

Home Affairs Committee

Oral evidence: Police Ethnic Diversity and the Association of Police and Crime Commissioners, HC 166

Wednesday 11 March 2020

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Members present: Yvette Cooper (Chair); Janet Daby; Dehenna Davison; Stephen Doughty; Laura Farris; Simon Fell; Tim Loughton; Holly Lynch; Stuart C. McDonald.

Questions 1-29

Witnesses

I: Hardyal Dhindsa, Police and Crime Commissioner for Derbyshire, Deputy Lead on Equality, Diversity and Human Rights at Association of Police and Crime Commissioners, Julia Mulligan, Police and Crime Commissioner for North Yorkshire, Lead of the Portfolio Group on Transparency and Integrity at Association of Police and Crime Commissioners, and David Munro, Police and Crime Commissioner for Surrey, Lead on Equality, Diversity and Human Rights at Association of Police and Crime Commissioners.



Examination of witnesses

Witnesses: Hardyal Dhindsa, Julia Mulligan and David Munro.

Q1 Chair: Welcome to our first public session of the new Home Affairs Select Committee. I thank our witnesses for coming to give evidence to us on the Macpherson inquiry 21 years on. We are very glad to see you today. Please introduce yourselves and, as you do so, answer my first question, which is: what progress overall do you think the police have made in dealing with the recommendations made by the Macpherson report 21 years ago?

Hardyal Dhindsa: I am Hardyal Dhindsa, police and crime commissioner for Derbyshire. I am the deputy lead for equality, diversity and human rights, and the national lead for hate crime for the Association of Police and Crime Commissioners.

Our role is to make sure we are the voice of the people. We represent them in terms of policing, oversight, strategy and scrutiny of the operational policing delivered by chief constables. We have a wider remit in terms of identifying vulnerability and offering support to victims of crime and antisocial behaviour by commissioning services either directly or through partnerships. We have a wider reach than just policing, but that gives us an opportunity to see how communities experience policing and criminality.

Progress has been made during the terms of police and crime commissioners. Representation in workforces has moved from 3.9% up to 6.9%. There are individual cases where progress has been greater but, with one exception, no police workforce is representing the diversity in its population. On top of that, diversity in rank progression is still not where it should be. We know that there has been only one chief constable with a BAME background ever. That was in Kent a few years ago, so that was progress. If you look at the chief officer group, chief superintendents and going down the ranks, there is much work to be done, and retention is still a big issue.

I would highlight a piece of work done recently by Phil Cain on behalf of the NPCC on misconduct and grievance. There is disproportionality in how the BAME workforce experience that process as opposed to non-BAME. So there is a lot of work to be done. A lot has been done and we need to build on that, but is the progress quick enough? Has it been fast enough since Macpherson? I would say no.

Julia Mulligan: I am the police, fire and crime commissioner for North Yorkshire. I am in my second term, so I have been there since the beginning. I am very fortunate to have Deputy Chief Constable Phil Cain in my force. We are pretty much the exception in the country. We will have, by April, representation in our force that is proportionate with our



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communities. Our BAME representation in our communities is about 3.4%, so it is relatively low, but it does present a whole range of problems.

In 2015, we were one of a very small handful of forces highlighted by the Prime Minister at the time to have not a single black police officer, and that was a wake-up call to North Yorkshire. We have done a huge amount of work since then to try and deal with the issue. More broadly, a lot of work is going on in communities to try and break down the barriers between the police and communities, and to try and encourage people to come forward and join the service. That is in sharp focus at the moment with the 20,000 uplift, but over the past 21 years progress has been really slow.

There is some genuine momentum behind it now. The College of Policing and the Government are starting to look at recruitment practices. They are trying to get more consistent work across the police across the country and datasets that we can use, but that is still quite embryonic. There is a long way to go, but there are pockets of good practice that need to be systemised across the country.

David Munro: I am David Munro, police and crime commissioner for Surrey. I am coming to the end of my first term. I am also the lead among my colleagues for equality, diversity and human rights—EDHR—and I sit on the police diversity, equality and inclusion committee.

Do I think we have made progress? Yes, we have made substantial progress since the dark days of the Lawrence murder, but, like my colleagues, I believe we have got more to do. As well as being very much concerned with BAME matters, I am responsible for the totality of protected characteristics. There are nine of them, as you know. I see considerable progress in all those characteristics—for instance, LGBT and progress of women in the police force—but in all those areas, we need to work at it. We are building on quite good foundations, but let's not deceive ourselves: those foundations need to be built into a proper house.

Q2 **Simon Fell:** Following on from that, to what extent have you factored in progress towards the Macpherson report in addressing race equality in the forces, and if you have not done that, are you planning on doing so in future?

David Munro: Macpherson was obviously well before my time, but it was such a wake-up call to the police, and my own force constantly refers to it. It is the bible still; of course, it has to be modified and updated, but my own force and, I believe, most other forces look to it. It is still live, in a sense, because Stephen Lawrence Day was instituted last year. I was on the committee that masterminded that, and it is very firmly on the policing map. I am particularly pleased that police cadets have been given the foremost role, because as Doreen Lawrence said—what a brave woman—we must not look back all the time; we must look forward and use that day and the aftermath of the murder as an example. That is what we are doing.



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Hardyal Dhindsa: From my perspective, I remember when the Macpherson report recommendations were first published. I was on the police authority in Derbyshire as a local councillor representative, and we had plans for how we were going to implement the recommendations. Previous to that, Lord Scarman highlighted in 1981 similar things about poor representation and trust and confidence in policing in BME communities. Both reports put forward clear recommendations. I have to say that 25 years later, we still have not achieved large numbers of those recommendations to the levels that we need to, although they are taken into account.

Six or seven years ago, in order to push this along, the College of Policing produced the positive action strategy, which is commended to all chief constables to implement. When police and crime commissioners came into being, many challenged their chief constables on how they were delivering positive action, and it was not done consistently. There has been a challenge for the Association of Police and Crime Commissioners to see how we can get consensus and spread good practice, particularly in terms of the EDHR role. That has improved, but not sufficiently. We have examples when it comes to making sure that all police and crime commissioners get training on equality and diversity, rather than assuming they know it.

