Conduct Allegations from Across the UK Police.
Analysis conducted by the College of Policing provided for the first time a snapshot of UK wide Professional Standards Department (PSD) data for complaint and conduct allegations from the beginning of 2019 (1st January to 31st March 2019). Around 5,000 complaint and conduct allegations were recorded by forces every month, with a total of 15,441 complaints included in the analysis, however, whilst the sample size allowed for findings to be drawn it is important to note there were significant challenges and issues with the quality of the data collected by PSD’s onto the Centurion system.

Findings:

- **Disparity found in the amount of ‘internal conduct allegations’ against BAME police officers.**
  In 2018/19, 7% of police officers in England & Wales identified as being from a BAME background. The Centurion data indicated that 6% of ‘complaint’ allegations were against officers from a BAME background. A higher proportion of ‘internal conduct allegations’ were against officers from a BAME background (10%). Therefore there is a disproportionate amount of internal conduct allegations against BAME police officers highlighting that when the public complain about officer’s conduct there is no disparity but there is when matters are raised from within the service.

- **Consistent evidence of disproportionality in the initial severity assessment of allegations for police officers**
  A significantly higher proportion of allegations for officers from a BAME background were initially assessed to be misconduct or gross misconduct compared to those for white officer – in both complaints (33.1% for BAME and 12.4% for White) and conduct (92.6% for BAME and 84.6% for white) processes.

- **Significant evidence of disproportionality in the initial severity assessments for police staff in ‘complaint’ processes**
  When assessing disproportionality in the initial severity assessment of allegations for police staff a significantly higher proportion of allegations for staff from a BAME background – in complaint processes but not conduct processes.

- **No evidence of disproportionality in allegation results for complaint allegations against police officers, but some evidence of disproportionality for conduct allegation results.**
  A significant higher proportion of conduct allegations for white officers were assessed as management action, misconduct or gross misconduct compared to those for officers from a BAME background.
No complaint allegations against BAME officers resulted in dismissal, and two resulted in a final written warning (out of a total of 8 allegations) 25 allegations against white officers resulted in dismissal, and 15 in a written warning or final written warning (out of 60 allegations). 7 ‘conduct’ allegations against BAME officers resulted in dismissal, two in final written warnings, and five written warnings (out of 28 allegations). 109 allegations against white officers had an outcome of dismissal, 28 a final written warnings, and 29 a written warning (out of 218 allegations).

PSD Establishment Composition

Each force was asked to provide data of the ethnicity of their PSD’s. **Key Finding:** This report found that, out of all home office forces 63% [25 PSDs] had no BAME police officers or staff. Of the 39 PSDs that responded effectively, within their Counter Corruption Units (CCU), 79% (31 PSDs) had no BAME police officers or staff.

PSD Working Practices

A questionnaire was sent out to all PSD’s to understand current working practices in addressing the issue of disproportionality. This identified that out of the 35 forces that responded and provided a clear responses, 62% (22 forces) did not apply additional consideration when conducting severity assessments and assessments of conducts for allegations against BAME officers. Out of the 38 forces that responded and provided a clear response, 78% (29 forces) of forces did not have a specific positive action plan for their PSD. The study found PSD’s are inconsistent in their approach on the use of guidance or working practices to understand cultural difference for allegations and counter corruption intelligence. There were some forces who can demonstrate a variety of guidance’s and working practices but there were many who relied on one set of guidance notes or legislation. The approaches taken by PSD when failings in supervision are identified were found to focus on personal and organisational learning.

Professional Standards Promising and Best Practice

Following engagement with PSD’s across the service there has been some promising and good practice that has emerged where forces who have reacted to the previous academic research have taken upon themselves to address issues they have found within their own force.

A synopsis of those force approaches is contained within the detail of this report and there is an opportunity for NPCC to bring this group together to identify a unified approach to support the development of all PSD’s and help to create a common standard.

The introduction of new legislation around Police Integrity Regulations and practice requiring improvement provide an opportunity to develop a standardised approach across the service and it is noted work is ongoing in this area.

Additional findings outside the remit of NPCC

When seeking to understand the approach taken by PSD’s to capture data and the guidance followed when applying misconduct processes it was apparent that there are differing requirements placed upon the service by external organisations.

Data requests from the Home Office, IOPC and HMICFRS are inconsistent and could better support NPCC to identify a single common data set to capture performance within this arena. Better alignment of data requests would then allow the College of Policing to create an accurate periodic report of service-wide performance around PSD using the Centurion data base, which is utilised by all but one force. The College of Policing have confirmed that the Centurion Data Base is capable of producing such automated reports already, but is prevented from doing so, due to the inconsistent approach to data capture. It should also be noted that the single force not currently on Centurion is due to adopt the database which further supports the recommendation.
The IOPC guidelines for carrying out a severity assessment allow for previous conduct and discipline history to be taken into account, but it is not clear with regards to taking into account any ‘trigger incident’ that may be the root cause of such matters, which then leave BAME officers and staff being subjected to scrutiny on a regular basis. This is particularly pertinent when taking into account whether or not a BAME officer or staff member has been afforded protected status as a whistle-blower from a ‘trigger incident’ and then finds themselves suffering a detriment as a result in later allegations, where there can be shown to be a link.

The above guidance is further required as it has become clear from this study that, with good intentions, some PSD’s have adopted different methods to identify disparity when assessing allegations they receive which has resulted in a postcode lottery of sorts across PSD’s.

The identification of a collective common standard across NPCC, Home Office, IOPC and College of Policing will also allow HMICFRS to develop an effective inspection regime.

Executive Summary Conclusion and Recommendations for Consideration

Whilst the research undertaken has focussed on the disparity in misconduct for BAME officers and staff it must also be noted that other protected characteristics may also face similar issues, however, the academic work in these areas is not mature enough to allow the same level of work to be conducted at this time. Therefore, the recommendations from this study have been deliberately written to allow for them to be applied across all protected characteristics.

We should remember that over 150 individuals from across all forces have taken the time to place their trust in the NPCC through sharing their personal experiences either as a BAME employee or supervisor and it is from their lived experiences that we have been able to draw out the human consequences of the ‘why’ disparity exists within misconduct proceedings.

The impact upon an individual should not be underestimated and the national well-being and inclusion survey will allow for further considerations against this report.

In the main this study has reaffirmed the previous academic work completed but has identified that the issue is service wide yet the response to identifying and removing disparity within misconduct has been sporadic. This has resulted in an inconsistent approach to misconduct across the service.

That said, it has also resulted in some good and promising practice being identified and this provides the service with an ideal platform to build from in order to develop a consistent approach.

The internal culture within the service is feeding the levels of disparity due to fear of reprisals or being labelled. Inadvertently the avoidance of dealing with low level matters at the earliest opportunity is magnifying those levels of distrust and resulting in the exact consequences those supervisors are seeking to avoid. The introduction of Practice Requiring Improvement (PRI) is an opportunity to address this.

Professional Standards Departments need to reflect the workforce and communities they serve and at present far too many do not. There needs to be better development of cultural understanding across PSD’s and bespoke positive action plans to improve representation within departments.

However, the service cannot set a common standard alone and needs to do so in partnership with the Home Office, IOPC, HMICFRS and College of Policing if data sets are to be aligned, standardised training delivered and appropriate guidance provided that ensures disparity is removed and ‘trigger incidents’ identified.
Recommendations:

Strategic Partnership:

- NPCC to consider working in partnership with Home Office, IOPC, HMICFRS and College of Policing (CoP) to develop a common data set to be applied to all forces that enable the capturing of protected characteristic data within PSD’s at appropriate points within the misconduct and complaints processes. This will enable IOPC and CoP to produce periodic reports on performance and impact of disproportionality.
- NPCC and HMICFRS to consider developing an inspection question set that measures the progress made against this and previous reports, with the aim of introducing it to the 2021 PEEL inspection framework.
- NPCC to consider working with the Home Office and IOPC to incorporate into the misconduct guidance a means to identify and assess ‘trigger incidents’ and in particular if individuals are subject to any detriment as a result of these.

Professional Standards:

- Support an agreed standardisation of data collection sets within PSD’s so that disparity of all backgrounds and protective characteristic can be monitored and performance improved.
- PSD’s to develop a UK wide consistent understanding and application of guidelines based on promising/best practice to understand cultural difference for allegations and counter corruption intelligence. In the interim consideration could be given to heads of PSD ensuring they are sighted and approve severity assessments against those with a protected characteristic.
- Support the increase in diversity and representation within PSD’s through a bespoke positive action programme based on the NPCC Workforce Representation Toolkit. Furthermore, explore the reasons that may hinder or deter those from a BAME background from applying for roles in PSD.
- As part of PSD positive action programmes PSD’s to ensure they have a programme to develop cultural understanding of protected characteristics, including ensuring cognisance is taken of any disparity arising from a failure of supervision to deal with matters at the earliest opportunity and at the lowest suitable level.
- For NPCC and IOPC to explore with consideration of current legislation the introduction of a test or mechanism prior to the PSD severity assessment at the case to answer point. That this equitable review is against all circumstances and considers cultural/protective characteristics as well as considering potential trigger incidents that maybe linked to whistleblowing.

Training & Development:

- Consider investment in comprehensive cultural awareness training for all. Consideration can be given to the Metropolitan Police ‘Leading for London’ programme that works to develop an understanding of localised cultural awareness of communities being served by the force.
- Consider investment in leadership training with emphasis on complaint and conduct captured within the practice requiring improvement programme being developed through CoP.
- Consideration to review the Appropriate Authority training to ensure it captures disproportionality and its impact on severity assessments.

Workforce & Wellbeing:

- Utilise the forthcoming results from the national well-being and inclusion survey to support a culture of empowerment to encourage supervisors to take responsibility and deal with complaint and conduct matters at the earliest opportunity.
Utilise the results from the national well-being and inclusion survey to assist with a focus on welfare support for those under investigation, taking into account any specific needs identified through an individual having a protected characteristic.

Along with the result of the national well-being and inclusion survey and the findings of this report NPCC to consider developing a series of workshops to identify tactical solutions for service improvements, focusing around culture and confidence connected to understanding the challenges around difference within the workplace.
Introduction

In recent years various research have been published evidencing that disproportionality exists for BAME police officers and staff in relation to misconduct and disciplinary outcomes.

In 2019 the National Police Chief Council (NPCC) commissioned further research to build on existing research and develop a better understanding of why disproportionality is occurring. This research was driven through the NPCC Race, Religion & Belief Working Group and supported by the Equality, Diversity and Human Rights, Complaints & Misconduct and Workforce Representation & Diversity portfolios. Key stakeholders in the development of this work were the National Black Police Association and National Association of Muslim Police by providing research, as well as encouraging and supporting colleagues from their association to participate in the qualitative research.

This report will summarise the findings of the existing research to date and introduce new research findings to better understand the current picture, as well as providing a unique insight into the journeys of BAME colleagues and supervisors of all backgrounds in the UK police service in 2019.

To build on the existing research the 2019 NPCC commissioned research included:

- Accounts from BAME colleagues and supervisors of all backgrounds to understand their journeys and develop a better understanding of this disproportionality through a series of national workshops and 1-2-1 interviews
- An assessment of complaint and conduct allegations (1st January to 31st March 2019) from across the UK police
- A survey of UK Police PSD Establishment Composition and current working practices

This report will also identify promising practices from various metropolitan PSD’s who have changed their working practices to address identified disproportionality in previous research.
Literature Review

In recent years a number of various bodies have conducted research into various related policing topics in the police service. This literature review highlights evidence of disproportionality found in policing with BAME colleagues.

- Disproportionality in Police Professional Standards (DIPPS) – July 2012

This report researched disproportionality in police professional standards, commissioned by Greater Manchester Police (GMP), West Midlands Police (WMP), British Transport Police (BTP), Greater Manchester Police Authority (GMPA), West Mercia Police, the Home Office, Association of Chief Police Officers, National Policing Improvement Agency and Independent Police Complaints Commission, commenced on 1 March 2011.

Descriptive and inferential quantitative research methods were applied to statistical data provided by GMP, WMP and BTP and qualitative research methods were applied to GMP data, including analysis of investigating officer reports, internal reports, minutes of meetings, training materials and interviews with BME officers who had been subjected to internally raised misconduct proceedings, staff association representatives, serving and former PSB supervisors and investigators, Command officers and members of the GMPA.

Numerical Disproportionality Findings in GMP, WMP and BTP:

Human resources and internally raised misconduct proceedings data made available by GMP, WMP and BTP for officers and staff were analysed to identify if numerical disproportionality existed on the grounds of ethnicity in internally raised misconduct proceedings in the three services between 2007/08 and 2010/11. Results of the analyses were as follows:

a. GMP - Numerical disproportionality was not identified in GMP for officers or staff.

b. In WMP statistically significant over-representation of BME officers was identified. A 1.90-fold increase in the odds of BME officers being subjected to an investigation compared to white officers was observed. This increased to 2.08 for Asian officers and was 1.64 for black officers. The over-representation of BME staff in WMP was not identified.

c. In BTP statistically significant over-representation of BME officers and staff was identified.

i. A 1.64-fold increase in the odds of BME officers becoming subject to an investigation compared to white officers was observed. Black status was found to be a statistically significant predictor of becoming subject to an investigation, with black officers holding a 2.41-fold increase in the odds over all other ethnic groups. Asian status was not significant.

ii. A 1.68-fold increase in the odds of BME staff becoming subject to an investigation compared to white officers was observed. Black status was found to be a statistically significant predictor of becoming subject to an investigation, with black staff holding a 2.73-fold increase in the odds over all other ethnic groups. Asian status was not significant.
The three services also provided access to their 2010/11 counter-corruption intelligence statistical data. Results of the analyses were as follows (disproportionate representation calculated on the basis of allegations received per 1000 officers):

i. In GMP statistically significant over-representation of BME officers and staff was identified.
   a. A 2.74-fold increase in the odds of BME officers being subjected to counter-corruption intelligence compared to white officers was observed. Asian status was a particularly strong predictor with a 3.59-fold increase in the odds. Black status was not significant.
   b. A 2.11-fold increase in the odds of BME staff being subjected to counter-corruption intelligence compared to white staff was observed. Asian status was a particularly strong predictor with a 2.79-fold increase in the odds. Black status was not significant.

ii. In WMP disproportionate over-representation was identified in the counter-corruption system for officers and staff (inferential analyses were not conducted and it is not possible to state if these findings statistically significant).
   a. The rate of allegations received against BME officers was 5.3 times higher than for white officers.
   b. The rate of allegations received against BME staff was 6.05 times higher than for white officers.

iii. In BTP disproportionate over-representation of BME officers (marginal) and staff was identified, but this was not statistically significant.

**Procedural Disproportionality in Internally Raised Misconduct Proceedings in GMP:**

Analyses of GMP documents and interviews with personnel identified procedural disproportionality in internally raised misconduct proceedings on the grounds of ethnicity in a timeframe that extended back to the late 1990s and early 2000s.

- In its most salient form disproportionality arises as a consequence of referrals of the behaviour of BME officers to PSB whereas similar behaviour of white officers is dealt with informally by divisional supervisors.

- Investigated BME officers and staff association representatives strongly expressed the view that disproportionality is also apparent in the conduct of investigations and the anxiety and distress caused. It has not been possible to confirm disproportionality of this type. It is acknowledged that this is a perception that needs to be addressed along with other concerns.

- Expressed from different standpoints there was broad agreement about the existence of a two tier misconduct system. It was also commonly acknowledged by all parties that procedural disproportionality is a receding problem.

- Asian culture was identified by interviewees as a particular cause of concern. It is suggested that disagreement about how to deal with difference in GMP rests at the heart of the problems the service has with disproportionality in internally raised misconduct proceedings.

- Comparison of GMP, WMP and BTP internally raised misconduct statistical data between 2007/08 and 2010/11 reveal that relatively few GMP officers were subjected to misconduct proceedings and a minority of investigations involving white and BME officers were substantiated.