We are also making sure that through APACE, chief executives will ensure that whoever is elected, whenever the election is, police and crime commissioners all get training and advice on what they should have in their police and crime plan priorities. For example, like many police and crime commissioners—not all—I have a strategic priority about the diversity of the workforce reflecting the population that we serve. Not all have, so we need to encourage all police and crime commissioners to consider that in their priorities when they are elected.

Then, of course, there is the question of how we hold them to account and what scrutiny and transparency we have so we develop those ideas, not only in terms of progress and performance but in terms of culture. The culture change has been quite strong, but more can be done, and there are good examples of how it can be done.

Julia Mulligan: The key to this is to take those recommendations and deliver a specific plan in a police service as to how you are going to meet them. Of course, at a national level, the National Police Chiefs' Council has a national strategy about this. I have a very specific objective in my police and crime plan about diversity and a vision for the service "that reflects the diversity of our community".

I am very much looking at the action plan that the police service has developed, in line with the NPCC plan, which is based around some of the recommendations from Macpherson, and having oversight of the way the police service is implementing that plan. It also includes actions for myself as police, fire and crime commissioner, including ensuring that I and my team are exerting the scrutiny that we should be across this area of business.



Q3 **Dehenna Davison:** I have a question to all three of you. We have heard some concerns that the mechanisms in place to hold PCCs and chief constables to account on matters of racial diversity are inadequate. Would you agree with that and, if so, what measures do you think can be taken to improve things?

David Munro: I do not believe that they are inadequate overall in structure. PCCs, if they wish to use them, have considerable powers. What I do believe is that it is patchy in its actual operation, which is understandable, because there are 41 of us. All of us are masters in our domain, and there is very little guidance from legislation as to what we should do, so it is very much up to us. That is one of the joys of the job. On a day-to-day basis, we may do different things. Generally, the law is fit for purpose. We can push forward the diversity and equalities agenda as much as we care to do it. I like to think that most of us do.

Julia Mulligan: "Inadequate" is quite a strong word. I would be interested to know who said that. We have the powers, but we need to ensure that we exercise our core functions properly and robustly and are focused on this as a priority. If we are personally, our chief constables will be, because we have embedded it in the statutory framework that we are provided with.

It is also—I would describe it as being up close and personal with my service. I have a team that is embedded in the workings of the police service in an appropriate way. They chair various boards. They sit on different things. We have lots of independent scrutiny functions up and running around, for example, stop-and-search, so we are across this agenda.

We also have a lot of formal mechanisms that we use to hold the chief constable to account. I am one of two police and crime commissioners who has a monthly livestreamed public accountability meeting. This topic has been on the agenda in my PAM, and all the discussion is in the public domain. We are very transparent about it. The public can ask questions about it during those livestreamed meetings via social media. We encourage engagement and input into this.

I have a formal board structure, at which I monitor the delivery of the workforce plan, of which this is a formal part. I have a whole range of things. There is a real mixture of formal mechanisms based in our legislative remit, but also informal mechanisms to make sure that I really know what is going on in the service and how people are feeling and that I am linked in with the right people, including the National Black Police Association, for example, our unions and a whole range of different people.

At an individual level, people are doing a lot across the piece. I think the APCC could perhaps do more to identify best practice and to encourage through its membership, but also through chief executives, the spreading of some of that best practice across PCCs. I do not think it is "inadequate", but I do not think it is as robust as it could be.



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Hardyal Dhindsa: Our main power is that we employ the chief constable. Therefore ultimately, if we set strategic priorities in the police and crime plan, which the chief has to deliver, we have a call to make. If that delivery is not happening, we can consider whether the chief constable is delivering and performing to the level that we expect. That can be quite a difficult process to take forward—it has to be done in a proper way.

The police and crime plan is our main source. There are also the objectives and we can have a specific objective, as Julia mentioned. I have got one that is about working with the constabulary to develop the policing family to be diverse and represent their population.

We can only influence the chief constable. The chief constable has to be the person who then implements and operationally delivers, and who shows leadership and cultural change within the organisation. We have all the powers that Julia mentioned, in terms of independent scrutiny of stop-and-search and recruitment. I have an open and transparent strategic priority assurance board that meets in public monthly.

It is about how much chief constables or chief officers show the passion and the motivation to land a particular strategic objective. There are examples where many have come close but still not close enough. We have the powers and it is about how we use them professionally. I don't think it is about the powers; it is more about hearts and minds and about saying, "Well, okay, enough is enough. We need further action."

On positive action, the strategic diversity strategy that the National Police Chiefs' Council produced just over a year ago enshrined good practice that is there for the APCC and the NPCC to deliver across all forces. How well each force delivers and uses that will be key. My experience—I am only a first time police and crime commissioner, but I was a deputy police and crime commissioner in the first set of elections—was that the positive action strategy from the College of Policing, which was a similar piece of work that collated all the good practice across all forces and said what needed to be done to deliver improvements through positive action, did not get delivered consistently. Despite the very good work that was done on that and despite the new strategy, it takes us so far, but it does not take us far enough or quickly enough.

If you recall, Sara Thornton, the previous chair of the National Police Chiefs' Council, was silent on this when she was chair but, when she stepped down from that role and became the tsar for modern slavery and human trafficking, she made a statement that the organisations need a jolt. We need to do more than we have done so far. If we continue to do what we are—and progress is being made—it is still going to take quite a long time; some say 50 years, some 25 years. We need to see what more we can do if the consistent application, despite the work of the APCC and the NPCC, does not land in all the areas of our jurisdiction, which is England and Wales.

Julia Mulligan: Statutorily, we have a specific relationship with our chief constables. It is incumbent on police and crime commissioners to develop



relationships more broadly in their service, and to have members of their team who can work with the teams in the police service to challenge what is going on and try to drive forward service improvement.

Yes, that relationship with the chief constable is absolutely critical. You have to have a good relationship with your chief—that is really important—but you need to have a spider's web into the organisation to understand what is going on, so that you get the information that you need coming out of it, whether it be anecdotal or hard facts and evidence, to be able to do your job properly.

Sometimes it is quite easy to say, "You're there to hold the chief to account." Yes, you are, but it is the way you do it that is really important, and you have got to have access to that information, and you have got to have your people in there listening, finding out and understanding what is going on, and feeding it back, so that you can build it into your holding-to-account mechanisms.

Q4 Dehenna Davison: Are there any changes to governance structure you think could be useful to try to help you do that, particularly in the case of racial equality? Or is it more about just employing the powers that you have?

Julia Mulligan: I think it is more about employing the powers that we have. It is quite interesting that some PCCs are a little bit nervous around the operational independence thing. There is still a debate around all of that. I have had a chief constable where things have been difficult. I have a chief constable now where we are really on the same page and working together, and when you can do that you are much more effective as a police and crime commissioner, because you are pointing in the same direction, you know what you are trying to achieve and you can get there together. And that, I think, is when you have a highly functioning team at the senior level, and I think that is where people need to be.

David Munro: I cannot think of an extra power in this area that would actually be useful in practice; I can think of others in other areas. As my two colleagues have said, it is the way you play it, rather than the actual powers. For instance, if I get re-elected after May, I shall be taking a different direction and a more forceful direction in bringing this whole agenda—not just BAME but the other protected characteristics—into play, and I have got the powers to do that.

Hardyal Dhindsa: There are two things: the motivation of the police and crime commissioner to use the powers that we have; and then how well you look at all the things that Julia mentioned about the sort of web—your network into the organisation. The relationship and the employment contract is with the chief constable, but police and crime commissioners spend a lot of time understanding work streams and what the other officers and organisations are doing, whether it is stop and search, and having an independent panel to scrutinise the work of the police, or



whether it is our officers going in to challenge some of the plans that are being implemented, whether it is positive action or the diversity strategy.

They are all there, but the test is how strongly we believe in a certain strategy, in this case the recommendations and achieving parity for the population and the workforce, in the diversity of the workforce, and how strongly we will use our powers. That is where the test is, and how we actually say when enough is enough. However, there are other areas as well that may need consideration in terms of legislation, which may not be just about our powers; they are also about chief constables.

Q5 Tim Loughton: Mr Dhindsa, coming back to the ethnic diversity of the police workforce and leading by example, do you think that it is a problem that—as I think—you are the only police commissioner from a BME background?

Hardyal Dhindsa: It is not a good place to be, that I am the only police and crime commissioner; if we go in the same diversity representation, there should be at least two or three, if we are talking about 43 police and crime commissioners across the country. It is something that needs to be progressed. We have done some work through the APCC to encourage political parties to consider this when they are making selections. I am not sure how many are coming through. I am a candidate at the next election, whenever that may be, and there may be one or two more. But whether they are going to be winnable or not, that is a different matter. It would help to have more diversity in terms of police and crime commissioners.

Q6 Tim Loughton: Perhaps your colleagues can answer this: in terms of what police commissioners themselves can do—obviously you cannot influence who you are but you do appoint deputies, who do not have to be elected, controversially in some cases. Has there been an active boost in the number of BME deputy commissioners in your own authorities or elsewhere?

Hardyal Dhindsa: There has been—there are more deputies being appointed by police and crime commissioners. I can think of about five or six deputy police and crime commissioners who are from a BME background.

Q7 Tim Loughton: North Yorkshire and Surrey?

David Munro: I do not have a deputy; I don't think they are worth the considerable expense to the taxpayer, so I dispensed with the deputy when I took office. We are one of the smaller forces, so it would have been a luxury.

As the lead here, over two years ago I wrote to all the political parties to remind them that when they were selecting their candidates for the coming election, could they please take diversity and so on into account? Slightly annoyingly, the Conservatives, who were the only ones to reply to me, did take my request at face value. They deselected me and there is now a woman who is the Conservative candidate. Sometimes it is dangerous to get what you wish for.



Q8 **Tim Loughton:** Is she from a BME background?

David Munro: No, as far as I know. You cannot judge by appearances. There is no doubt that the diversity of PCCs—we are the least diverse body in policing. Speaking to politicians, you are obviously aware of why that has happened. As time goes on, we must make sure and follow the example of Parliament, dare I say. You are much more diverse than you ever were and are trailblazing. We need to follow that.

Q9 **Tim Loughton:** Progress has been painfully slow. In 10 years, the representation of BME police officers has gone from 4.7% to 6.9%, which is still about half of the population. Particularly worrying, as we have taken evidence before, is how few senior officers there are and at what point senior officers just do not get promoted or leave the force, or what those factors are. I wonder whether you consider that an operational matter and how much you have tried to stick your noses in in terms of the progression, particularly, right up to senior level of BME recruits.

Julia Mulligan: I have one of the most diverse chief officer teams in the country and I am really proud of that. I have a female chief. We are the only female-female PCC and chief constable duo in the country. My chief, personally, when she was deputy, led the EDI board in the force. I have a BAME deputy, Phil Cain, a female assistant chief constable and a white male second assistant chief. We have made real progress in terms of that level of the leadership.

Interestingly, we have adopted a different selection process deliberately to try to break down some of the barriers. Instead of using the College of Policing competency-based framework, we use a strengths-based framework. It is really interesting. We have now extended that throughout the force. I think that is one of the reasons why we are starting to get more BAME candidates coming through our selection processes. It has also had a big impact on the way that we are looking at supporting BAME officers and staff once they are in the service. We are looking at the cultural changes that are required to retain those people.

It is early days, but the college is really interested in the work that we have been doing. They are coming to visit us to try to find out more about it. The deputy chief constable was the guinea pig in that recruitment process. I was part of that with the chief constable. Personally, I found it a really interesting experience.

Q10 **Tim Loughton:** Is North Yorkshire unusual in that? Are you applying those same sorts of principles in the recruitment? The uplift of 20,000 officers is an opportunity to say, "For goodness' sake, let's get some BAME officers in."