- The quantitative and qualitative data have been interpreted to indicate that widespread concern with disproportionality on grounds of ethnicity and unresolved conflicts dating back at least to 2003, the year of the ‘Secret Policeman’ and three signal misconduct cases, contaminate current professional standards practice across GMP.
The DIPPS report concludes:

Although numerical disproportionality was not identified in the 2007/08 and 2010/11 GMP internally raised misconduct proceedings statistical data, small numbers of investigations, substantiations and sanctions were observed in GMP in comparison with the WMP and BTP data. This was particularly the case in regard to proceedings involving white police officers. In total 429 white GMP officers were investigated, the substantiation rate was 25.87% and 25.23% of substantiated cases resulted in the issue of sanctions.

It is suggested that concern with disproportionality and unresolved conflicts dating back at least to 2003, the year the BBC broadcast its ‘Secret Policeman’ documentary and three signal misconduct cases commenced which involved BME officers often referred to by interviewees, have contaminated professional standards practice in GMP. The small number of substantiations of internally raised misconduct proceedings, 27.77% of all investigations of officers and staff between 2007/08 and 2010/11 (resulting in the issue of a total of 37 sanctions) suggests GMP’s internal misconduct system is suffering from paralysis as a consequence of failure to address these longstanding problems.

In light of numerical disproportionality having been identified in the WMP and BTP 2007/08 to 2010/11 data, and concerns with disproportionality in internally raised misconduct proceedings on grounds of ethnicity, limited career development prospects of BME officers and low BME recruitment numbers across police services in England and Wales, it is held that the GMP qualitative research findings presented in this report are generalizable.

This report aimed to establish if Greater Manchester Police (GMP), West Midlands Police (WMP) and West Yorkshire Police (WYP) are investigating complaints of discrimination effectively and to consider what the police, and the IPCC, can do to improve the public’s experience of making such complaints.

While there were some examples of good practice, it was found that all three forces were failing at every stage of the process to investigate discrimination allegations properly, in a customer-focused way. They found problems at each stage of the process. This includes the early stage decision making, assessments of seriousness (including formal severity assessments), the quality of local resolution and investigation, communicating the outcome and rationale, and the final outcome. However, some key themes emerge alongside the quality of the investigation itself.

Conduct matters raised within the service itself were far better handled than complaints from the public, even though there were issues with conduct investigations as well.

The IPCC came across numerous examples that seemed to show that internally reported conduct is taken more seriously than complaints. Only internally reported conduct matters resulted in misconduct proceedings. This, combined with the number of complaint investigations where the officer was believed rather than the complainant, leads to the inevitable conclusion that an officer is more likely to be believed and taken seriously than a member of the public. This is further supported by the fact that a number of complaints that were withdrawn were not continued as conduct matters and ought to have been.

Severity Assessment:

The report states that all cases should be assessed for seriousness, including a proper ‘severity assessment’ (Whether the conduct, if proved, would constitute misconduct or gross misconduct) where appropriate. The IPCC found that many cases had no assessment and those that did were too often not at the correct level, or lacked a clear rationale. This is very important, as it shapes how the local resolution or investigation is conducted.

Assessments were not at the correct level because they did not take into account all the points that should be considered at this stage. For example, in 82% of progressed cases, gravity factors were not applied and/or the disciplinary and complaints history of the officer concerned was not considered. The guidance explains the importance of using these factors in discrimination cases, not least because these cases are often the most difficult to assess.
Local Resolution:

Too many cases were locally resolved when it was not appropriate to do so. In addition, the quality of the local resolutions was poorer than that of investigations.

Many investigations were also insufficient, failing to follow IPCC guidance. The overall quality of investigations was below what is necessary on any investigation, let alone one into discrimination. Reasonable lines of enquiry were often missed, such as failing to take accounts from witnesses or officers. The accounts taken were rarely probing and, in some cases, officers were not even asked to respond to the allegation. There was not always evidence that the balance of probabilities was applied.

The IPCC in this report urge forces to review the training they give line managers and hearing panels on how to conduct misconduct proceedings in accordance with the legislation, so that they hold officers to the Standards of Professional Behaviour.

Training:

Overall, it was clear from both the PSDs and the focus groups that there was a lack of training on diversity issues. This lack of training both results in complaints, and is also the reason for poor handling of those complaints and any subsequent misconduct proceedings. These messages are similar to many of the issues we identified in the Metropolitan Police Service and highlight two major areas of work needed.

Complaints handling officers and staff:

Many complaints based on perception are reinforced by an apparent lack of understanding during the investigation. Staff need support in understanding what is different and what is required in discrimination investigations.

The IPCC recommended that PSDs should introduce a quality assurance system for discrimination cases local divisions handle, particularly after the delivery of the new training package.

Report can be found:
https://www.slideshare.net/IPCCNews/ipcc-report-policehandlingofallegationsofdiscriminationjune2014
In this 2015 this report highlighted that: “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.”

This report asked and found: To what extent does practice and behaviour reinforce the wellbeing of staff and an ethical culture?

“The vast majority of chief officer teams took seriously the need to create and maintain an ethical culture. The ways in which this happened were very much dependent on the preferences of leaders in forces – but over the course of our inspection, we saw many examples of chief officer road shows; external challenge and ethics boards; training on expected standards of behaviour; dissemination of lessons learned; confidential reporting lines; and regular communication on force values.

The majority of officers and police staff we spoke to told us they felt able to challenge behaviour that they perceived to be inappropriate or unethical. However, we found that officers and staff were much more comfortable challenging operational or technical matters, rather than issues that affected the force’s culture or behaviours –out of concern that doing so might affect their career. In other instances, there was a feeling that the force would not take any action, that the person would not be listened to or believed, or that the force would not support individuals who raised concerns.

There is a responsibility on senior officers and supervisors to make it clear that they are open to challenge and willing to listen to, and indeed act on, suggestions that may help or improve culture or behaviour in the force. Senior officers should also make clear that the force will take seriously and support those who come forward to raise concerns or challenge unacceptable behaviour.

All forces had arrangements in place to support and assist the wellbeing and welfare of officers and staff. However, we found that the range of services available, and the degree to which line managers supported their staff, was variable both between forces and within forces.
All forces had sought to incorporate at least some elements of the Code of Ethics into their own values, policies and practices. Our inspection showed that some forces had put considerable energy into promoting the Code of Ethics, by making sure it was: well known by the workforce; used in everyday decision-making; part of relevant training; and that policies and procedures reflected it.

Some forces had promoted the Code of Ethics to their officers and staff alongside their existing values statements. The consequence of this was usually that officers and staff became confused by the two overlapping sets of principles – not understanding the relationship between them, nor which was more important. This situation was exacerbated in those forces that collaborate with other forces. We found officers and staff from different forces working together in joint units, but subject to different sets of values.

Almost all forces would recognise that there is more to do to make the police better reflect the communities they serve. In particular, more needs to be done to encourage and support women and black, Asian and minority ethnic people reach senior positions in policing.

We are particularly concerned that forces have not done enough to demonstrate to their workforce that complaints or allegations of misconduct will be treated fairly and equally – whoever is the subject of the complaint. While the data suggested differences in the way black, Asian and minority ethnic people were treated compared with white people, the lack of consistency and completeness meant that we were not able to comment conclusively on whether bias exists. That forces do not have a good enough understanding of their data to identify and address this issue is unacceptable."

Examining closer, HMIC asked and reported: How well does the force develop and maintain an ethical culture?

“it is critical that the culture inside police forces is an ethical one, where challenge and continual improvement are encouraged, and where staff feel that they and others are consistently treated fairly. As we have said above, staff who feel they are treated fairly and with respect by their force are more likely to go on to treat the public with whom they come into contact fairly and with respect. HMIC therefore examined the extent to which officers and staff at all levels were creating and maintaining an ethical culture.

We found that the vast majority of chief officer teams took seriously the need to create and maintain an ethical culture. The ways in which this happened were very much dependent on the preferences of leaders in forces – over the course of our inspection, we saw many examples of:

• chief officer road shows – where chief officers would spend time meeting officers and staff across the whole force to hear their views and concerns, and to set out what they expected from everyone working in the force;

• external challenge and ethics boards – where either the chief officer team, or police and crime commissioner, would invite members of the public or those working outside the police service who had relevant knowledge or experience (e.g. lawyers or those in the voluntary sector), to discuss policing matters and challenge the force on whether it was doing enough to meet its legal obligations, or its obligations to victims and the wider public;

• training officers and staff on expected standards of behaviour – this may be computer-based or classroom training on issues such as the Code of Ethics; obligations under the Equality Act or Human Rights Act; when to accept gifts or hospitality etc.;

• confidential reporting lines – for officers and staff to report a colleague’s potential misconduct or unacceptable behaviour in a discreet manner; and

• dissemination of lessons learned – news bulletins or notices on the force intranet highlighting lessons learned or other matters officers and staff should be aware of (e.g. recent court judgments).
As well as setting out their own expectations of those working in the force, we were pleased to see that the majority of chief officer teams were also interested in the views of those of their workforces. These forces had undertaken staff surveys, to better understand the concerns of officers and staff, and most of the officers and staff in these forces recognised the commitment from their chief officer teams to act on the feedback received. The views of the workforce, including: regular team meetings; online forums for people to share good ideas; and ‘ask the boss’ schemes, where individuals could ask questions directly to the chief constable and where they would receive a reply (the questions and replies would be available for the whole workforce to see).

We were disappointed to find that, in a small number of forces, chief officers told us that they could not see a need to ask their workforce about what was, and was not, working well in the force. The reasons given to us by individual chief officers were that a survey would not tell them anything they did not already know, or that the force was unlikely to be able to deal with the concerns anyway. We do not agree with these views. It is highly doubtful that any leadership team will know what its entire workforce is thinking, and changes to working practices are very much in the control of senior leaders to make. If the workforce does not feel valued and treated fairly and with respect, this may have negative repercussions when they interact with the public.

The majority of officers and police staff we spoke to told us they felt able to challenge behaviour that they perceived to be inappropriate or unethical. However, when we tested this more closely, we found that officers and staff were much more comfortable challenging on operational or technical matters, rather than on issues that affected the force’s culture or behaviours. In the majority of forces, we were told that officers or staff would be less likely to challenge more senior officers or staff, out of concern that doing so might affect their career. In other instances, there was a feeling that the force would not take any action, that the person would not be listened to or believed, or that the force would not support individuals who raised concerns.

It is important that people feel free to raise concerns or suggest improvements without fearing that there will be any negative consequences as a result of doing so. There is a responsibility on officers and staff to ensure that any concerns or suggestions for improvement are made in an appropriate manner. But there is also a responsibility on senior officers and supervisors to make it clear that they are open to challenge and willing to listen to, and indeed act on, suggestions that may help or improve culture or behaviour in the force. Senior officers should also make clear that the force will take seriously and support those who come forward to raise concerns or to challenge unacceptable behaviour.”
The Equality and Human Rights Commission in 2016 reported: “We heard that some managers lack the skills and confidence to handle difficult situations, particularly where these relate to diversity and more so when race is involved. One underlying reason for this was the MPS’s ‘painful history’ regarding race. Managers are cautious when it comes to dealing with ethnic minority staff and officers and handling claims of racism. The approach to performance management is also an obstacle. Training for staff, officers and managers that was being delivered by the MPS in the time-period of our investigation did not give a sufficient focus on diversity. The training being offered to FAW Advisors (FAWAs) during this period was also insufficient and inconsistent and this had a detrimental effect on the important role that they were undertaking.

We saw clear examples that the MPS does have structures in place to learn from ET and other cases of concern, but this is not done consistently and appears to have limited impact. There is a definite appetite for more information and sharing of learning amongst managers who are keen not to be involved in repeating previous mistakes and are very open to improving performance in this area. However there is also a clear culture of not apologising or admitting to mistakes, which limits the MPS’s ability to learn and to improve.

Summarising the finding the report made the following points:

- There is a clear expectation amongst staff and officers that if you make a complaint of discrimination you will be victimised. This expectation of victimisation prevents people making complaints and limits the MPS’s ability to tackle discrimination. The police culture of supporting loyalty could encourage behaviour that could be perceived as victimisation and this is counter to the Police Code of Ethics.
- Some managers lack the skills and confidence to handle difficult situations, particularly where these relate to diversity. This lack of confidence in handling difficult situations is particularly evident regarding race.
- The training for staff, officers and managers that was being delivered by the MPS in the time-period of our investigation gave insufficient focus to diversity.
In this 2016 report it identified that initial analysis of complaint and conduct allegations regards West Midlands Police (WMP) personnel has shown disproportionality exists in relation to a variety of diversity characteristics during different stages of the complaint process. Further investigation of this situation has shown that the primary driver of this disproportionality is that too many allegations are being initially recorded at a higher level than they should be.

The impact of recording allegations in such a way results in disproportionate, time consuming investigations, subsequently meaning subjects of complaints feeling they are being treated unfairly. Complaint subjects, appropriate authorities and Professional Standards Department (PSD), have all expressed the opinion that currently the process of finalising an allegation is generally far too long.

Providing timely, meaningful updates to the complaint subjects and proactively sharing trend information with appropriate authorities to better manage related issues are not always seen as a priority task due to resources mostly being drained by time consuming investigations.

This situation has promoted a culture of PSD being viewed as department which is separate from the remainder of the force, which is not accountable for its actions, by WMP employees outside PSD.

The lack of information sharing and regular communication results in individuals feeling they are being treated unfairly and in some cases resulting in serious welfare issues which are not currently being suitably identified or managed. This absence of clear pathways being in place, which offer suitable welfare support options to individuals who are subjects of the complaints process, is something that needs to be addressed urgently.

At the time, changes were implemented to improve the timeliness and consistency of both complaint and conduct matters. Initial feedback in relation to local appropriate authorities no longer completing severity assessments, has been seen as a better way of doing things. Other initiatives introduced at the time included:

- PSD Reputation and Risk Management Team: the purpose of which is to prevent vulnerability and feedback trend information.
- PSD Internal Scrutiny Meeting: acts as an internal scrutiny group for PSD and is available to offer advice on investigation with specific regard to discrimination investigations attended by representatives from staff associations.
- The initiatives highlighted above must be accompanied by a framework, which continuously assesses if defined objectives are being achieved. Only when this continuous assessment process exists and results are
regularly communicated, will an open, transparent complaints system be in place, which WMP employees have trust and confidence in.
Disproportionality in Misconduct Cases in the Metropolitan Police Service (MPS) – Dec 2016

This research incorporated a review of the key literature, analysis of misconduct allegations made against MPS officers between 2010 and 2015, and 11 in-depth interviews with key staff involved in the assessment and investigation of misconduct in the MPS.

The key findings were summarised:

The research found a number of studies that evidenced the existence of ethnic disproportionality in disciplinary proceedings in other police forces - both in the UK and US - as well as other professions.

- BAME officers in the MPS are twice as likely as white officers to be subject to misconduct allegations.
- Allegations against BAME police officers are more likely to be substantiated, whilst allegations against white officers are more likely to be unsubstantiated.
- This disproportionality is not driven by length of service; age of officer; differences in allegation type between BAME and White officers; or differences in on vs off duty behaviour.
- Whilst there was no ethnic disproportionality in the write off method for substantiated cases, in unsubstantiated cases BAME officers were more likely than white officers to still receive management action.
- There is no disproportionality gap in the number of public complaints made against BAME and white officers.
- Those interviewed for the research were confident current processes were fair and robust, putting forward the point that they only dealt with cases they were given and were not focussing on ethnicity – indeed in most cases would not know the ethnicity of the officer the allegation was against.
- Interviewees expressed concerns over an overall reluctance to deal informally with problematic staff behaviour or performance issues.
- Whilst research to date has been able to evidence the existence of disproportionality, no studies have so far been able to put forward conclusive evidence as to its causes or ‘what works’ in responding to it.
- In terms of potential causes, there are three prominent academic theories: 1) Fear of being accused of racism; 2) Conscious / unconscious bias; and 3) Failure to deal with difference. With the research to date and the data available it is impossible to say for certain to what extent - if at all - any of these theories are applicable to the MPS.
- It is recommended that the MPS turn their focus to the development of possible interventions - either specific to the misconduct process or to staff more widely. This may include specific training, enhanced information provision, promoting more informal solutions through behavioural ‘nudges’, changes to process, or approaches that encourage and support de-escalation and informal resolution.
Misconduct Cases in the MPS: Follow up on the findings of the MPS Misconduct Review 2015 – October 2018

A follow up report to the Disproportionality in Misconduct Cases in the Metropolitan Police Service (MPS) – Dec 2016 explains that an action plan was put in place to address the disproportionality in misconduct cases in the MPS. This included a commitment to conduct a follow-up analysis of MPS misconduct data to explore any changes following publication of the research and implementation of the action plan. Analysis of three years’ worth of MPS misconduct data (financial year 2015-16 to financial year 2017-18) was undertaken for the purposes of this follow-up analysis. The analysis primarily focuses on police officer misconduct, although reference has been made to other staff types as a comparator where relevant.

Key Findings:

- The initial review in 2015 found that BAME officers were twice as likely as white officers to be subject to misconduct allegations. Analysis of the misconduct data for financial year 2015-16 to financial year 2017-18 confirms that a disproportionality gap is still evident, but that this has closed very slightly over the last three years - with BAME officers 1.8 times more likely than white officers to be subject to a misconduct allegation in 2017-18.

- Analysis by staff type shows that BAME police staff employees were two times more likely than white employees to be subject to misconduct allegations and BAME PCSOs were almost three times (2.8) more likely to be subject to misconduct allegations than white PCSOs. A significant disproportionality gap was not found for Metropolitan Special Constabulary (MSC) officers. The initial review in 2015 found a similar disproportionality gap for both police officers and MSC officers. However, it should be noted that the MSC sample size is small.

- The overall proportion of finalised allegations that are substantiated has dropped significantly over the last three years and this has been seen for both BAME and white officers.

- The initial review in 2015 found that police officers from a BAME ethnic background were significantly more likely to have a misconduct allegation substantiated as compared to officers from a white background, whereas white officers were more likely to have the allegation against them unsubstantiated. Analysis of the misconduct data for financial year 2015-16 to financial year 2017-18 confirms that the disproportionality gap has closed (by 6 percentage points) over the last three years and there is now little difference in the outcome of misconduct allegations between BAME and white officers. Between financial year 2015-16 and financial year 2017-18, the proportion of allegations that were

- Substantiated accounted for 30% of finalised allegations against officers from a BAME background, and 27% of allegations against white officers.

- The overall use of management action for unsubstantiated allegations has significantly reduced over the last three years. Between financial year 2015-16 and financial year 2017-18 management action was used in 25% of all unsubstantiated misconduct allegations (as compared to an average of 34% of all unsubstantiated allegations reviewed in the 2015 analysis).

- There is no difference between BAME and white police officers in the write off method for unsubstantiated allegations. This is a change from the 2015 analysis in which it was found that BAME officers were more likely than white officers to receive management action in unsubstantiated cases.
The National Black Police Association – Home Affairs Select Committee (HASC) Submission 2019

This submission to HASC covered a varied of topics relating to policing and the “The Macpherson Report – Twenty Years on Inquiry”.

In the submission it states “Employment Tribunal cases have involved BAME officer’s whistleblowing about race discrimination and then subject to disciplinary. This breaches the spirit of whistleblowing legislation. The disproportionate number of BAME dismissals is reflected in the list of police officers barred from re-joining the service.”

It continues – “The ‘resistance’ to race equality is exemplified in racial disproportionality in discipline and complaints. This stagnates the progression of ACA heritage officers as time limitations placed on disciplinary sanctions impact on promotion opportunities. High profile Employment Tribunal awards have begun with a ACA heritage members of staff whistleblowing about race discrimination, resulting in their expulsion and subjection to disciplinary action. Despite the introduction of a Code of Ethics, we are conscious that there has been little appetite to enforce ethical standards in cases of this nature.

“We are concerned that lessons are seldom learned and action rarely taken against perpetrators. Instead a perceived culture of protecting the perpetrators and victimising the victim seems to be prevalent. This is in the light of the EHRC Section 20 Investigation into the MPS 2016. We note that out of court settlements in race discrimination cases result in the development of cavalier attitudes, which undermine race relations as liability is not admitted and lessons are not learnt. We are still witnessing a pattern, albeit not widespread, of perceived vindictive and malicious prosecutions of police officers who bring forward cases of race discrimination.”

The NBPA Policies & Procedures Document – 15 Indicators of Institutional Racism in a Police Force v2.0 states “Race Discrimination - unless discrimination is dealt with then racist in the organisation will feel emboldened as they do not fear any sanction. Equipment is damaged, racist comments and jokes (banter) become more widespread. There is a failure to investigate properly race complaints from BME staff and officers. Side-lining those who whistle-blow, or investigating them instead. Time to find out whether white colleagues commit acts of omissions by turning a blind eye - ‘I didn’t hear that’, ‘I don’t recall’: Well thanks for the support. At the extreme end there is illegal surveillance of BME colleagues based on racial or religious profiling. Racial stereotyping e.g. angry/aggressive black women.”
“Understanding the journey of BAME officers and Supervisors through misconduct investigations” A qualitative data study of workshops and 1-2-1 Interviews with BAME police officers and supervisors.

Introduction
Following the research in recent years into the subject of disproportionality in misconduct investigations for BAME police officers as described in the literature review, further understanding was needed to understand the journey of BAME police officers. A greater understanding was needed to identify the causal factors for this disproportionality, therefore research questions were developed with the assistance of the NBPA in order to develop that understanding, identifying also the impact such investigations have had on BAME police officers and from their perspective what improvements need to made to make meaningful change. In the same way an understanding from the supervisor’s perspective was needed to add value to this wider understanding, so research questions were developed to gather that perspective also.

The methods used to obtain the accounts from BAME officers and supervisors were:
- Two national workshops for BAME police officers. One held in the north (North Yorkshire) and one in the south (London).
- Two national workshops for supervisors. One held in north (North Yorkshire) and one in the south (London)
- One to One interviews with BAME Officers and supervisors.

The format of the workshops were that the attendees were split up into groups of between 6-10 persons, with a facilitator who recorded the detail of the themes emerging from the questions set.

The one to one interviews were presented with the same questions as the workshops. The rationale behind having a further research method in addition to the workshops, was to provide an opportunity for those who did not have the confidence to attend the workshop or want to share in a group their experiences. These one to ones were conducted face to face or over the telephone.

Invitations to participate in the workshops and one to one interviews were circulated in a number of ways. The invitation was circulated by each force through NPCC as well as through support networks like the National Police Federation and NBPA.

Confidentiality was a key message in both the invitation letter and the briefing for the workshops. In order to truly understand the journeys of BAME officers and supervisors they were provided the freedom to discuss sensitive issues that would not be used against them at a later point. This was stressed in order to encourage attendance and participation but also to ensure the accounts obtained were full and accurate from their perspective. Following a briefing of expectations, evidence was collated by the facilitators and those conducting the one to one interviews. This evidence was returned to central point being the NPCC Race, Religion & Belief sub working group for Internal Confidence. The evidence was analysed where accounts were grouped together and themes identified. Some accounts mentioned were generalised in order to protect the anonymity of those providing it.

Those BAME colleagues who attended the national workshops or participated in 1-2-1 interviews were asked to:

Question 1 - “explain and describe your journey as a BAME officer that has been subject to a misconduct or disciplinary investigation.”

In their response it was made clear that the disproportionate and unfair treatment of BAME officers is not only felt in misconduct investigations in some cases this is felt from the moment they enter the service. The accounts obtained from workshops and 1-2-1 interviews describe a journey beginning in initial training & tutorship.

Stories of racist and unfair treatment on arrival into the service in initial training describe unfair treatment and extreme racism from day one. One BAME officer describes being accused of being a criminal and soon after
subjected to a clear racist insult. With some officers with only a few years of service being subjected to multiple misconduct investigations that were ultimately resulted in no action.

A BAME colleague described struggling with a particular module in their training period resulting in not meeting a deadline. They weren’t alone, with white colleagues in their intake also failing to evidence this module. That BAME officer was the only BAME officer in the group and the trainer specifically targeted them. That BAME officers white colleagues encouraged them to “just take it” and “not to worry, it will only be on your record for a few months”. This fear for BAME colleagues to speak up and challenge early in their service was a theme that was repeated throughout the study.

The workshops identified that there were a number of examples where tutor constables didn’t want to tutor BAME student officers and were not concerned about voicing this to colleagues and the BAME colleagues they were being “forced” to tutor. Some tutors voiced views against Positive Action, devaluing BAME colleague’s achievements of being successful in getting into the service by telling them they only got in the job because of their race and recruitment standards must have been dropped. There were also examples of tutors subject to ongoing investigations in to racist behaviour continuing as tutors and even tutoring BAME student officers.

**Unfounded and unfair investigations**

One officer described an investigations into an allegation of a neglect of duty, this involved a white officer and a BAME officer. This neglect of duty resulted in a criminal case being discontinued. The BAME officer was subject to a misconduct investigation even though they had clear and strong evidence that the white colleague was wholly responsible for that duty not performed, resulting in the discontinued criminal case. The officer presented this clear and strong evidence immediately to supervision and PSD. This evidence of innocence was ignored, months of investigation followed and eventually it was dropped without any action against the BAME officer. The white colleague responsible for the neglect of duty was treated as a witness in the misconduct investigation against that BAME officer and never faced any misconduct investigation.

Similarly, a white officer received a complaint from a member of the public regarding an unlawful search of person. A BAME colleagues was present at the time of the search and then became the focus of the investigation.

There were examples where BAME officers were subjected to months of misconduct investigations that could have been easily dismissed at an early stage if those involved in driving the investigation had the cultural competence to understand that BAME colleagues actions were innocent and part of their culture. One example was a BAME officer unknowingly shaking the hand of a criminal outside a place of worship. This interaction had been observed, reported and investigated for several months. When in fact there was no inappropriate association and it would have been a cultural insult not to accept that handshake in that context.

BAME officers described attending incidents where they were able to utilise their cultural awareness and experience to understand, interpret and deal with incidents involving minority communities. The BAME officers made informed decisions based on their cultural competence. When white colleagues challenge these decisions, explanations were proved but these were dismissed and ignored. Allegations of poor decision making and neglect of duty results follow in the form of misconduct investigations, which again come to no action.

A BAME officer when interviewed regarding a misconduct matter kept being referring as an ‘IC3’ when it wasn’t relevant. In this same case the officer denied the allegation but was pressured by their supervision and told they would have to admit the misconduct in order to receive lower sanction.

Some accounts were shared by officers who had made a complaint against another officer over treatment of racism and then had subsequently become the focus of a number of misconduct investigations by PSD. With PSD’s failing to consider the wider context and if there was in fact a ‘trigger incident’ where because they had complained that BAME officer was targeted. It was also commented on that this can happen at any point in a BAME officer’s career and at any rank.
Since the introduction of body worn cameras some officers have seen a decline in the number of allegations made against them from either the public or internally. A feeling that the existence of video evidence is difficult to twist and turn into grounds for malicious allegations.

**Weak and Incompetent Supervision**

A key theme coming from the workshop and 1-2-1 interviews was supervision and a failure to deal with performance and misconduct issues at the earliest opportunity.

They described inconsistent approaches and disproportionate ‘knee jerk’ reactions if BAME officers were involved, with supervisors escalating issues to PSD immediately. Whereas when dealing with similar low level issues with white colleagues, supervisors will deal with these informally at local level. BAME officers discussed a number of reasons for this. Line managers failing to challenge BAME colleagues for fear of being labelled racist, so don’t deal with it or more commonly distance themselves from the issue by passing the issue and responsibility to PSD. Also line managers were described on the whole as having a lack of understanding of complaint, performance and misconduct processes, so are in fear of getting it wrong they again pass the issues up to PSD to deal.

There was also a view that some BAME officers felt they received an increased level of scrutiny and punishment from supervision because of their race and that supervisors treated white colleagues more favourable and more leniently when facing performance and misconduct issues. Labelled “Intrusive Supervision” is in fact interpreted as bullying by some taking part in the study. Public rather than private dressing downs over mistakes take place, it was felt this occurs because some supervisors feel they need to be seen to the wider team of not favouring BAME colleagues. BAME officers also described an overzealous supervision style to serve their own promotion prospects, using BAME colleagues as ‘evidence’ and a springboard to meet their own career aspirations. BAME colleagues described instances when they have be moved to new roles when they have raised issues. Frustration sets in when those responsible are not held account for their actions.

Another observation BAME officers described in this study was that supervisors are failing to challenge inappropriate behaviour and racist comments in teams which is reinforcing a hostile working environment and creating alienation and isolation for BAME officers.

**Cultural Competence and approach of PSD**

Another key theme coming from those participating in the study was a reflection on their interactions with Professional Standards Departments. In particular a lack of cultural awareness and cultural competence by those assessing and conducting misconduct investigations into BAME officers. Ignorance and misunderstanding difference and culture adversely affects BAME colleagues. Cultural factors are not being considered at an early stage, resulting in unnecessary, damaging and costly investigations.

BAME colleagues described numerous minor matters being dealt with at an unnecessarily and disproportionately high level by PSD’s. This knee jerk reaction by supervision is believed to be the cause by many. A BAME officer who has worked within the PSD witnessed high levels of low level complaints involving BAME individuals suitable for low level intervention at local level. This challenge was not welcomed or accepted by local supervision. BAME Officers reported being subjected to disproportionate high end intrusive investigative tactics, like the use of surveillance or mobile phone analysis. An example given was an investigation of a BAME officer’s unknowingly loose association to a criminal association. Simply approaching the BAME officer would have resulted in an innocent explanation. BAME colleagues looking across to their white colleagues in the same situation and feel they are dealt with at a much lower level, by their supervision where an explanation is given and matter is addressed and closed appropriately.

BAME officers describe being left without updates by PSD during investigations against them. Or even informed of the investigation conclusion outcomes, meaning that officer is living with that uncertainty unnecessarily when
the matter had concluded weeks and months before. To them this feels like callous control over the officers concerned, described as feeling like a punishment even when innocent.

The study heard that PSD are viewed as a defensive department unwilling to accept fault or challenge.

**Inconsistent Levels of Support**

BAME colleagues described that on the whole colleagues at the same level were largely supportive to them, however it was felt supervision levels above often distanced themselves during a misconduct investigation in fear of being negatively associated.

However when BAME colleagues have spoken up and had a voice at force level to talk about diversity, dignity and respect this met with comments discouraging such discussions as well as support that these conversations need to be had to improve the current working environment.

A repeating theme was lack of support and confidence in the Police Federation. That they were too close to PSD and were not acting impartially or supporting BAME colleagues. BAME colleagues also commented on the lack of diversity in the Police Federation.

Even support associations such as local BPA provide inconsistent levels of support force to force. With some encouraged by their BPA to drop complaints, leaving BAME officers feeling unsupported and trust damaged. The risk here is that BAME officers are either turning to their BPA’s for misconduct investigation support or not seeking any support at all. Those BPA members supporting BAME officers and staff may not be trained in misconduct matters and therefore this creates a missed opportunity for trained Federation or Unison support.

**Q2 - Explain and describe the scope of the impact this has had. (On you, your family, community, career, health)**

**Health**

The health implication of being subject to a misconduct investigation were described by those participating in the study as both physical and mental.

The study heard of physical and mental exhaustion, stress, anxiety, depression, low self-esteem, paranoia, and even suicidal thoughts.