Julia Mulligan: Yes, absolutely. We are really pleased that the College of Policing is coming to look at what we are doing, because we think it is genuinely interesting. We have a clear set of values in North Yorkshire. We have three values. We recruit against those values as well, which is part of the strengths-based process. We have a local awards ceremony, which

rewards behaviours around those values. It is embedded into the PDR processes of staff and officers.

We have integrated something called intent-based leadership, which is designed to try to get away from the command and control culture within the police service and to encourage people to take responsibility for their decision-making and all the rest of it. It comes from the leadership. You have got to get that.

To go back to your original question, the leadership in here is really important. Phil and Lisa, my deputy and my chief, have personally led it. Phil even gets involved at a granular level in supporting individuals. If we see a constable who is having issues, through Phil's network, he will go and sit down with that constable and say, "Can we put it right? We don't want you to leave." It is that visible, active leadership that is really important in all this.

Q11 Tim Loughton: Mr Munro, is that happening in Surrey?

David Munro: It is. It is not badged up like that, but we are very keen on positive action. We have senior leaders who are BAME, and one of their main roles is to get out into the communities—not only to people who have already joined the force, although that is important—for whom, traditionally, the police has not been a career. We are seeing some really good expressions of interest. The general positive recruiting atmosphere will help. It will take time because, with rare exceptions, the only way you can reach the top of a police force is to start at the bottom. It takes time to move through the ranks.

However, I do not believe that we have played our cards as well as we could have. For instance, when the direct entry scheme started a few years back, they suddenly woke up and realised that hardly any BAME people were applying for direct entry, and if they were, they were not getting accepted. There has been a big drive, led by the College of Policing, to make sure that potential officers with protected characteristics are given a push. I am personally very optimistic, but let us not deceive ourselves—we will be under-represented at the senior ranks for some time to come.

Q12 Chair: What is the strengths-based framework? What is the key difference between strengths-based and competence-based?

Julia Mulligan: In a typical competence-based interview, you will be asked to demonstrate, through specific examples, a range of specific skills that you have or have not got, such as those relating to Gold command or whatever it might be. A strengths-based process puts you in scenarios and asks how you would handle them, to look at the way in which you would deal with problems and problem solving and to explore your value set in a lot more detail, in a practical way. It is really challenging for applicants, because suddenly they come into a room and have to think differently and have to be able to evidence their strengths and values in the answers that they give, as opposed to their competencies.



Q13 **Chair:** It would be very helpful if you are able to send us some more information on that.

We were told by HMIC that its analysis in 2015 found that very few forces ran mentoring and coaching schemes for women and BME officers and staff. Do your three forces run those coaching and mentoring schemes?

Julia Mulligan: Yes.

David Munro: Very much so.

Hardyal Dhindsa: Yes.

Q14 **Chair:** Is that because everywhere has changed since 2015, or do we just happen to have the good few in front of us while everybody else is rubbish?

Julia Mulligan: No, I think it has changed. Once you have an HMIC report that says something like that, you will find that police forces respond to it.

Hardyal Dhindsa: 2015 was early on. Positive action included mentoring and support for applicants going through the process. Landing them in each operational police force has taken time, and not all took that up straight away. It has been a focus for HMIC. The lack of progress has focused minds. Whether it is consistent everywhere, I am not sure, but we certainly have that, and it is very important, as is the whole vetting process. There are different processes through the whole recruitment process. Vetting is another big example.

For the many people who apply, even now—there could be a large number of BME applicants—the attrition from application to assessment centre success goes down quite highly. Sometimes the vetting is actually too strict and too historically based. We also have the issue of the assessment centre. The College of Policing's assessment centre was virtually white male. One of the pushbacks was that, if your assessment centre is not diverse, the chances of taking diverse, BME applicants through to the next process will be low. That has been a change in the last couple of years. The College of Policing picked that up and improved the diversity of the assessment centre assessors.

Chair: We have heard from the National Black Police Association. We also have heard things that have been said by Simon Byrne, Sara Thornton and Peter Fahy at different times about the fact that if we just carry on like this, the pace is so slow that, if we wanted to do something much faster, we would need a change in the law, and that the law is currently a constraint on the kind of positive discrimination—not just positive action—that might be needed to change things quickly. What is your view on that?

David Munro: Positive discrimination is illegal and, to my mind, rightly so, because everybody should have a fair crack at reaching the top of their profession. Positive action, which falls short of that, is something that, although forces have generally taken to their hearts—mine certainly has—we have a way to go on. In my view—I know people disagree—the law is



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fit for purpose; we must now operate it better, to ensure that BAME people and others reach their full potential.

Julia Mulligan: The model that people most often refer to is Northern Ireland, and the success achieved there in increasing representation between Catholics and Protestants. There is a real debate about that. I would like to see a proper piece of researched evidence around how that worked and some of the implications for it. Perhaps that has been done and I have not seen it, so I do not know.

My own experience is that if you apply positive action properly, you can make a significant difference. I have several questions. Are we applying it properly? Are we assiduous in it? Do people understand it? Is it having an impact? If the answer to all those questions is yes, I think we will make more progress than we are, but the fact that we are not would suggest to me that we still have some way to go.

Hardyal Dhindsa: Sir Bernard Hogan-Howe and Peter Fahy have said that positive action has worked, but it cannot take us to that place quickly enough, so they have asked for positive discrimination.

The Northern Ireland experience is interesting. I have been there and listened to what they did. We had a National Black Police Association conference there two or three years ago. They talked about how that worked. It is something to consider. In order to make the police service in Northern Ireland represent Catholics and Protestants to a level that gave confidence to all the communities, they took a 50:50 approach. When you recruit, you recruit one Protestant and one Catholic. That had a difference over the eight or nine years that they had that in place. Then they stopped that process and now they are going backwards. The retention of the Catholic community is lower and future applications are lower. The parity between where they were and where they are has been reducing since positive representation went out of the way. It does make a difference. It did have an impact. That is something to be considered.

I mentioned Theresa May, because this was being said at the time when positive action was brought into effect. Theresa May said, "We need to see whether it works or not." That was six or seven years ago. Positive action was best practice across all areas. It was brought into the College of Policing, and a document was produced for implementation. Early on, not everybody took it on board and implemented it. It is important that it is actually tested. We have had six or seven years of that.