Resulting in BAME colleagues having panic attacks, poor sleep and being unable to function at home and work. Medical intervention often followed with long period of sickness, being put under medication and receiving counselling treatment.

Those participating in the study talked about often questioning them self and being left with a feeling of not belonging. Their confidence was damaged, coupled with severe frustration and feelings of injustice. There were high levels of resentment and bitterness for the experiences they have had to face.

A word that was repeated a number of times was a feeling of being ‘scared’. Living and working in fear – “what will I face today?” “What will they do to me next?” These feelings have resulted in changes in working practice for BAME colleagues. With one individual describing their working life as “I have two jobs. One is my job as a Police Officer. The other is covering my backside”. Spending time recording rationale for decisions, what they did, when and why, who was present and what was said. All this done “just in case they come for me again”.

There were a small number of BAME colleagues in the study who described the experience of being under investigation as having little or no impact on them because they were confident that they were innocent and felt this innocence would be proven in the outcome of the investigation.

There were BAME colleagues that appeared defeated, saying that have “had enough”. Describing how they have no fight left in the challenges they face being a BAME police officer. So to survive they keep their head down and do their job, letting unfairness and racism wash over them.

Whilst the feelings and impacts described above could be considered to be applicable to any officer or staff member under investigation consideration should be given to the fact that officers and staff from some BAME communities are discouraged from joining the service due to perceptions of racism. When they then find themselves under investigation there is not always a support network for those officers to turn to.

**Career**

Going through the experience of being under investigation for misconduct damages officer confidence and ability to perform their role. A lack of trust in the organisation and colleagues along with a feeling of demotivation to perform their role or progress through the ranks was felt by many BAME officers taking part in the study.

They believe being under investigation has damaged their progression in the police service, some being prevented to apply for new roles, acting opportunities or promotion. Some having training courses and qualifications cancelled. BAME officers described lowering their police career aspirations as their reputation in the force often is damaged beyond repair with colleagues distancing themselves from them, causing stress in work relationships. Isolation in the work place follows and paranoia grows.

Some feel they are driven to feeling the only option is to resign. Some are advised or feel pressured by colleagues to resign.

**Family**

BAME officers describe all the issues created by being under investigation are almost always taken home, causing a significant detrimental impact.

The mental health implications change their behaviour and happiness in the home, often unable to function as they did as a partner, spouse or parent. Tension and pressure grows with marital arguments some relationships ending in separation and divorce.

Being under-investigation for long periods and in some cases being on long term sick and going down to half pay results in financial issues and a lack of ability to forward plan.

BAME officers described feeling isolation at home also in that some felt they couldn’t ask for support from their family as they didn’t want to be subjected to the “told you so” comments from family members who originally advised them against joining the police. Also the fear of bringing shame to the family of being a police officer under investigation is an enormous pressure that develops further negative feelings of guilt and fear.

**Community**

BAME officers describe that many of their communities already have a lack of confidence and trust in the police. They perceive the police as institutionally racist. As stated some family and community members will actively discourage members of their community to join in the fear they will be subjected to racist behaviour and be hounded out.
In the study the BAME officers described it as a pressure from their community that white colleagues are unlikely to face or understand. Some described this pressure as being a focal point for their community for crime matters, with them being approached for information and intelligence.

**Recruitment**

Often it was felt that the best police recruiter of BAME police officers are BAME police officers themselves. The repeating comment from many in the study was that BAME officers will not promote joining the service and are now telling their communities, family and children not to join because of their lived experiences. This will clearly have a detrimental impact in future representative recruitment for policing.

**Q3 – How can supervisors improve to better understand and better support BAME colleagues in cases such as this?**

**Improve Cultural Awareness and Cultural Competence**

There is a perception that there is a significant gap for supervisors in their cultural awareness and the cultural competence.

Improvements can be made by supervisors considering cultural and difference factors when dealing with complaints. They can engage with relevant support groups for support and advice to aid their decision making.

Supervisors need to invest in the BAME colleagues they supervise. Get to know them and how they live their life. In the study discussions BAME officers identified they have a part to play in helping this relationship and improving their supervisor’s awareness and competence. The recent development of wellbeing passports in some forces help aid better understanding.

The study found that BAME officers believe supervisors should have more training and awareness around inclusion and diversity as well as training and awareness around dealing with difficult and problematic staff issues. Although online training packages like NCALT were not very popular, they don’t have any relevant training packages in this area. The groups unanimously believes that using real lived experiences of BAME officers as examples is the best way to educate supervisors and embed the change of culture needed.

**Strong and ethical leadership**

Those who took part in the study called for strong ethical leadership at all ranks. Supervisors that create an open learning environment, welcomes challenge and is built on trust and honesty. It is ok to admit when you get it wrong, there is a need for leaders who are empathetic and demonstrate humility.

When leading their teams they need to take an early intervention approach to encourage a supportive, inclusive and highly performing team. They can do this by challenging inappropriate and bullying behaviour. Don’t prejudge. Supervisors must be open minded when dealing with officers on their team who are under investigation but also if they were under investigation in the past.

Don’t discourage valid complaints. Support your colleagues when they challenge how they have been treated.

**Complaints and Misconduct Training**

The study identified a perception from those taking part there was a need for complaint, misconduct and performance management training for supervisors. Again using real life lived experience case studies to demonstrate good and bad practise.
As explained before there is a need for supervisors to have the confidence to take responsibility and deal with complaint and conduct matters at the earliest opportunity, rather than passing all issues to PSD.

**Care**

Many in the study explained that improvements in supervision can be achieved by simply caring. Respecting difference, taking interest in people and making welfare a priority. Listening, engaging, learning and remove the fear of getting things wrong.

**Q4 - How can forces improve?**

**Cultural Change**

BAME colleagues call for a culture change in policing. For force to be compassionate, people focussed. Driven not only by Chief Constables but for Police and Crime Commissioners to treat fairness for the workforce as a priority. The groups described a need to create an environment where people feel safe to make mistakes and learn. There was call for a more representative workforce and this can be done through meaningful investment and buy in to the Positive Action agenda.

Invest and utilise support agencies that can provide insight into all areas of protective characteristics. Groups believed the use of ‘tactical advisors’ in all aspects of policing including PSD investigations would improve our practices.

The group feels all processes should have clear Equality Impact Assessment in place to ensure fairness and consistency because the reality is that this is not common place in policing today.

**Organisational Learning**

The study heard calls for forces to be transparent and accept organisational failings. Including Employment Tribunal finding and then implement meaningful change.

If BAME colleagues are leaving the service they need to be offered meaningful and purposeful exit interviews with individuals invested in driving change.

Identify promising practice and share learning between forces.

**PSD & Investigations**

During the study improvement in Professional Standard Departments and Counter Corruption Units was a particular focus.

The groups suggested that PSD severity assessments should be conducted with due diligence. With a process before or included that considers cultural factors that may be of relevance to that case. It was also suggest that cultural tactical advisers from support groups could be utilised at all stages to ensure cultural consideration is factored in at every stage.

It was suggested that there should be a consistent timescales and time limits applied to investigations. Similar to the National Police Federations recent challenge to the IOPC to have time limits for investigations. This would assist in helping to reduce the impact, stress and anxiety that are experienced by officers in that situation. PSD’s should be held to account for their performance in this.

There is a perception that the workforce of PSD and CCU’s are not representative. There is a call for representation in these departments as this would help with internal cultural competence.
Those participating in the study welcomed the use of the Peer Review processes and Independent Advisory Groups to assist in process and decision making providing the opportunity to reflect, learn and transparent independent oversight.

There is also a perception that there is unfairness in misconduct outcomes and action against BAME officers compared to white colleagues facing similar conduct allegations.

Also put forward was a need for following the outcome of investigations there needs to be the opportunity for the officer to understand the case, understand rationale of investigation and the outcome decision. This will help the officer with closure and help them move on from the experience.

PSD and CCU’s need to invest in analysis to truly understand their business. They need to be able to regularly monitor, identify and act upon any disparity. Further, for forces to be transparent with this data and be held to account.

Promote the Right People

Promoting the right people was mentioned frequently throughout the study. Promoting the right people with the right values, who understand and value difference is key. Forces need to design a promotion process that reflects that. Importantly the decision makers in these processes at each stage need to be individuals who embody the values of the service and truly demonstrate an understanding of difference. This will enable better progression for BAME colleagues who feel there opportunities are currently limited.

Although the groups in this study were clear that promoting the right people of any background is important, they explained that there is a clear need for BAME and protected characteristic officers to be represented throughout the rank structure.

Like supervisors, selecting the right tutor constables is also pivotal to ensuring those BAME colleagues entering the service are supported and nurtured to realise their true potential.

Develop your people

As previously covered, the study identified a call for forces to invest in raising the importance of cultural awareness and cultural competence. Embedding this understanding through training and using lived experiences for people to understand the importance.

Pivotal in landing meaningful change means departments like Training and HR need to embrace the importance of difference. Key support and development individuals like tutor constables and supervisors need to embrace this also. Further training for the workforce in unconscious bias as well as investment in supervisors to have the skills to have difficult conversations and understand complaints procedure and performance management processes.

Those supervisors who attended the national workshops or participated in 1-2-1 interviews were asked to:

Q1. Describe your ‘Supervisor Journey’ supervising officers. Describe the challenges, concerns and barriers you face.

Lack of Confidence

Supervisors describe a lack of confidence when supervising BAME officers. They are apprehensive for a variety of reasons.
There was a fear that challenging BAME officers will result in them being labelled racist and may then develop into an Employment Tribunal, that will lead to stress, anxiety and damage their career progression. So they don’t deal with minor issues at the earliest opportunity. Either these issues are not dealt with at all, leaving that officer who has poor behaviour or performance to go unchallenged, or issues that should be dealt with at local level are instead passed to PSD to protect themselves.

The scenario described in many of the groups participating in the study was that white officers would be dealt with for minor conduct or performance issues by their supervisor having ‘corridor conversations’ that were not recorded, however BAME officers wouldn’t be treated in the same informal way.

Some supervisors described a feeling of a need to balance team expectation. Not wanting to be seen as favouring BAME due to their religious or cultural needs.

Lack of Competence and Awareness

Being afraid of being exposed for not having the cultural competence and awareness to supervise the BAME officers is a concern. They are afraid to ask BAME officers questions, as they do not want to be seen as ignorant. A lack of experience and understanding of difference is causing conflict in the workforce. Leadership training for supervisors is non-existent or poor with no focussed training on cultural awareness.

There is a feeling supervisors are having less and less contact with their staff. Less contact means less conversations and opportunities to develop relationships and understanding of the lives of the officers they supervise, regardless of background.

Further Concerns and Barriers

A lack of BAME supervisors at all levels in policing results in a lack of supervisors able to relate at cultural level with BAME officers.

There is a perception that forces continue to move problems instead of dealing with it. Moving the individual to a different role or team is often the solution rather than getting to the heart of the problem and making meaningful cultural issues with the police service.

Q2. Do you believe you and your supervisor colleagues have the cultural awareness and competence to effectively manage and support BAME colleagues?

The overwhelming response from supervisors was NO.

The majority of those participating in the study described supervisors do not believe they have the cultural knowledge, awareness or competence to be an effective supervisors to a BAME officer. Importantly they feel the existing working environment doesn’t promote cultural competence due to a fear of making mistakes or being labelled ignorant or racist for not knowing about a specific cultural matter.

Supervisors described a lack of quality time to engage and understand the individuals on their teams due to a requirement to focus on demand. Regular one to one meetings with officers on their team are happening less and less so they are not getting to know the individual, they are not picking up on cultural needs, welfare and performance issues at the earliest opportunities.

In order to value difference those participating in the study called for investment in leadership training that covered cultural awareness, emotional intelligence and having difficult conversations. It was stressed a move away from NCALT training for this and more towards an engaging interactive training experience in a safe environment. Training that includes supervisors feeling free to be curious and questions, as well as listening and learning through lived
experiences of BAME officers. Pivotal to this is that BAME officers should be consulted in the development and delivery of such training.

**Q3. Do supervisors have the confidence to challenge BAME officers and deal with matters at the earliest opportunity?**

Supervisors describe a fear to challenge BAME officers due to being labelled racist or being named in an Employment Tribunal. One response and approach that came through in this study is for the supervisor to not challenge or deal with matters at all, taking the easy way out with no conflict or work and then what would then be the perceived consequences. Some in the study said this was wide spread regardless of the background of the officer that there are issues of supervisors not having the confidence or willingness so are failing to challenge at all.

As described in Question 2, supervisors are not having the one to one time with their officers so are not even identifying performance or conduct issues. So these go unaddressed and situations worsen over time and could lead to gross misconduct situations.

However, there were examples of supervisors getting it right taking responsibility and appropriately challenging BAME officers at the earliest opportunity. These supervisors were described as experienced with good emotional and cultural competence, knowledge of procedures and the confidence to address performance and conduct matters at the right and appropriate level.

**Q4 - How can supervisors, BAME officers and forces improve the current landscape? Adapt any good/ promising practice.**

**Forces**

- Clear messages from the top. Police and Crime Commissioners and Chief Constables making fairness for all in the workplace a priority
- Create culture of openness, freedom to challenge and learning – it's ok not to know or make a mistake as long as we learn. With true organisation reflective learning from the outcomes of Employment Tribunals
- Forces to truly value and understand difference and intersectionality
- Empower your leaders at all levels to make decisions
- Invest in training – leadership, cultural, unconscious bias
- Use of IAG’s for all aspects of organisational change and development including in complaints and conduct
- Increase diversity in PSD with PSD SPOCS on area to provide support and guidance.
- Promote the right people with the right values and change the processes to ensure that
- Support Positive Action, developing BAME officers to progress through the ranks to increase representation. Who can then provide the support, knowledge and lived experience of being a BAME officers at all ranks
- Create supervisors the time to conduct quality regular one to one meetings with their staff to develop relationship, support performance and deal with matters at an appropriate level. All forces should embrace the wellbeing passport to help foster these relationships
- Invest in support networks who can provide advice and knowledge to supervisors
- Celebrate success

**Supervisors**

- Take personal responsibility to deal with matters at the right level
• Truly invest in getting to know your teams through one to ones and use of wellbeing passports. Early intervention in to issues benefits everyone
• Value and utilise difference of your teams creating a learning and supportive culture for all to be the best they can be
• Ask questions to improve understanding and don’t fear not knowing
• Ask for help and support
• Understand and embrace Positive Action

**BAME Officers**

• Help forces and supervisors to improve cultural awareness and competence by engaging in all elements of change aimed to improve the current picture
• Support and give supervisors the opportunity to learn

**Discussion**

Over 150 BAME officers and supervisors from across the UK took part in this study, the first study of its kind on a national scale. It was often very difficult for those participating to share their stories and those doing so were brave for doing so. The limitations of this study is in it being restricted in specific detail of individuals accounts due to the need to secure anonymity, as this is a sensitive and controversial subject matter. Themes from the accounts were grouped to provide a narrative.

The accounts and opinions obtained from this study mirror elements of the findings from the previous reports outlined in the literature review at the start of this report.

In the ‘Disproportionality in Police Professional Standards (DIPPS) – July 2012’ report it found also “In its most salient form disproportionality arises as a consequence of referrals of the behaviour of BME officers to PSB whereas similar behaviour of white officers is dealt with informally by divisional supervisors.

The ‘IPCC: Police handling of allegations of discrimination 2014’ report also identified the need for investment in training “Overall, it was clear from both the PSDs and the focus groups that there was a lack of training on diversity issues. This lack of training both results in complaints, and is also the reason for poor handling of those complaints and any subsequent misconduct proceedings”.