We have made progress from 3.9% to 6.9%, but the BAME population in England and Wales is 14%. That could go up in the census next year to 20%, so we could fall further behind in a year's time, in terms of where we are. Serious consideration must be given to this by Parliament, because it requires legislation, it is not something that we can do as police and crime commissioners. It is something that needs to be considered seriously now, after there have been some positive examples. The best ones are the Metropolitan Police—



Chair: Can I ask you to maybe send more written evidence, because we are trying to get through this before the Budget?

Q15 **Janet Daby:** My question is about stop-and-search. In 2014, the then Home Secretary was Theresa May. She said that a quarter of a million stop-and-searches were probably carried out illegally. At that time, black people were almost seven times more likely to be stopped than white people. The latest Home Office statistics show that black people are stopped almost 10 times more often than white people, under all types of stop-and-search powers. How do PCCs monitor their force's use of stop-and-search powers on black and minority ethnic populations?

Julia Mulligan: We do it in a number of different ways. First, we have taken the view that it is the PCC's job to exert independent scrutiny over the police service. In some police services, they do some of the things that I will describe to you within the police service. We wanted to remove it from the police service and have that added independence to it. We have a lay observer scheme, which you will find in many places. The public go out with police officers on duty and look at how they are engaging with the community during the stop-and-search process.

Secondly, we have four community review groups. They rotate, but they meet across the service every month. They have all now met twice. Members of the public represent the communities on those groups, and the chief inspector who is responsible for this area of business directly receives feedback from those groups, so that they can then go and implement the change in the force.

Thirdly, we have an independent scrutiny panel, which meets quarterly. The next meeting is next month. They review the data. They sample stop-and-search cases. They look at use of force incidents. They use body-worn video to see what is going on. They look at any cases that community groups have referred to the panel for scrutiny. They study the police service's policies, protocols and ways of working, and the way that officers are trained. This is run by my office.

We also try to make sure all the data is in the public domain, because it is really important for transparency around this. If we identify any particular issues, we do a deep dive into them. We have also recently had stop-and-search as a topic at a deep dive at one of my public accountability meetings, so that the public can see me question the police on this area of business. We do a lot around it. There are areas that I have concerns about, particularly in my county, around the stop-and-search of young people. I have an area where we have a lot of cross-border movements between West Yorkshire and North Yorkshire, which involves people from diverse backgrounds. There has been some over-representation in that area, so I wanted to assure myself that it is being used appropriately—between Keighley and Skipton, for example.

Q16 **Janet Daby:** Are you aware of how other PCCs scrutinise?



Hardyal Dhindsa: In terms of what we do in Derbyshire, this is something that I have long focused on—even when I was deputy police and crime commissioner, I did so on behalf of the police and crime commissioner. We have scrutiny panels that are independently run by my office, with volunteers who are not related to the police at all. We make sure that body-worn video cameras are used by all officers when they do a stop-and-search. That is now happening everywhere, because it gives information that is used to scrutinise. Where there is good practice, it is fed back to the whole workforce to improve the consistency of good practice. Where there is bad practice, we offer training and explain how to help an individual to do their job better when a stop-and-search is being done. The use of stop-and-search is important, and how well it is done is really important.

In terms of the confidence of communities, we worked with the National Black Police Association to get videos out to the community to say what they should expect when stop-and-search happens—what their rights are and what the police have to do—so that we get a better understanding among the population. Many people want safety, but they want to be treated with respect. You have to develop that, which is not always possible if you are doing things in a rush, so the independence of looking at evidence from body-worn cameras, and having everybody use that rather than sometimes not using that, is really important.

How do we do that across the piece? That is our role. We undertook a good practice workshop, where we looked at how independent advisory groups were involved in doing scrutiny. I think the chair of the Bedfordshire IAG gave an example of how they were doing that in a more effective way. We presented what we know of good practice from the APCC. That was the first conference that we had jointly with the NPCC. We need to repeat that to get good practice consistently delivered. Stop-and-search has a role, but it has to be done fairly, with professionalism and with sensitivity. We need to make sure that independent scrutiny of practice is used to do that.

Q17 **Janet Daby:** When stop-and-search takes place, officers give a type of receipt to the person who has been stopped and searched. How would you monitor that that is actually happening, and that that receipt is being given to a young person who is being stopped and searched?

Chair: Before you respond, may I ask everybody to keep their answers quite tight so that we can get through as many as possible?

David Munro: I have equivalent structures in place to make sure it is independent. That came up quite recently with my own force, so I did look to assure myself about that receipt problem. It is quite a difficult one because in the heat of the moment police officers understandably cut corners, but our job is to make sure that those corners are not cut. We did look at that. I, like most other forces, have an independent group that is completely independent of the police and myself to look at that very carefully, but we do need to keep tabs on it.



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As the national lead for stop-and-search among my colleagues, I agree with your opening statement, Ms Daby. It was out of control a few years back. There is no doubt about it. There were far too many done, they were indiscriminate and disproportionate, and so on. My firm belief is that we are about in the right place now with stop-and-search. There is greatly increased regulation, which is effective, and far fewer are done in the first place. Police forces have taken on board the need to stop and search. It is an essential weapon in the armoury, especially in the metropolitan areas, but it needs to be done with a much better framework, much better reasonable grounds and much better accountability.

For the first two years that I was here, I was getting hammered by StopWatch and the rest—rightly so, because stop-and-search was being used too indiscriminately. The complaint that I get now is that the pendulum has swung too far. Police officers are too afraid to use stop-and-search where they actually should. That pendulum has now swung back again a bit. We must not take our eye off the ball. I am not saying that it is perfect or anything like that, but I think we have it about right organisationally.

- Q18 Janet Daby:** Stop-and-search has increased according to the latest Home Office statistics. I raised the monitoring of the receipts because when I have attended community scrutiny panel meetings, an issue that has been brought up on occasion is that young people have not received this white receipt. It could be quite difficult to monitor, but it needs to be monitored. Do the other two PCCs have any response on how you would attempt to monitor that receipts are actually being given to young people?