Similarly those taking part in this study also identified a key element for positive change is through creating an open environment to challenge and learn like the comments put forward in the ‘HMIC, PEEL: Police legitimacy 2015 A National Overview’ report, stating “It is important that people feel free to raise concerns or suggest improvements without fearing that there will be any negative consequences as a result of doing so. There is a responsibility on officers and staff to ensure that any concerns or suggestions for improvement are made in an appropriate manner. But there is also a responsibility on senior officers and supervisors to make it clear that they are open to challenge and willing to listen to, and indeed act on, suggestions that may help or improve culture or behaviour in the force. Senior officers should also make clear that the force will take seriously and support those who come forward to raise concerns or to challenge unacceptable behaviour”.

Again this study found evidence that supported the findings of ‘The Equality and Human Rights Commission report in 2016’ who reported: “We heard that some managers lack the skills and confidence to handle difficult situations, particularly where these relate to diversity and more so when race is involved. One underlying reason for this was the MPS’s ‘painful history’ regarding race. Managers are cautious when it comes to dealing with ethnic minority staff and officers and handling claims of racism. The approach to performance management is also an obstacle. Training for staff, officers and managers that was being delivered by the MPS in the time-period of our investigation did not give a sufficient focus on diversity. The training being offered to FAW Advisors (FAWAs) during this period was also insufficient and inconsistent and this had a detrimental effect on the important role that they were undertaking”.
This study heard of supervisors having a fear to challenge BAME officers in fear of being labelled racist and a lack of cultural competence which adds evidence outlined in the findings of the ‘Disproportionality in Misconduct Cases in the Metropolitan Police Service (MPS) – Dec 2016’ who explain “In terms of potential causes, there are three prominent academic theories: 1) Fear of being accused of racism; 2) Conscious / unconscious bias; and 3) Failure to deal with difference. With the research to date and the data available it is impossible to say for certain to what extent - if at all - any of these theories are applicable to the MPS.”

**Conclusion**

This study provided detail from the perspectives of BAME police officers across the UK who have been subject to misconduct investigation.

They describe their journey is one of unfair treatment compared to their white colleagues and that this journey begins when joining the service. BAME officers describe being put through unfounded and unfair investigations based on poor evidence with clear comparators of white colleagues being treated more favourably than BAME officers facing the same situation. Weak and incompetent supervisors failing to deal with performance and misconduct issues at the earliest opportunity, either not dealing with the issues for fear of being labelled ignorant or racist or passing the responsibly by escalating low level issues to PSD to deal with so they don’t. BAME officers described a lack of cultural competence in PSD’s and were critical of their approach and failure to consider culture when assessing and conducting often lengthy misconduct investigations. Also that PSD’s rarely consider the wider context of that officers conduct history, particularly failing to explore if there is a ‘trigger incident’ e.g. whistleblowing or complaints of racism and that this can happen at any point in their career at any rank.

The impact on the BAME officers under investigation has a detrimental effect on their health, career progression and family life. BAME officers feel the impact extends also to their communities, which there tends to be closer connections than their white colleagues. Also the study heard that BAME officers are less likely to promote joining the service to others and are now telling their communities, family and children not to join because of their lived experiences. Support for BAME officers going through investigation was described as inconsistent.

BAME officers identified key areas for supervisors to improve and help address the disproportionality. This included improvements in cultural awareness and cultural competence across the police service. Training for supervisors in complaints and misconduct and a call for them to be empowered to take responsibly and deal with low level matters rather than escalating them to PSD. To also care, valuing difference and taking genuine interest and invest in the people they supervise.

In this study BAME officers also described how forces can improve the situation and address the disproportionality. They call for a culture change from the top with Chief Constables and Police and Crime Commissioners to treat ‘fairness for the workforce’ as a priority, creating an open and learning environment where forces take responsibility and the workforce can make mistakes and learn. Those in the study suggested that PSD’s severity assessments should include cultural considerations that may be of relevance to that case will help prevent unnecessary investigations or help ensure any conduct investigations are conducted ethically with consideration for cultural factors. Furthermore they called for a more representative PSD and CCU to help provide that perspective from within as the current perception is of a department dominated by white, male retired detectives. Those participating in the study suggested that forces can improve supervision standards and help reverse the issues they have experienced by promoting the right people with the right values. Leaders who value difference, are inclusive and ethical and support the development and wellbeing of those in their teams regardless of their background. So they can unlock the potential of individuals so they can be the best they can be and provide a best possible service to the diverse communities they serve.
This study also provided detail from the perspectives of supervisors of all backgrounds from across the UK. They described a lack of confidence challenging BAME colleagues in fear of being labelled racist and being subjected to misconduct investigations and employment tribunals themselves so either ignore or pass the responsibility to PSD. The study heard from supervisors that they feel there is a clear need to for the leaders to develop cultural awareness to improve their cultural competence so they can improve their ability to lead.

To achieve this training and new approaches like Wellbeing Passports are needed and the time to conduct regular one to one contact with the members of their team, something that is not happing due to the demand they face day to day. They also describe a ‘move the problem’ rather than ‘deal with the problem’ culture is still present in policing today.

Supervisors in this study believe forces can improve by Chief Constables and Police & Crime Commissioners prioritising fairness for the workforce, valuing difference and creating an open environment of empowerment and learning utilising diverse IAG’s. They call for true investment in leadership training. Like BAME officers suggested, Supervisors called for better representation in PSD to provide cultural support. They also called for forces to promote leaders with the right values supported and empowered by their forces to take responsibility, be the supportive and inclusive leaders needed to address this disproportionality. Supervisors participating in the study also called for BAME officers to be a part of the solution to improve the current issue by supporting them and others to improve their cultural competence and cultural change in their forces.

The study found clear agreement from the perspectives of both BAME officers and supervisors participating in the workshops and one to ones of the causes for disproportionality as well as agreement on what is needed to improve the current picture.
An assessment of complaint and conduct allegations (1st January to 31st March 2019) from across the UK police. Conducted by the College of Policing.

1. INTRODUCTION

1.1. Background

To support the NPCC report ‘Understanding Disproportionality in Police Complaint & Misconduct Cases for BAME Police Officers – 2019’ the College of Policing agreed to carry out some basic data analysis – drawing on the Centurion database – to inform the development of the commissioned research. This analysis was a ‘proof of concept’ and sought to provide a rough ‘snapshot’ of race disproportionality at different stages of complaints and conduct processes. While such analysis might provide some provisional evidence of the possible existence of disproportionality, it is unable to explain why it might have occurred. Other research methods are needed to understand the nature, context and possible causes of any disparities.

For example, it is not known:

- How similar in severity the allegations against officers and staff from different ethnic backgrounds were, and whether this affected their processing through the system
- How many allegations related to the same person/incident, and the extent to which any disparities evident in the total number of allegations could be affected by the allegations against one person
- How and why officers and staff in professional standard departments decide to handle allegations in particular ways

Method

Data was extracted from 41 forces over a three month period (1st Jan to 31st March 2019) from the Centurion database. Around 5,000 complaint and conduct allegations\(^1\) were recorded by forces every month, with a total of 15,441 complaints included in the analysis.

The analysis involved College researchers comparing the proportion of different outcomes for officers and staff from a BME and white background at each stage of the complaints and conduct processes. The following stages were examined:

- Allegations
- Initial assessments
- Allegation results
- Outcomes.\(^2\)

This type of analysis aimed to provide a preliminary indication of whether disproportionality existed at the initial stages of these processes, and whether it accumulated at subsequent stages. This is an important point, because if disproportionality was identified in the initial stages but not the subsequent stages, it would not follow that there was no disproportionality in those later stages. It would mean that disproportionality did not worsen.\(^3\)

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\(^1\) Recorded allegations are reported rather than cases. One complaint or conduct matter could consist of more than one allegation against the officer or staff member.

\(^2\) Analysis has not been presented on officers and staff who were placed on restricted duties, were suspended or who resigned during complaint and conduct processes. Small sample sizes made comparisons problematic and there were issues with establishing a meaningful baseline.

\(^3\) Indeed, any disproportionality evident at the initial stages of the process that is due to biased decision-making, could ‘go in reverse’ at the later stages if these subsequent decisions apply the same standards across ethnic backgrounds.
All comparisons were tested for statistical significance, which is explained in the box below.

**Statistical significance**

All percentages are estimates and come with a margin of error or confidence interval. The confidence interval around an estimate of 50% based on sample of 100, would be +/-10%. This means that, while we estimate the percentage to be 50%, we are 95% confident that the ‘true value’ is somewhere between 40% and 60%.

The confidence interval around an estimate are determined by the sample size; the larger the sample, the narrower the margin of error. So, if the sample was increased to 600, the confidence interval around our 50% estimate would reduce to +/-4%. We would, therefore, be 95% confident that the true value is somewhere between 46% and 54%

Confidence intervals are very important when it comes to comparing two percentages. If the confidence intervals around two percentages overlap, the difference between them is unlikely to be statistically significant and could be due to random chance.

All of the percentages in the tables below have been presented with lower and upper confidence intervals. This has been done to show more clearly whether the difference between two percentages is statistically significant. Symbols (✓ or ✗) have also been added to the tables to show whether the difference is significant (i.e. ‘sig diff’). Many of the differences in the tables do not reach statistical significance. This does not necessarily mean there is no race disproportionality at that stage of the process, and may simply be due to sample sizes.

1.2. **Limitations**

The analysis has a number of limitations related to the low number of allegations -particularly at the later stages of the process - which made it harder to detect statistically significant difference, and the quality of the underlying data. The limitations are outlined in the appendix.

2. **RESULTS**

2.1. **Allegations**

**Officers**

In 2018/19, 7% of police officers in England & Wales identified as being from a BME background. This figure varied by rank and role. For example, 8% of constables – who made up the majority of the police workforce – and 11% of specials identified as BME. The Centurion data indicated that 6% of complaint allegations were against officers from a BME background. A higher proportion of internal conduct allegations were against officers from a BME background (10%).

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>No of complaint allegations</th>
<th>% of total Allegations</th>
<th>No of complaint allegations</th>
<th>% of total allegations</th>
</tr>
</thead>
<tbody>
<tr>
<td>BME</td>
<td>798</td>
<td>6.1%</td>
<td>94</td>
<td>9.6%</td>
</tr>
<tr>
<td>White</td>
<td>12,228</td>
<td>93.9%</td>
<td>889</td>
<td>90.4%</td>
</tr>
<tr>
<td>Total</td>
<td>13,026</td>
<td>100.0%</td>
<td>983</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

Table 1. Profile of complaint and conduct allegations (officers)

---

4 Allegations against special constables have been included with those against regular officers because of small numbers.
**Staff**

In 2018/19, 7% of police staff in England & Wales were from a BME background.\(^5\) This figure increased to 10% for PCSOs. The Centurion data showed that 7% of complaint allegations and 10% of internal conduct allegations were against staff from BME backgrounds.

**Table 2. Profile of complaint and conduct allegations (staff)**

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Complaint allegations</th>
<th>Conduct allegations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No of complaint allegations</td>
<td>% of total Allegations</td>
</tr>
<tr>
<td>BME</td>
<td>81</td>
<td>6.8%</td>
</tr>
<tr>
<td>White</td>
<td>1111</td>
<td>93.2%</td>
</tr>
<tr>
<td>Total</td>
<td>1192</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

**2.2. Initial assessments**

**Officers**

There was consistent evidence of disproportionality in the initial severity assessment of allegations for police officers:

- A significantly higher proportion of allegations for officers from a BME background – in both complaints and conduct processes – were initially assessed to be misconduct or gross misconduct compared to those for white officers (see tables 3 and 4).

**Table 3. Initial assessment of misconduct or gross misconduct (officer complaint allegations)**

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>No of complaint allegations (total allegations)</th>
<th>% of total allegations*</th>
<th>Lower CI</th>
<th>Upper CI</th>
<th>Sig diff?</th>
</tr>
</thead>
<tbody>
<tr>
<td>BME</td>
<td>264 (out of 798)</td>
<td>33.1%</td>
<td>29.8%</td>
<td>36.3%</td>
<td>✓</td>
</tr>
<tr>
<td>White</td>
<td>1,515 (out of 12,228)</td>
<td>12.4%</td>
<td>11.8%</td>
<td>13.0%</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>1,779 (out of 13,026)</td>
<td>13.7%</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
</tbody>
</table>

* Percentages are based on the total number of public complaint allegations against police officers.

**Table 4. Initial assessment of misconduct or gross misconduct (officer conduct allegations)**

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>No of conduct allegations (total allegations)</th>
<th>% of total allegations*</th>
<th>Lower CI</th>
<th>Upper CI</th>
<th>Sig diff?</th>
</tr>
</thead>
<tbody>
<tr>
<td>BME</td>
<td>87 (out of 94)</td>
<td>92.6%</td>
<td>87.3%</td>
<td>97.9%</td>
<td>✓</td>
</tr>
</tbody>
</table>

White 752 (out of 889) 84.6% 82.2% 87.0%
Total 839 (out of 983) 85.4% - -

* Percentages are based on the total number of internal conduct allegations against police officers.

**Staff**

There was inconsistent evidence of disproportionality in the initial assessment of allegations for police staff:

- A significantly higher proportion of allegations for staff from a BME background – in complaint processes but not conduct processes – were initially assessed to be misconduct or gross misconduct compared to those for white staff (see tables 5 and 6).

### Table 5. Initial assessment of misconduct or gross misconduct (staff complaint allegations)

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>No of complaint allegations (total allegations)</th>
<th>% of total allegations*</th>
<th>Lower CI</th>
<th>Upper CI</th>
<th>Sig diff?</th>
</tr>
</thead>
<tbody>
<tr>
<td>BME</td>
<td>16 (out of 81)</td>
<td>19.8%</td>
<td>11.1%</td>
<td>28.4%</td>
<td>✓</td>
</tr>
<tr>
<td>White</td>
<td>60 (out of 1,111)</td>
<td>5.4%</td>
<td>4.1%</td>
<td>6.7%</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>76 (out of 1,192)</td>
<td>6.4%</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
</tbody>
</table>

* Percentages are based on the total number of public complaint allegations against police staff.

### Table 6. Initial assessment of misconduct or gross misconduct (staff conduct allegations)

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>No of conduct allegations (total allegations)</th>
<th>% of total allegations*</th>
<th>Lower CI</th>
<th>Upper CI</th>
<th>Sig diff?</th>
</tr>
</thead>
<tbody>
<tr>
<td>BME</td>
<td>19 (out of 24)</td>
<td>79.2%</td>
<td>62.9%</td>
<td>95.4%</td>
<td>×</td>
</tr>
<tr>
<td>White</td>
<td>194 (out of 216)</td>
<td>89.8%</td>
<td>85.8%</td>
<td>93.8%</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>213 (out of 240)</td>
<td>88.8%</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
</tbody>
</table>

* Percentages are based on the total number of internal conduct allegations against police staff.

### 2.3. Allegation results

**Officers**

There was no evidence of disproportionality in allegation results for complaint allegations against police officers, but some evidence of disproportionality for conduct allegations:

- There was no difference between the proportion of officers from a BME and white background receiving a final assessment of management action, misconduct or gross misconduct for complaint allegations (see table 7).
- A significant higher proportion of conduct allegations for white officers were assessed as management action, misconduct or gross misconduct compared to those for officers from a BME background (see table 8).

The small number of allegations against police officers in some categories would preclude strong conclusions about the existence of disproportionality.

**Table 7. Allegation results of management action, misconduct or gross misconduct (officer complaint allegations)**

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>No of complaint allegations (total allegations)</th>
<th>% of total allegations*</th>
<th>Lower CI</th>
<th>Upper CI</th>
<th>Sig diff?</th>
</tr>
</thead>
<tbody>
<tr>
<td>BME</td>
<td>71 (out of 798)</td>
<td>8.9%</td>
<td>6.9%</td>
<td>10.9%</td>
<td>x</td>
</tr>
<tr>
<td>White</td>
<td>808 (out of 12,228)</td>
<td>6.6%</td>
<td>6.2%</td>
<td>7.0%</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>879 (out of 13,026)</td>
<td>6.7%</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
</tbody>
</table>

* Percentages are based on the total number of public complaint allegations against police officers.

**Table 8. Allegation results of management action, misconduct or gross misconduct (officer conduct allegations)**

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>No of conduct allegations (total allegations)</th>
<th>% of total allegations*</th>
<th>Upper CI</th>
<th>Lower CI</th>
<th>Sig diff?</th>
</tr>
</thead>
<tbody>
<tr>
<td>BME</td>
<td>42 (out of 94)</td>
<td>44.7%</td>
<td>54.7%</td>
<td>34.6%</td>
<td>✓</td>
</tr>
<tr>
<td>White</td>
<td>520 (out of 889)</td>
<td>58.5%</td>
<td>61.7%</td>
<td>55.3%</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>562 (out of 983)</td>
<td>57.2%</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
</tbody>
</table>

* Percentages are based on the total number of internal conduct allegations against police officers.

**Staff**

There was no evidence of disproportionality in the allegation result of complaint or conduct allegations for police staff:

- The proportion of cases resulting in a final assessment of management action, misconduct or gross misconduct was not significantly different for staff from a BME and white background (see tables 9 and 10).

The small number of allegations against staff in some categories would preclude strong conclusions about the existence of disproportionality.

**Table 9. Allegation results of management action, misconduct or gross misconduct (staff complaint allegations)**

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>No of complaint allegations (total allegations)</th>
<th>% of total allegations*</th>
<th>Lower CI</th>
<th>Upper CI</th>
<th>Sig diff?</th>
</tr>
</thead>
<tbody>
<tr>
<td>BME</td>
<td>3</td>
<td>3.7%</td>
<td>-0.4%</td>
<td>7.8%</td>
<td>x</td>
</tr>
</tbody>
</table>
* Percentages are based on the total number of public complaint allegations against police staff.

Table 10. Allegation results of management action, misconduct or gross misconduct (staff conduct allegations)

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>No of conduct allegations (total allegations)</th>
<th>% of total allegations*</th>
<th>Lower CI</th>
<th>Upper CI</th>
<th>Sig diff?</th>
</tr>
</thead>
<tbody>
<tr>
<td>BME</td>
<td>14 (out of 24)</td>
<td>58.3%</td>
<td>38.6%</td>
<td>78.1%</td>
<td>x</td>
</tr>
<tr>
<td>White</td>
<td>136 (out of 216)</td>
<td>63.0%</td>
<td>56.5%</td>
<td>69.4%</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>150 (out of 240)</td>
<td>62.5%</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
</tbody>
</table>

* Percentages are based on the total number of internal conduct allegations against police staff.

2.4. Outcomes

Results are only presented numerically and not as percentages due to the number of possible meeting/hearing outcomes and small sample sizes. Differences have not been tested for statistical significance because of the small sample sizes. The figures in the tables below refer to the number of allegations, not the number of complaints, conduct investigations, or officers; multiple allegations against the same officer could have resulted in a result of dismissal (i.e. 3 sanctions of dismissal for 1 officer).

Officers

Table 11 shows the profile of outcomes for officer complaint allegations. Of the officers receiving a final result of management action, misconduct or gross misconduct:

- No complaint allegations against BME officers resulted in dismissal, and two resulted in a final written warning (out of a total of 8 allegations)
- 25 allegations against white officers resulted in dismissal, and 15 in a written warning or final written warning (out of 60 allegations).

Table 11. Profile of meeting or hearing outcomes (number of officer complaint allegations)

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Would have been dismissed</th>
<th>Dismissed</th>
<th>Final written warning</th>
<th>Written warning</th>
<th>Management action or advice</th>
<th>Not proven</th>
<th>Discontinued</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>BME</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>5</td>
<td>0</td>
<td>1</td>
<td>8</td>
</tr>
<tr>
<td>White</td>
<td>1</td>
<td>24</td>
<td>11</td>
<td>4</td>
<td>14</td>
<td>6</td>
<td>0</td>
<td>60</td>
</tr>
<tr>
<td>Total</td>
<td>1</td>
<td>24</td>
<td>13</td>
<td>4</td>
<td>19</td>
<td>6</td>
<td>1</td>
<td>68</td>
</tr>
</tbody>
</table>
Table 12 shows the outcome of conduct allegations against police officers. At formal conduct hearings or meetings:

- 7 conduct allegations against BME officers resulted in dismissal, two in final written warnings, and five written warnings (out of 28 allegations).
- 109 allegations against white officers had an outcome of dismissal, 28 a final written warnings, and 29 a written warning (out of 218 allegations).

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Would have been dismissed</th>
<th>Dismissed</th>
<th>Final written warning</th>
<th>Written warning</th>
<th>Management action or advice</th>
<th>Not proven</th>
<th>Discontinued</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>BME</td>
<td>1</td>
<td>6</td>
<td>2</td>
<td>5</td>
<td>6</td>
<td>8</td>
<td>0</td>
<td>28</td>
</tr>
<tr>
<td>White</td>
<td>32</td>
<td>77</td>
<td>28</td>
<td>29</td>
<td>28</td>
<td>19</td>
<td>5</td>
<td>218</td>
</tr>
<tr>
<td>Total</td>
<td>33</td>
<td>83</td>
<td>30</td>
<td>34</td>
<td>34</td>
<td>27</td>
<td>5</td>
<td>246</td>
</tr>
</tbody>
</table>

Table 14 shows that very few complaint allegations against staff were considered at formal meetings or hearings. There were only 3 allegations in total, all against white officers. All three resulted in a written warning.

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Would have been dismissed</th>
<th>Dismissed</th>
<th>Final written warning</th>
<th>Written warning</th>
<th>Management action or advice</th>
<th>Not proven</th>
<th>Discontinued</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>BME</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>White</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>Total</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>3</td>
</tr>
</tbody>
</table>

Table 15 presents the profile of outcomes for staff conduct allegations, of which there were 17 in total:

- The 2 allegations against staff from a BME background both resulted in written warnings
- The 17 allegations against white staff resulted in six dismissals and six written warnings.

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Would have been dismissed</th>
<th>Dismissed</th>
<th>Final written warning</th>
<th>Written warning</th>
<th>Management action or advice</th>
<th>Not proven</th>
<th>Discontinued</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>BME</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>White</td>
<td>4</td>
<td>2</td>
<td>0</td>
<td>6</td>
<td>2</td>
<td>0</td>
<td>1</td>
<td>15</td>
</tr>
<tr>
<td>Total</td>
<td>4</td>
<td>2</td>
<td>0</td>
<td>8</td>
<td>2</td>
<td>0</td>
<td>1</td>
<td>17</td>
</tr>
</tbody>
</table>
Summary and conclusions

- Analysis was carried out on 15,441 public complaint and internal conduct allegations for officers and staff from 41 forces between 1st January 2019 and 31st March 2019. There were significant limitations with the analysis due to data quality issues and small sample sizes. The small number of allegations in some categories – particularly in the later stages of the process – prevented meaningful analysis being carried out. As a result, strong conclusions about race disproportionality cannot be made based on the analysis presented in this paper.

- Despite these limitations, there was more consistent evidence of race disproportionality in the earlier stages of police complaints and conduct processes. In particular, the initial assessment of allegations appeared to be the most prominent area of potential disparities, though this was not always consistent.

- The absence of any evidence for ethnic disparities at the later stages of complaint and conduct processes does not mean that disproportionality did not exist at these stages. As comparisons were made with the previous stage in the process, the absence of evidence means that disproportionality may not have gotten any worse at that stage.

- Where any provisional evidence of race disproportionality was identified, it was not possible to examine its nature, context or potential causes. Issues with the data precluded this analysis. The analysis had to focus on allegations rather than people. Individual officers and staff members with a relatively high number of allegations against them could have affected the overall picture. The analysis was unable to take account of the severity of the allegations against different ethnic groups, which would have presumably affected how allegations were handled. Moreover, little is known, qualitatively, about the decision-making processes within professional standards departments.

If future analysis is to reach stronger conclusions, it will need to be based on a larger sample of better quality data. Future research will also need to attend to the nature, context and possible causes of any disproportionality if it is to inform policy and practice. A sole focus on analysing quantitative data to determine the existence of race disproportionality will not lead to improved understanding about the nature and extent of any problem. Consideration should also be given to developing and testing interventions designed to tackle the causes of any problems, or ameliorating its consequences.

APPENDIX: LIMITATIONS

There were several significant limitations with the data used in the analysis:

- Data quality – The data submitted by forces indicated significant issues with the quality of the data inputted into Centurion. Issues included entries holding no other information than the case number; finalisation categories being filled out with no indication of initial assessment levels; some cases only having some allegations finalised but not others; and lack of clarity when officers or staff had retired or resigned as to how the allegation was actually finalised. Therefore, the total figures for every stage of the misconduct proceeding process are not necessarily equal.

- Inconsistency of ethnic categories – There was evidence to suggest forces may have inconsistent in how officers and staff were classified in terms of their ethnicity, and how the sub-categories that were used were collapsed into overarching binary BME/white categories. In one force, allegations were recorded for officers and staff who identified as ‘Turkish’ and ‘Greek’, and collapsed into the BME category. Other forces may have taken a different approach.
• **Under-recording of ethnicity** – The ethnicity of the officer or staff member was not known or not recorded in 24% of complaint allegations (4,605 out of 18,823) and 11% of conduct allegations (157 out of 1,388). The absence of data – particularly for complaints – precludes a detailed understanding of the nature of any disproportionality.

• **Representative of data returns** – The analysis was based on data submitted by 41 Home Office forces. One force did not respond to requests, and one force was unable to return data in a usable format as it uses the Centurion database. The results of the analysis may, therefore, not present a national picture and comparison should not be made to the national workforce figures.

• **Recording of officers and staff** – The data featured a small number (n=8) of allegations reported as ‘other – white allegations’ but did not identify whether these were complaint or conduct allegations or against officers or staff. These allegations were not included in the analysis.
A Survey of UK Police PSD Establishment Composition - Conducted by NPCC Complaints and Misconduct Portfolio

Introduction

On 8th July 2019 Heads of Professional Standards Directorates (PSDs) were asked to complete the template shown at appendix A.

Whilst there are 43 territorial police forces in England and Wales, (a) Bedfordshire, Cambridgeshire and Hertfordshire (BCH) and (b) Norfolk and Suffolk have collaborated PSDs and as such the number of submissions for return was 40. All 40 PSDs responded providing for a 100% return.

The Metropolitan Police Service (MPS) took a decision not to supply data regarding the composition of their Counter Corruption Unit (CCU) equivalent. Given that such a submission would unintentionally reveal capacity within their counter corruption function, which could be considered sensitive organisational data, this report seeks in no way to draw or infer criticism of that decision. The MPS were most helpful in proving their action plan to ‘tackle disproportionality in the police officer misconduct process’ shown at appendix F. They also supplied a report providing an analysis of three years’ worth of misconduct data (financial year 2015-16 to financial year 2017-18). This document provided follow-up analysis after the Mayor’s Office for Policing and Crime (MOPAC) Evidence and Impact (E&I) team, in 2015, found there to be disproportionality against Black, Asian, Minority and Ethnic (BAME) police officers within the misconduct system. The author of this report is waiting for permission from the MPS to share that analytical report.

Method

Heads of department were invited to provide establishment data with regard to the current BAME composition of personnel in their PSD, excluding police officers and staff comprising the force’s CCU. Data was requested in respect of the following roles, central to the direction of PSD investigations examining public complaints subject of special requirements and misconduct investigations:

1. Delegated appropriate authorities i.e. Detective Chief Inspectors (DCI) (and police staff equivalent) or higher ranks up to and including Deputy Chief Constable (DCC) (or MPS equivalents) responsible for undertaking severity assessments, assessments of conduct and / or final assessments.

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6 Includes Directorate of Professional Standards (DPS) in the Metropolitan Police Service, Professional Standards Branch (PSB) at Greater Manchester Police and equivalent departments in other forces responsible for the investigation of public complaints and police misconduct in accordance with schedule 3 of the Police Reform Act 2002, Police (Complaints and Misconduct) Regulations 2012 and Police (Conduct) Regulations 2012.

7 In a number of forces, Counter Corruption Units (CCUs) are referred to Anti-Corruption Units (ACUs) and for the purpose of the stocktake they were treated as one of the same.

8 Paragraph 19B, schedule 3 of the Police Reform Act 2002 states that a complaint is subject of special requirements if it appears to the investigator that there is an indication that a person to whose conduct an investigation relates may have committed a criminal offence, or behaved in a manner that would justify the bringing of disciplinary proceedings.

9 Investigations arising from a source other than a public complaint whether or not they have been designated recordable conduct in line with paragraph 11, schedule 3 of the Police Reform Act 2002 and regulation 7 Police (Complaints and Misconduct) Regulations 2012 and conducted in accordance with Police (Conduct) Regulations 2012, or schedule 3 of the Police Reform Act 2002 and Police (Complaints and Misconduct) Regulations 2012.

10 Paragraph 19(B), Schedule 3 of the Police Reform Act 2002

11 Regulation 12 of the Police (Conduct) Regulations 2012

12 Paragraph 24, Schedule 3 of the Police Reform Act 2002 and regulation 19 of the Police (Conduct) Regulations 2012.
2. Supervisors and / or managers (both police officers and staff) involved in quality assuring the direction of a local (PSD) investigation or supervised Independent Office for Police Conduct (IOPC) investigation carried out under schedule 3 of the Police Reform Act 2002 and / or a misconduct investigation as prescribed by the Police (Conduct) Regulations 2012.

3. Investigators or Case Managers undertaking an investigative function within a local (PSD) investigation or supervised Independent Office for Police Conduct (IOPC) investigation carried out under schedule 3 of the Police Reform Act 2002 and / or a misconduct investigation as prescribed by the Police (Conduct) Regulations 2012.

Establishment data for the composition force CCUs regarding BAME police officers and staff was separately requested in respect of the same three roles identified at points 1 to 3 above.

**Results**

For the purpose of this report, no distinction has been drawn between police officers and staff, given that in general terms, the discharge of their duties within 1 of the 3 defined roles [above] will be identical. Insofar as the MPS is concerned, no distinction is drawn from establishment data for the Directorate of Professional Standards (DPS) and the local borough PSDs; their data is reported as a composite.

**PSD Composition - Excluding CCU Function**

63% [25 PSDs] had no BAME police officers or staff in any of the three identified roles in the method section of this report.

There was BAME representation within the delegated appropriate authority role in 6 PSDs, specifically Gloucestershire Police standing at 100% [1.0 FTE of 1.0 FTE], Cleveland Police, Lancashire Constabulary and the Norfolk and Suffolk collaboration each standing at 25% [1.0 FTE of 4.0 FTE for all three PSDs], North Yorkshire Police with a figure of 33% [1.0FTE of 3.0 FTE]\(^\text{13}\) and finally the MPS standing at 8% [4.0 FTE of 51.0 FTE].

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\(^{13}\) Data return from North Yorkshire manually adjusted by the author of this report given their DCC identifies as a BAME police officer and it is presumed that they undertake a delegated appropriate authority role.
The data in respect of Gloucestershire Police is presumed incorrect given that they have reported having only 1.0 FTE fulfilling the delegated appropriate authority function as defined by the stocktake survey. As a minimum, Gloucestershire Police will have a DCC, a (Detective) Superintendent Head of PSD and most likely a DCI, all performing the role of a delegated appropriate authority. The data is therefore considered flawed when it is reported that there is only 1.0 FTE police officer in total acting as a delegated appropriate authority.

Turning to the supervisory / manager role, only 5 PSDs, specifically, Lincolnshire Police, MPS, Nottinghamshire Police, Hampshire Constabulary and Northumbria Police had BAME representation. There was only 1.0 FTE supervisor / manager post for the PSD at Lincolnshire Police and therefore BAME representation for this role stood at 100%. The MPS had 8% [16.0 FTE of 201.0 FTE] BAME representation whilst for Nottinghamshire Police, that representation stood at 50% [2.0 FTE of 4.0 FTE]. For Hampshire Constabulary and Northumbria Police, BAME representation stood at 21% [1.0 FTE of 4.8 FTE] and 20% [1.0 FTE or 6.0 FTE] respectively.