Hardyal Dhindsa: Again, scrutiny powers often do not look at every particular case, so it is about sampling to see whether that is actually a problem. If a problem is highlighted, you can do a wider piece of work. It is certainly something I am happy to take away to look at and see how we can develop that further.

I have not heard of that in my force—that the handing out the receipt of notice of what has happened is not happening. I encourage complaints from the public. If they feel that their experience of stop-and-search is not positive, the complaints procedure should be used and they should be encouraged to use it, so that it can be brought to the attention of the authorities. More could be done on monitoring, but it is a sampling exercise. Not every single stop-and-search is looked at. That would be something to do in a research piece—to look at how many were given out and how many were not. We can take that away to look at.

Julia Mulligan: I think all our officers have tech with them now. They have mobile devices. My immediate thought is that it should be recorded via that tech at the time. I will take that away and have a look at it. It is a really interesting point.

- Q19 Laura Farris:** Some of the material that we considered suggested there was a disparity in the way that disciplinary issues were dealt with



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between white and BME police officers. I have two questions, the first of which is from an empirical basis. Is that because BME police officers are at the receiving end of more serious disciplinary allegations, or is it that when they are faced with the same disciplinary allegation, the sanction applied is more serious?

Hardyal Dhindsa: There is a piece of research that has been done—the first piece of work done in this way. It was commissioned by the NPCC race, religion and belief portfolio group, which is chaired by the chief constable from Bedfordshire. The deputy chair is Phil Cain, deputy chief constable of North Yorkshire police. He has produced a document, which confirms what the BME workforce have been saying for many years—for 12 years.

The key findings demonstrate that BME staff are more likely to be pushed towards the formal disciplinary grievance process than their white colleagues. One of the reasons behind that is that, because discrimination against BME work colleagues is seen as so serious, supervisors who decide whether something can be dealt with at their level feel less confident to deal with it and to say, “You have done wrong, don’t do that again; this is how you should work,” rather than going through the disciplinary procedures. They will push it earlier into misconduct and grievance.

When BME staff go through that, the outcomes for them are less punitive than when white staff go through the disciplinary process. There is certainly something in that. This has been done through focus groups with supervisory staff, in terms of how they feel, and whether they have confidence, so there is a training element there. That has shown that there is something about the culture and about how we deal with BME staff. So that is something more statistical, in terms of what we know.

Q20 **Laura Farris:** So does that suggest a harsher sanction?

Hardyal Dhindsa: A harsher sanction is implemented earlier, but when the process is run through PSD, the outcomes are much lower. That therefore indicates that they should not have gone through that process. They could have been dealt with like white staff are, by the supervisors at an earlier stage, with a lesser process.

Laura Farris: My second question is—can I just jump in, because time is tight?

Hardyal Dhindsa: There is a whole document here, which you should look at.

Chair: That would be helpful.

Q21 **Laura Farris:** Do you do exit interviews when BME staff leave and have you had that disparity of sanction reflected in exit interviews as a reason for why they are leaving—for example, “I was put through a formal disciplinary, and that is why I am resigning”? Secondly, and you may not know the answer to this, have employment tribunals found that in the police force you are directly discriminating for that reason?



Julia Mulligan: Yes. We recently had an employment tribunal for a former officer, Zaheer Ahmed, which found in his favour.

Laura Farris: Which tribunal was that, so we can look up the judgment?

Julia Mulligan: I do not know. I can provide that information to you so that you can; it is all in the public domain. That was a real blow for a lot of people in the service, who were really very exercised about that, not because the organisation had been found guilty, but because they were genuinely shocked at the outcome of that ET. As a consequence of that finding, a full review of that has taken place, led by Phil Cain, the deputy chief constable, which has led to a range of practical measures being taken to try to address some of the issues that Mr Ahmed faced and, more broadly, the way that supervision is managed within the organisation.

To go back to Hardyal's point, it seems that people feel nervous about dealing with discipline issues with BAME officers and staff, and do not quite know how to handle that, so the problems get worse and worse. Eventually, they escalate the problems to PSD. Rather than problems being dealt with early on, in the way that they would be with a white colleague, they are more serious when they reach PSD. We have tried to deal with some of those issues at that supervisory level, through the strength-based approach that I talked about before and by intervening early when things are going wrong.

David Munro: One of the key things is that the public do not make any difference or distinction between BAME officers and white officers—the proportion of complaints is actually the same. The disproportionality is not led by the public, which is of course very reassuring. I absolutely agree that there are problems. Once you strip out that nervousness about dealing informally with BAME officers, does anything remain? That question has not been answered. Of course, we all hope that nothing remains, but that is for further exploration.

Hardyal Dhindsa: For three or four different findings, actions are required. In the race, religion and belief portfolio group that I sit on, with David as a deputy, we are pushing for the NPCC to ensure that this document should not lie or just get discussed. It needs to be turned into actions, training and organisational change for all forces, because BAME staff have said this, through tribunals and when they do exit interviews, and it is the first time that they are being confirmed in their views by the research findings. It is imperative that we, the NPCC and the APCC, use this to take action to mitigate those issues quickly, rather than taking years.

Q22 **Holly Lynch:** Can I take you back to recruitment issues? I notice that BAME officers make up 11.1% of the ranks of special constables, but only 6.9% of the ranks of regular police officers. I appreciate that throughout the last 10 years we have recruited special constables for obvious reasons, where we may not have been recruiting regular officers, but are there other positive reasons why we have more positive numbers of BAME officers in the ranks of special constables? What lessons can be



learned for the recruitment of other officers?

David Munro: I did not know that; that is a very interesting statistic. I think that all forces—certainly mine—are really keen on special constables; they are fantastic people. Many use it as an entry into the regular force. In fact, in Surrey, we have had to turn the tap off slightly for special constables, simply because our training establishment has been crammed full of regular officers. I am really keen that once we reach a steady state, we encourage special constables again. I appreciate that that probably doesn't answer your specific question, but thank you for that; I will take it away.

Hardyal Dhindsa: If we are going to increase the number represented at the starting point, which is done through volunteers and PCSOs—PCSOs generally seem to have slightly higher proportions, as well as specials—the question is how we translate that into the regulars. That is a challenge, in terms of BAME people's experience as specials. As we have said, the disproportionality research has demonstrated that the experience of BAME people as they come into the organisation, and the longer they stay in the organisation, is not as positive as they feel it should be, or as positive as that of others. That may be part of the process.

It may also be that some of the positive action work that has been going on, in terms of getting people nearer to coming into recruitment, is just feeding in and that that will be translated into more regulars as they get an opportunity. Not all specials want to become regulars; some want to do the job as volunteers, on top of their original job. This probably needs a bit more looking at, in terms of whether they apply and are not successful or whether their experience as specials stops them making an application for the regular force.

Julia Mulligan: I have a theory—and it is just a theory—about this. If I look at the way specials are recruited, very often a local command area will identify a requirement to build relationships with communities in a particular area, and it will go out and seek members of the community and try to encourage them to join as special constables. You are obviously starting to see that type of activity be reflected in regular recruitment campaigns—positive action work—but I think it has naturally been going on in specials recruitment for a longer period of time. I suspect it is more about that type of activity than any type of formal approach.

I certainly see that in my own force. We have a Pakistani-heritage community in Skipton. We know that our relationship with that community could be better. We have actively reached out into that community to try to find special constables to come and join the ranks. I just wonder whether this might be a little less formal and a consequence of those types of things.

Q23 **Holly Lynch:** That is really interesting and there is probably a lot we could dig into there, but time is tight.

Could I briefly take Hardyal back to the issue of stop-and-search? I went and had a look at Derbyshire police's stop-and-search video that was



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recorded with Derby College. *[Interruption.]* There is a lot going on outside. Derbyshire police recorded a video about stop-and-search with Derby College that seems to have been really well received. Have you had feedback from across different communities about that video?

Hardyal Dhindsa: Derby University has been leading the way, in terms of using the policing knowledge degree—the university degree—and the PCDA to get new recruits coming in. That is very positive. Nottinghamshire has taken that up and is using them. We are looking to see how we can develop our relationships with Derby University.

I am still finding it very difficult to hear what you say.

Holly Lynch: No problem. We'll move on.

Chair: We will all have to holler and shout.

Q24 **Stephen Doughty:** Could I take you back to the question of responding when there have been criticisms of forces? One stat that we had, from HMIP and HMICFRS inspections, was that in 23 inspections since April 2016, they had found only 10 forces in which custody staff had undergone equality and diversity training, and of those 10, only one exhibited good practice in relation to the quality of training. How are you, as PCCs, dealing with it when there are critical reports from those inspectorates? Have you examples from your own forces of where you have had that sort of criticism, and what have you done operationally—well, not operationally, but what have you done with your chief constables to respond to the concerns?

David Munro: We have a statutory duty to respond individually to HMIC. I and, I am sure, all my colleagues take that duty very, very seriously. I have never met a PCC who does not take every single report seriously, and we do act on it. I have not heard any major criticism of custody in my own force, but for instance, four years ago, we had a slating report about the treatment of vulnerable people. Responding to and overcoming that incident became mine and the chief constable's top priority.

Q25 **Stephen Doughty:** But in terms of criticism specifically related to the issues we are looking at today, are you aware in your role for the association of how forces have responded to those types of criticisms, particularly when it relates to BME—

David Munro: I am not aware in detail. It has not reached me, but I am very confident of the general point that my colleagues have taken it very seriously.

Julia Mulligan: Again, this goes back to my public accountability meeting. For every HMICFRS report, you have actions and recommendations that they make. We monitor the force's implementation of those recommendations on a regular basis, through the executive board but also through PAMs. For example, they made some recommendations about stop-and-search for my force. We brought that as a deep dive subject to that PAM so the public could see exactly how we were responding to



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HMICFRS's recommendations about stop and search. It is systematic, and it is built into the governance structures.

Hardyal Dhindsa: HMIC reports are an insight into how policing is run. Police and crime commissioners are always looking to see how we can get under the belly of policing to understand what is happening and what is not happening, not what we are being told, and inspection reports are very valuable for that. For example, in Derbyshire, when the issue of crime data integrity was given a lesser priority by an incoming chief constable because he thought he needed to spend money and resources in other areas, the inspection challenged that when it came in. I made sure that was a priority for me, ensuring regular reporting and information about the action plans, how they are being delivered and how quickly we are going to get back to a level that meets the standards required through the HMIC process. They are valuable to police and crime commissioners.

Historically, police and crime commissioners are still trying to find a level, in terms of how HMIC can be a stronger ally for us to get insight into how policing happens. We need that information, and we need to be strengthening our partnership with HMICFRS to get that information and use it to set action plans, openly and transparently but also regularly asking questions internally and having reports back to see how progress is being made against them.

Q26 **Stephen Doughty:** Can I ask you about unconscious bias training?

Julia Mulligan: Please.

Stephen Doughty: We took quite a lot of evidence in previous sessions where this obviously came under serious criticism. The National Black Police Association told us that unconscious bias training was a good way of describing the symptoms, but in its view did not address racial inequality and the fundamental drivers, and the Metropolitan Black Police Association said that there had basically been a restructuring of the narrative into "it's all about unconscious bias" rather than structural racism, institutional racism or any of those other issues. What is your view on that? Has it gone too far, and is it essentially covering up some deeper and fundamental issues?

Julia Mulligan: We have just got the results in of a piece of work that we have done. We are the only force in the country that has done this. We worked with chartered psychologists to look at the unconscious bias in our service. We asked everybody to answer a questionnaire; we got nearly 1,000 responses, a really significant sample size, and the results are fascinating—I mean, really interesting.