In respect of the investigator / case manager role, there was BAME representation within 10 PSDs. West Midlands Police representation stood at 23% [5.0 FTE of 21.36 FTE], Essex Police had 17% representation [1.0 FTE of 6.0 FTE], MPS had 16% representation [32.0 FTE of 195.0 FTE], Leicestershire Police [2.0 FTE of 16.0 FTE] and Warwickshire Police [1.0 FTE of 8 FTE] had 13% representation, Hampshire Constabulary had 9% representation [0.6 FTE of 6.8 FTE], Lancashire Constabulary [1.0 FTE of 16.0 FTE] and Surrey Police [1.0 FTE of 15.85 FTE] both
had a 6% representation and finally both Northumbria Police [1.86 FTE of 35.89 FTE] and South Wales Police [0.5 FTE of 9.4 FTE] had a 5% representation.

![BAME Investigators and Case Managers PSDs (Excluding CCUs)](image)

**CCU Composition**

With data supplied from 39 CCUs\(^{14}\), 79% [31 CCUs] had no BAME police officers or staff in any of the three identified roles in the method section of this report.

![Percentage of CCUs with BAME Representation](image)

The collaborated CCU for Bedfordshire, Cambridgeshire and Hertfordshire was the only such department to have BAME representation within a delegated appropriate authority role, standing at 1.0 FTE [a police officer]. However, 69% of CCUs [27 of 39\(^{15}\)] did not have an organisational structure that incorporated a DCI or police staff equivalent. Therefore, given the Police (Conduct) Regulations 2012 and the Police (Complaints and Misconduct) Regulations 2012 do not allow for a chief officer to delegate their appropriate authority powers or duties to any

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\(^{14}\) Excludes MPS who withheld data because of organisational sensitive data.

\(^{15}\) Excludes MPS who withheld data because of organisational sensitive data.
rank below that of a Chief Inspector, decision making for initial assessments\textsuperscript{16} and final assessments\textsuperscript{17} for those CCUs would rest with the appropriate rank or grade within their overarching PSD (but as per page 4 of this report, only 6 PSDs had BAME representation within that role).

**West Mercia Police** [1.0 FTE of 3.0 FTE] and **Lancashire Constabulary** [1.0 FTE of 4.0 FTE] had BAME representation within the CCU supervisor / manager role and this stood at 33% and 25% respectively.

![BAME Supervisors CCUs](chart1)

For CCU investigator / case manager roles, **North Yorkshire Police** and **West Mercia Police** had 25% representation [1.0 FTE of 4.0 FTE], **Cleveland Police** and **Surrey Police** both had 17% representation [1.0 FTE of 6.0 FTE], **Kent Police** had 9% representation [1.0 FTE of 11.0 FTE] and finally **Greater Manchester Police (GMP)** had 7% BAME representation [1.0 FTE of 13.95 FTE]

![BAME Investigators and Case Managers CCUs](chart2)

\textsuperscript{16} Paragraph 19(B), Schedule 3 of the Police Reform Act 2002, Regulation 12 of the Police (Conduct) Regulations 2012

\textsuperscript{17} Paragraph 24, Schedule 3 of the Police Reform Act 2002 and regulation 19 of the Police (Conduct) Regulations 2012.
Discussion

At a high level of reporting, 63% of PSDs had no BAME representation within their establishment. Turning to CCU’s, 79% of these departments, which investigate allegations of serious criminality and egregious misconduct, had no BAME representation.

It is logical to advance an argument that for PSDs and CCUs to be genuinely effective, alongside having the trust and confidence of both the communities and workforce they serve, insofar as protective characteristics are concerned, these departments should be representative of both, in particular at an investigator level.

As a percentage of their PSD establishment, Gloucestershire, Cleveland, Lancashire and the Norfolk and Suffolk collaboration had BAME representation within their delegated appropriate authority decision making roles that was undoubtedly higher than the BAME population percentage of police officers within their respective forces. This was similarly the case for BAME supervisors and managers in Lincolnshire, Nottinghamshire, Hampshire and Northumbria. Finally, for the 10 forces that had BAME police officers and / or staff as investigators / case managers within their PSD, their representation as a percentage of the departmental establishment was higher than the proportion of BAME police officers within each corresponding force.

As a percentage of their CCU establishment, North Yorkshire, West Mercia, Cleveland, Surrey and Kent had BAME representation within their investigator / case manager roles that was significantly higher than the BAME population percentage for police officers within their respective forces. The CCU at GMP was only 1% point away from achieving parity with the proportion of BAME police officers within their force.

Only 31% of CCUs had an organisational structure that incorporated a delegated appropriate authority role and of these, just Bedfordshire, Cambridgeshire and Hertfordshire as a collaborated CCU had BAME representation at such a position. There was BAME representation at a supervisor or managerial level (below the role of a delegated appropriate authority) in only 2 CCUs (equating to 5% of all CCUs), specifically in Lancashire and West Mercia.

Additional Data Requested

Chair of the Black Police Association (BPA), Tola Munroe, requested the collation of past protected characteristic data insofar as the composition of PSD’s was concerned. This request was considered at the last National Police Complaints and Misconduct Working Group (NPCMWG) held on 5th June 2019. The consensus from the regional representatives for the Heads of PSD was that given the limitations of most force Human Resource (HR) databases, it was unlikely that past protected characteristic data relating to PSD establishment composition could be obtained. Nevertheless, as part of the data request [as contained within the form shown at appendix A], PSDs were asked if they could supply data as to their BAME composition for the previous five years.

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20 Bedfordshire, Hertfordshire and Cambridgeshire, City of London, Cleveland, Derbyshire, Dyfed Powys, Derbyshire, Hampshire, Humberside, GMP, Kent, Merseyside, Sussex, West Midlands.
PSDs were able to provide the data for the full 5 year period and a further 5 could provide partial data. In summary, except for GMP Professional Standards Branch (PSB) which has fluctuated over the last four years, when compared with the current establishment, there was essentially no variance in the composition of BAME police officers and staff within PSDs for the forces who were able to supply historic data.

Analysis of Survey Responses Regarding PSD Working Practices.

21 Cheshire Constabulary, Cumbria Constabulary, Durham Constabulary, Essex Police, Greater Manchester Police, Norfolk and Suffolk collaboration, Northumbria Police, South Wales Police and West Yorkshire Police.

22 Hampshire Constabulary, Gwent Police, Merseyside Police, Northamptonshire and Thames Valley Police
A questionnaire was sent out to all PSD’s to understand current working practices in addressing the issue of disproportionality. They were asked:

**Q1 – Do you apply additional considerations when conducting severity assessments and assessment of conducts for allegations against black, Asian, minority, ethnic (BAME) officers?**

Of the 35 forces that responded and provided a clear response, 62% (22 forces) did not apply additional consideration when conducting severity assessments and assessments of conducts for allegations against BAME officers. Forces general approach is on a case by case basis and in some cases the ethnicity of the officer would not be known at that time.

**Q2 – Does your PSD have a specific positive action plan?**

Of the 38 forces that responded and provided a clear response, 78% (29 forces) of forces did not have a specific positive action plan for their PSD. Many forces who didn’t have a specific positive action plan reported that they embrace the forces positive action plan and have local working practices to address representation.

**Q3 – What guidance or working practices do you use to understand cultural differences for allegations?**

The responses from forces demonstrated an inconsistent approach from force to force on the use of guidance or working practices to understand cultural difference for allegations. There were some forces who can demonstrate a variety of guidance’s and working practices but there were many who relied on one set of guidance notes or legislation.

The most common use of guidance was the ‘IOPC/IPCC guidelines for handling allegations of discrimination’. Other guidance mentioned included the Police Code of Ethics & Standards of Professional Behaviour, the Equality Act 2010, The Home Office Guidance for Police Officer Misconduct, ACAS (Advisory, Conciliation and Arbitration Service) religion and belief guidance and any locally held equality and diversity policies.

The most common working practices used by PSD’s were:

- Use of local or regional diversity forums & panels
- Gaining tactical advise from key leads inc. culture and diversity leads
- Use of Independent Advisory Groups (IAG’s)
- Use of Staff associations and networks
- Specific Training including unconscious bias training

One force had did not use guidance or have any working practices, however another was working to specific ‘Discrimination Action Plan’.

**Q4 – What guidance or working practices do you use to understand cultural differences for counter corruption intelligence?**

Again the responses from forces demonstrated an inconsistent approach from force to force on the use of guidance or working practices to understand cultural difference for counter corruption intelligence. There were some forces who can demonstrate a variety of guidance’s and working practices but there were many who relied on one set of guidance notes or legislation.

Again the most common use of guidance was the ‘IOPC/IPCC guidelines for handling allegations of discrimination’, but used to a less extent compared to when used to understand cultural differences for allegations. Again other
guidance mentioned included the Police Code of Ethics & Standards of Professional Behaviour, the Equality Act 2010, the Home Office Guidance for Police Officer Misconduct, ACAS (Advisory, Conciliation and Arbitration Service) religion and belief guidance, locally held equality and diversity policies and APP For Counter Corruption – understanding corruption threats. No forces were found to be using a variety of guidance’s.

The most common working practices used by PSD’s were:

- Use of Staff associations and networks
- Use of analysis in the form of strategic assessments – monitoring trends and patterns
- Use of local or regional diversity forums & panels
- Gaining tactical advise from key leads inc. culture and diversity leads
- Use of Independent Advisory Groups (IAG’s)
- Specific Training

Two forces reported using no guidance and had no working practices.

Q5 – When initially reviewing cases where failings in supervision are identified – what is your approach for development and lessons learned for those supervisors?

The approaches taken by PSD when failing in supervision are identified focus on personal and organisational learning.

Forces responded by outlines a personal approach by the learning being passed to command for local management to deal. This is often supported by PSD to provide support and development for that supervisor.

Forces also outlined an organisational learning approach, through the use of learning forums or boards, use of newsletters and bulletins as well as team briefings again often supported by PSD’s.

A small number of forces reported that they have a specific prevention and early intervention approach. Identifying patterns of behaviour by supervisors that identify individuals or department in need of specific supportive development.

A small number of forces reported back that they would consider Unsatisfactory Performance Procedure (UPP) however their primary focus was on supportive learning for supervisors.

Some forces in their response identified that the introduction of Practice Requires Improvement process (PRI) will assist with this and a small number were already implementing the principles of PRI when identifying failings and implementing supportive learning.

**Professional Standards Promising and Best Practice**
A number of professional standards departments have provided specific detail regarding their working practices to assist in identifying promising and best practice.

West Midlands Police

Following the June 2016 report ‘Disproportionality Complaints’ conducted by West Midlands Police (WMP) a number of recommendations were made to address the disproportionality found. WMP have implemented a number of improved working practices:

- Appointment of departmental performance analyst – enabling accurate scrutiny of data relating to disproportionality
- Provision of data dashboards in following meetings:
  -  Departmental service Improvement Meeting (monthly)
  -  Internal stakeholders engagement meeting (monthly)
  -  External Independent Advisory Group meeting (bi-monthly)
  -  Quarterly Performance Review (with DCC)
- Establishment of internal stakeholders meeting – monthly basis with representatives from Federation, TUS, all Staff Associations – cover disproportionality, process, recent trends, individual cases on a case by case basis in closed meetings
- Establishment of Independent Advisory Groups (IAG) – external scrutiny in similar fashion to internal stakeholders plus process of calibration for appropriate authorities – run sanitised case through IAG for consideration at point of decision around finding and outcome, i.e. WMP present the case and ask, ‘What would you do?’ This allows for calibration of AA decisions against community expectation.
- Presentation to Staff Association AGMs
- Establishment of Prevention & Intervention Team within PSD (Sgt plus 3) to collate and promulgate organisational learning, including elements of behaviour that impact disproportionality.
- Positive action in recruitment campaigns across PSD resulting in a department that has a higher level of representation than the WMP force’s workforce mix.

The WMP datasets are now demonstrating consistent insight which confirms 4 key areas, previously frequently referred to ‘anecdotally’ but now supported by an evidence base:

- Complaints – details of complainants – only 35% declared ethnicity – worked with MSFs and established good practice in WYP. Visited and analysed process to determine a process change in WMP could better collate such data rather than it being evidence of a lack of confidence in the community. This is a new process and early indication is that 100% data collection allows WMP to understand ethnicity of complainants accurately for the first time
- Complaints – Analysis of miscellaneous reports from the public, broken down to complaint allegations, broken down further to recordable complaints. Now the force have such granular detail that they can confirm the rate of reporting and recording is directly proportionate to their workforce mix. The public treat our WMP officers as they find them with no evidence of discrimination, thus supporting community confidence being linked to a representative workforce.
- Conduct – WMP can now evidence a level of disproportionality in internal reports of misconduct against BME colleagues. This is now being tasked for independent academic research and hypothesis testing supported by OPCC
- Vetting – WMP can now demonstrate levels of disproportionality in failed vetting applications and in particular overwhelming disproportionality against BME colleagues where vetting fails as a result of intelligence only. This is now being directly sampled for further insight into sources of and veracity of such intelligence reports.
The MPS have implemented a multi-faceted approach in an effort to both tackle disproportionality and also understand more of the drivers of this situation:

1. The ‘Disproportionality of BAME colleagues in the misconduct process’ Gold Group (‘GG’) has been established, and meets quarterly. All of the MPS Business Groups are invited; plus the Staff Support Associations inc the Black Police Association; Department of Legal Services (‘DLS’); Human Resources; MetFed; Supts Association & MOPAC.

2. Sanctioned by the GG, the MPS ‘Checks and Balance (‘C&B’)’ process commenced on Monday 30.9.2019. This will last for 3 months and be reviewed by the GG in January 2020. The ‘C&B’ process requires that, except in the case of clear gross misconduct/criminal behaviour, all referrals into the PSUs/DPS for BAME colleagues are referred back to the line manager to explore whether the behaviour highlighted could be managed in an alternative way – for example, a performance action plan. It is expected that in the spirit of ‘learning not blame’, this approach is adopted for everyone, however the ‘C&B’ process specifically requires that all referrals for BAME colleagues will be reviewed/referred back to the line management, and a monthly report will be made into the DPS as to the impact of this intervention. The intention is that this will assist in understanding underlying issues in relation to this disproportionality issue, and also whether this has reduced the number of BAME colleagues reaching the misconduct process. From a legal perspective, DLS have agreed that this is a lawful activity, albeit there are potential risks. However, these are mitigated by the specific time period; the clear mandate of the independent research conducted, and that this approach is available for everyone. However, for the limited time, it is specifically required for BAME colleagues, as is the return to DPS.

3. This issues is a standing agenda item at the quarterly MPS Professional Standards Units (‘PSU’) Appropriate Authority (‘AA’) meeting. Performance is discussed, supported by granular management information, as to those commands (‘OCUs’) who are referring the highest proportion of BAME colleagues into the misconduct process and those that were not. Best practice and options are discussed. This will be enhanced as a result of the ‘C&B’ process analysis.

4. The Directorate of Professional Standards (‘DPS’) are visiting those OCUs with the highest disproportionality percentage of BAME referrals to progress fast time intervention.

5. Centrally, a second C&B process within DPS is being conducted to ensure all opportunities for learning is identified.

6. As the ‘C&B’ process embeds, the 5 OCUs with the highest referrals of BAME colleagues into the misconduct process will change, thereby facilitating other OCUs to be visited by DPS for interventions/training.

7. A ‘cultural awareness/lived experience’ training is being developed by DPS, which will be delivered internally to DPS, and the pan-MPS AAs at a bespoke extra-ordinary meeting in December.