There are things that we can take out of it that are very encouraging. For example, our firearms teams showed much lower levels of unconscious bias; I think you would agree that it is really important to see something like that. We then asked the question "Why?" We look at, for example, the training that they are given. We had a very unfortunate employment tribunal in that team a few years ago that I think focused minds a little bit,



so we really try to understand the reasons behind this unconscious bias. We have done it across a whole range of different departments, and we can see the different levels in different departments. That provides us with a benchmark from which we can put in measures and develop a plan and then measure against in the future to see whether we are addressing and tackling some of these issues. It is literally hot off the press. It has not been released internally yet. It is a really innovative and interesting piece of work. It is one of the best pieces of work I have seen in eight years.

Hardyal Dhindsa: I think language can be an interesting phenomenon. Institutional racism and unconscious bias may well be the same thing but described differently. Unconscious bias sounds better, or softer, doesn't it? Many training courses, including the National Black Police Association's, label it as unconscious bias. To me, we are talking about the same thing. Institutional racism is not about somebody making a decision to be discriminatory but about the sum total of behaviours by different individuals, culture and structures, which persist and are there for longer than individuals, who come and go, whether they are chief constables, superintendents or police and crime commissioners.

The work is good, and we need to look at unconscious bias, which is about institutional racism. We should not say that we have no institutional racism because it is unconscious bias. It is language.

Q27 **Stephen Doughty:** This is the issue I want to explore. Is it the case that, by not using those overt terms—racism and institutional racism—you effectively degrade or deprioritise the problem, saying that it is unconscious and is not really people's fault?

Hardyal Dhindsa: I totally agree. That is the wrong route to go down. We are trying to avoid and minimise this issue, but it is still there—not as great as in the past, but it is still there. It is institutional racism, and by calling it unconscious bias, you are not saying that there is less of it, and you may actually lose focus. The work is still the same. We still need to do the same things, but let us not change the words to make it softer.

Stephen Doughty: Do the other two agree?

Julia Mulligan: I don't disagree with Hardyal's core point about wrapping this up in words. However, yesterday I participated in the APPC's EDI training, and we got training on unconscious bias from a really great expert in the field. I think that, in order to deal with these things positively and to change the culture, you need to find a way to have those conversations. If you accuse someone of being racist, it makes that conversation a lot harder than if you were having a conversation around how you can change perceptions and views you might have about certain things. I think there is a difference between calling it out for what it is, in an organisational way, if you like, and how you actually address it in a positive way, to change that culture. People need to feel that it is a good thing and that they are making progress, as opposed to being punished for a bad thing.



David Munro: I do not see a direct equivalence between unconscious bias and institutional racism, I have to say. I do not believe that the British police community is institutionally racist at this moment in time, and I think that it is important that if you think that, you should say that, because otherwise you are insulting tens of thousands of police officers and staff who are making genuine attempts to move on from the horrors of a decade ago.

Of course, that does not mean that we think we have reached the end of the road—of course we haven't, as we have demonstrated. There is much more work to do. However, the foundations have been built. I am glad that Julia mentioned the training that PCCs are doing. When I arrived four years ago, we did not have any of this. The next generation of PCCs has a very comprehensive induction package, including that.

Chair: I am going to interrupt you because we are going to run out of time. To ask the last question, I call Stuart McDonald.

Q28 **Stuart C. McDonald:** I appreciate that it is impossible to answer this briefly, because it is about institutional racism. To play devil's advocate, is it not quite astonishing to suggest that the police force is no longer institutionally racist? That attitude would mean that police staff are either racist or they are not, rather than there being a scale, with the police perhaps being less institutionally racist now. There is nothing insulting to police officers about that, because it is about the institution and how it works. In actual fact, when it comes to institutional racism, we should be talking about all sorts of other institutions being institutionally racist as well; a problem the police have had is that they have been singled out. Unconscious bias is a form of institutional racism. I am throwing a lot at you there, but surely it is dangerous to start trying to run away from the term institutional racism.

David Munro: I do not think anybody is running away from it. The police community is certainly not. We are making heroic efforts to confront that. It is quite a high bar, to say that something is institutionally racist. I have read the Macpherson definition. It is more than instances of racism, horrible though they are, and which still exist in British policing—there are instances, and will be—but to say it is institutionally racist, for me, and for lots of police officers, is a step too far. Whether other organisations are also institutionally racist, I will leave to other people.

Hardyal Dhindsa: I think this conversation reflects the difficulty and the complexity of how to move on this culture. A lot of progress has been made and more needs to be made, but if we are still debating whether the words matter—they do matter. Institutional racism is not about individuals having fingers pointed at them. It is about what they have learned, not because they are consciously trying to be discriminatory. It is more about their history, what they have learned and what they have not learned, leading them to make decisions that are not consciously decided on but something in the way they behave. Small bits of actions add up to the whole institution then making discriminatory outcomes.



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The report that Phil Cain has just demonstrated shows some of the things that we need to look at more to remove that institutional racism. That is a good step and that is what you need to look at, rather than undermine it with the fact that unconscious bias is a nicer phrase to use than institutional racism.

Julia Mulligan: I think there are biases of all types within an organisation. It is a question of culture. We also need to be really careful that culture drives behaviour, and behaviour creates systems and processes that then may in themselves be biased. First, you have to understand what the problem is and address that behaviour. Then you have to have a positive plan to address the consequences of that behaviour. If you start to do all of that, you start to get into a situation where you can address some of those issues.

We should not be afraid of saying that there are all sorts of issues within a police service around the views and the perceptions that we have of our colleagues and our communities. If it is overtly racist, we need to call it out, but actually, we have to have a proper plan in place that deals with those behaviours and the consequences of those behaviours. That is something that will take time.

Q29 **Chair:** How would you talk about institutional racism then?

Julia Mulligan: In what respect?

Chair: How do you see that phrase or concept being used—useful or not useful?

Julia Mulligan: I think it is useful, because it signifies the seriousness of the issue. That, for me, is its principal use. We need to not be afraid of using it in that context. When we are trying to deal with the consequences of it, we have to find a positive way to change cultures and behaviours.

Chair: We have to bring the session to a conclusion now, as we have business in the Chamber. Thank you very much for your time. We very much appreciate your evidence. Do please send us any further things that you think we ought to be aware of, but as swiftly as possible, because we are trying to conclude our consideration of it.