8. In addition to no 7 – the Pan-MPS AAs will also go through a benchmarking judgement exercise in December to discuss different scenarios, and options to deal with them; to spark debate and encourage some organisational consistency of thought & approach.

9. In wider support of the ‘learning not blame’ approach. The MPS also continues to be an early adopter for the ‘Practice Requiring Improvement’ process, which is being introduced in new Police Regulations in 2020. This process
also has risks for unforeseen consequences, and so the DPS are also introducing safeguard. In addition to pan-London roll out, we are working with College of Policing to produce the national guidance.

**Great Manchester Police (GMP)**

GMP have established a Disproportionality Working Group which meets bi-monthly. The terms of reference were agreed collectively by the group which is intended to provide a forum in which concerns can be raised and addressed, and is attended by representatives of all Staff Support Networks.

Additionally GMP scoped best practise, visiting WMP and engaging with the Met, as well as seeking support from the National chair of the MPA.

GMP also work closely with the Neighbourhood Confidence and Equality group in setting up a Force IAG with specific expertise in misconduct matters and have sought the support of experts from Manchester University to achieve this. All discrimination complaints and conduct matters are brought to the daily briefing to enable increased oversight and scrutiny, and all are discussed at the monthly TTCG process to ensure ongoing timely management of investigations, and to enable the Senior Leadership Team to be sighted on emerging themes (officer or geography). The Vetting team meet regularly with the Positive Action team to discuss vetting failures, this process is well established and ensures a strong working relationship.

To ensure accurate data collection and analysis GMP has invested in Centurion, bringing it into line with other forces and facilitating a better evidence base upon which to make decisions.

The Branch is conscious that through natural staff development it is currently under represented by BAME officers and staff. The Branch engaged with the Positive Action Team to encourage applications for a wide range of roles from BAME officers and staff during a recent recruitment campaign.

**West Yorkshire Police**

WYP PSD are well aware of the issue regarding the perception of PSD and some BAME colleagues across the force regarding perceived disproportionality and have been working closely with all our staff support groups. The below are some key area we have been working towards:

1) Creation of a holistic scrutiny process – a four phased approach (*Appropriate Authority Pre disclosure – Scrutiny Panel – External Panel – Annual Scrutiny Event*) with the objective is to improve confidence and transparency both internally and externally within PSD decision making. Provide a forum to test any unconscious bias and challenge any discrimination. Provide a vehicle for staff support groups, associations and independent community members to critically assess and feedback to their members both supportive and non-supportive outcomes. Support the force People Ambition and departmental people plan. Since this was process was created this has developed and the panel is now chaired by an independent member who is a police volunteers for community tension within Leeds.

2) Working with the Chair of AMP in relation to a return from WYP regarding the HASC latest review of the IOPC

3) All PSD staff have undertaken Unconscious Bias Training, the results of which have been provided to scrutiny members. WYP are currently in the process of designing a test around unconscious bias regarding faith.

4) WYP proactively advertise PSD vacancies to AMP/ BPA . This has recently been successful with BAME officers / staff now in key supervisory roles (Sgt and Insp level), including the former force positive action coordinator who is a police staff supervisor within the Service review Team.

5) Offer attachments into PSD and have held PSD Open days to attract a more diverse workforce.
6) PSD SLT attend force and national AMP/BPA events to better understand the barriers

7) Head of SLT meets with chair of AMP/BPA on a quarterly basis to discuss concerns and ways to improve business and have appointed a BAME Inspector within PSD to be the AMP spoc to discuss cases and concerns and stop rumours and speculation circulating wherever possible.

8) Attendance at external recruitment events, including the vetting unit to engage with BAME communities and explain the vetting process

9) Scheduling attendance at each district external IAG to outline PSD work and specifically vetting issues

10) WYP are aware and scoping the SYP initiative for independent assessment through the force ethics committee

11) All the SLT within PSD have volunteered for the BAME coaching programme and have a number of staff across the organisation that they coach and mentor for development.

Lancashire Police

Lancashire Police recognised that disproportionality in the reporting and investigation of misconduct negatively impacts on confidence in policing both with the public and with staff working in the policing environment. In order to address this they acknowledge the need to have a positive and open dialogue between the Professional Standards Department, Staff Associations and enabling departments, which they widely accepted has not always been the case. Lancashire Police have worked hard to develop these relationships, in particular between the senior leadership team in Professional Standards and the executive of the Lancashire Black Police Association. They recognise that this journey is in its infancy but there is a genuine desire from all parties to engage and understand each other’s perspectives so they can improve their response to reports of misconduct involving staff from BAME backgrounds and other under-represented groups.

Positive relationships between senior leaders in PSD and LBPA Executive and membership are drawn upon to develop their understanding of cultural differences during the assessment and investigation of allegations. They hold regular meetings with the Executive and members of the Lancashire LBPA to discuss issues raised and there is a particular focus on developing their understanding of pressures felt by BAME members of staff within their community and how this can impact upon them in their role in Lancashire Constabulary. They have an established process where the Appropriate Authority liaises with LBPA Executive members in relation to specific cases prior to assessment and throughout the investigative process in order to inform decision making. This is done on a confidential and anonymous basis so as not to raise any conflict of interest or breach confidentiality. Redacted final reports are shared with LBPA to assist in identifying learning and also to achieve greater consistency and proportionality in decision making during misconduct investigations. PSD managers and investigators have attended training on discrimination, disproportionality and understanding/valuing difference and they have SPOCs within the different disciplines in the department to ensure awareness and understanding of these issues is considered during investigations.

They have ready access to detailed management information in respect of statistical disproportionality in reporting of misconduct via the departmental analyst. Data is produced on a regular basis relating to initial reports, assessment and method of progression and sanction/outcome. This data is helpful in identifying patterns and trends, whether that is geographic/role type/category of intelligence etc. This assists their understanding of the statistical position which is then supported by the work described above with the LBPA to better understand the membership’s perspectives, which may not be are not captured in raw statistical data. As with investigations, we engage with LBPA where possible upon receipt of internal or external intelligence to gain their perspective and viewpoint in order to inform their assessment of how to progress and to understand any cultural issues that may have contributed towards the alleged behaviour. Clearly this is not always possible due to the sensitivity of some intelligence but they will always seek guidance where appropriate.

It is recognised that disproportionality in misconduct can also have a negative impact on their ability to recruit staff from BAME communities. To assist in addressing this staff from the Vetting Unit attend outreach and recruitment events, with a specific focus on BAME communities in order to assist those members of the community who may be considering joining the Constabulary but are concerned around the Vetting or application process. They do this in
conjunction with the LBPA and the Corporate Development Engagement Team. Staff from the LBPA sit on Vetting interviews in order to inform and assist the Vetting Manager in their decision making.

In order to assist in bringing all of the above together they are currently in the process of recruiting a Disproportionality/Link Worker to work within PSD. The role specification has been devised between senior management in PSD and the LBPA executive with the intention that the role will work jointly with PSD and the LBPA, liaising closely with the Training & Development Unit, Organisational Development Team and Human Resources Department to develop a greater holistic cultural awareness and understanding of the pressures placed upon BAME employees from the outset. This starts prior to them applying (recruitment) but then will include bespoke support for them as their journey through the organisation continues (retention). The Disproportionality/ Link Worker will own the implementation and progression of our disproportionality action plan.
Report Conclusion

As the literature review described at that time there was evidence of disproportionality for BAME police officers of the specific metropolitan forces, in complaints and misconduct investigations. However this research did not go into detail into understanding WHY this disproportionality is occurring.

This report has identified that UK wide there is still disparity in some aspects of the complaint and misconduct investigations for BAME police officers and provides an understanding of the workforce representation and working practices of PSD’s.

UK wide research has identified that:

- **Disparity found in the amount of ‘internal conduct allegations’ against BAME police officers.** In 2018/19, 7% of police officers in England & Wales identified as being from a BME background. The Centurion data indicated that 6% of ‘complaint’ allegations were against officers from a BAME background. A higher proportion of ‘internal conduct allegations’ were against officers from a BAME background (10%). Therefore there is a disproportionate amount of internal conduct allegations against BAME police officers.

- **Consistent evidence of disproportionality in the initial severity assessment of allegations for police officers - with a significantly higher proportion of allegations for officers from a BME background – in both complaints (33.1% for BAME and 12.4% for White) and conduct (92.6% for BAME and 84.6% for white) processes – were initially assessed to be misconduct or gross misconduct compared to those for white officer.**

- **Significant evidence of disproportionality in the initial severity assessments for police staff in ‘complaint’ processes-** When assessing disproportionality in the initial severity assessment of allegations for police staff a significantly higher proportion of allegations for staff from a BAME background – in complaint processes but not conduct processes.

- **No evidence of disproportionality in allegation results for complaint allegations against police officers, but some evidence of disproportionality for conduct allegations.** A significant higher proportion of conduct allegations for white officers were assessed as management action, misconduct or gross misconduct compared to those for officers from a BME background. No complaint allegations against BME officers resulted in dismissal, and two resulted in a final written warning (out of a total of 8 allegations) 25 allegations against white officers resulted in dismissal, and 15 in a written warning or final written warning (out of 60 allegations). 7 ‘conduct’ allegations against BME officers resulted in dismissal, two in final written warnings, and five written warnings (out of 28 allegations). 109 allegations against white officers had an outcome of dismissal, 28 a final written warnings, and 29 a written warning (out of 218 allegations).

- **Each force was asked to provide data of the ethnicity of their PSD’s. This report found that, out of all Home Office forces that 63% [25 PSDs] had no BAME police officers or staff. Of the 39 PSDs that responded effectively, within their Counter Corruption Units (CCU), 79% (31 PSDs) had no BAME police officers or staff.**

- **When asking PSD to describe their working practices that out of the 35 forces that responded and provided a clear responses, 62% (22 forces) did not apply additional consideration when conducting severity assessments and assessments of conducts for allegations against BAME officers. Out of the 38 forces that responded and provided a clear response, 78% (29 forces) of forces did not have a specific positive action plan for their PSD. The study found PSD’s are inconsistent in their approach on the use of guidance or working practices to understand cultural difference for allegations and counter corruption intelligence. There were some forces who can demonstrate a variety of guidance’s and working practices but there were many who relied on one set of guidance notes or legislation. The approaches taken by PSD when failing in supervision are identified were found to focus on personal and organisational learning.**
When consulting with IOPC over the identification of the root cause of an allegation they state:

“Severity assessments should be made in light of all the available evidence. As the whistleblowing guidance suggests, this should include investigators and decision makers being alive to the possibility that an allegation is retaliatory in nature following a protected disclosure when making their assessments/determinations”.

Further to this Home Office guidance to be found in Annex H of the Home Officer circular on Whistleblowing states at para.21:

“This [guidance] should not prohibit allegations being made against whistle-blowers and investigated, but, where an officer who has made a protected disclosure is subsequently subject to a contested allegation, the possibility of a reprisal should be part of the consideration at the ‘case to answer’ decision, the severity assessment and at any subsequent disciplinary proceedings, once all the evidence is available”.

It should also be noted that even after a whistleblowing complaint has been dealt with it could be argued that the protection from suffering a detriment remains in place, so long as the officer subject to the allegation can show a causal link between the initial protected disclosure and any subsequent detriment.

The practical difficulty for a PSD is that they may not always know who has made a protected disclosure and whilst a protected disclosure may not meet the legislative criteria, say does not meet the public interest test, it may still be a protected disclosure for misconduct purposes, if the detriment was due to a breach of standards of professional behaviour.

This report also identified reasons for this disparity through the detailed accounts of BAME police officers and supervisors:

- BAME officers describe being put through unfounded and unfair investigations based on poor evidence with clear comparators of white colleagues being treated more favourably that BAME officers when facing the same situation.
- Weak and incompetent supervisors failing to deal with performance and misconduct issues at the earliest opportunity, either not dealing with the issues in fear of being labelled ignorant or racist or passing the responsibility by escalating low level issues to PSD to deal with so they don’t.
- BAME officers described a lack of cultural competence in PSD’s and were critical of their approach and failure to consider culture when assessing and conducting often lengthy misconduct investigations.
- The impact on the BAME officers under investigation has a detrimental effect on their health, career progression and family life. BAME officers feel the impact extends also to their communities, which there tends to be closer connections than their white colleagues.
- The study heard that BAME officers are less likely to promote joining the service to others and are now telling their communities, family and children not go join because of their lived experiences. Support for BAME officers going through investigation was described as inconsistent.
- Supervisors described a lack of confidence challenging BAME colleagues in fear of being labelled racist and being subjected to misconduct investigations and employment tribunals themselves so either ignore or pass the responsibility to PSD.
- The study heard from supervisors that they feel there is a clear need to for the leaders at all levels to develop cultural awareness to improve their cultural competence so they can improve their ability to lead. To achieve this training and new approaches like Wellbeing Passports are needed and the time to conduct
regular one to one contact with the members of their team, something that is not happening due to the
demand they face day to day.

- They also describe a ‘move the problem’ rather than deal with the problem culture is still present in policing
today.

NPCC: Addressing Disproportionality Recommendations for Consideration

This report now recommends:
Strategic Partnership:

- NPCC to consider working in partnership with Home Office, IOPC, HMICFRS and College of Policing (CoP) to develop a common data set to be applied to all forces that enable the capturing of protected characteristic data within PSD’s at appropriate points within the misconduct and complaints processes. This will enable IOPC and CoP to produce periodic reports on performance and impact of disproportionality.
- NPCC and HMICFRS to consider developing an inspection question set that measures the progress made against this and previous reports, with the aim of introducing it to the 2021 PEEL inspection framework.
- NPCC to consider working with the Home Office and IOPC to incorporate into the misconduct guidance a means to identify and assess ‘trigger incidents’ and in particular if individuals are subject to any detriment as a result of these.

Professional Standards:

- Support an agreed standardisation of data collection sets within PSD’s so that disparity of all backgrounds and protective characteristic can be monitored and performance improved.
- PSD’s to develop a UK wide consistent understanding and application of guidelines based on promising/best practice to understand cultural difference for allegations and counter corruption intelligence. In the interim consideration could be given to heads of PSD ensuring they are sighted and approve severity assessments against those with a protected characteristic.
- Support the increase in diversity and representation within PSD’s through a bespoke positive action programme based on the NPCC Workforce Representation Toolkit. Furthermore explore the reasons that may hinder or deter those from a BAME background from applying for roles in PSD.
- As part of PSD positive action programmes PSD’s to ensure they have a programme to develop cultural understanding of protected characteristics, including ensuring cognisance is taken of any disparity arising from a failure of supervision to deal with matters at the earliest opportunity and at the lowest suitable level.
- For NPCC and IOPC to explore with consideration of current legislation the introduction of a test or mechanism prior to the PSD severity assessment at the case to answer point. That this equitable review is against all circumstances and considers cultural/protective characteristics as well as considering potential trigger incidents that maybe linked to whistleblowing.

Training & Development:

- Consider investment in comprehensive cultural awareness training for all. Consideration can be given to the Metropolitan Police ‘Leading for London’ programme that works to develop an understanding of localised cultural awareness of communities being served by the force.
- Consider investment in leadership training with emphasis on complaint and conduct captured within the practice requiring improvement programme being developed through CoP.
- Consideration to review the Appropriate Authority training to ensure it captures disproportionality and its impact on severity assessments.

Workforce & Wellbeing:

- Utilise the forthcoming results from the national well-being and inclusion survey to support a culture of empowerment to encourage supervisors to take responsibility and deal with complaint and conduct matters at the earliest opportunity.
- Utilise the results from the national well-being and inclusion survey to assist with a focus on welfare support for those under investigation, taking into account any specific needs identified through an individual having a protected characteristic.
Along with the result of the national well-being and inclusion survey and the findings of this report NPCC to consider developing a series of workshops to identify tactical solutions for service improvements, focussing around culture and confidence connected to understanding the challenges around difference within the workplace.