

## Home Affairs Committee

Oral evidence: [Police conduct and complaints](#), HC 140

Wednesday 12 May 2021

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Members present: Yvette Cooper (Chair); Ms Diane Abbott; Ruth Edwards; Laura Farris; Andrew Gwynne; Dame Diana Johnson; Tim Loughton; Stuart C. McDonald.

Questions 190-250

### Witnesses

[I](#): Kit Malthouse MP, Minister for Crime and Policing; Michael Cordy, Head of Police Integrity Unit, Policing Policy Directorate, Home Office; and Paul Regan, Head of Neighbourhood Crime Unit, Crime Reduction Directorate, Home Office.

Written evidence from witnesses:

[Home Office evidence](#)



## Examination of witnesses

Witnesses: Kit Malthouse MP, Michael Cordy and Paul Regan.

**Q190 Chair:** Welcome to this evidence session of the Home Affairs Select Committee. Joining us today we have the Minister for Crime and Policing, Kit Malthouse. We also have Michael Cordy, the Head of the Police Integrity Unit, and Paul Regan, the Head of the Neighbourhood Crime Unit, at the Home Office. Welcome to all of you; thank you very much for your time today. We hope to cover the issues that we have been considering as part of two of our inquiries: first, into police conduct and complaints; and, secondly, into crimes of violence and abuse against retail workers. We may have a few additional, related questions to put to you, Minister; thank you very much for your time.

We want to begin with the issues around the police complaints and conduct system. Can you give us your assessment of how well the system is working at the moment?

**Kit Malthouse:** As you know, Chair, we instituted reforms to the IOPC system relatively recently. It is a bit early to point to whether they are functioning completely as we expected, but I think there are signs of progress—significant progress—since the change from the IPCC to the IOPC, not least in an area that is of deep concern to both officers and, indeed, complainants: that of timeliness. We saw the IOPC inherit quite a hangover of long-standing cases from the IPCC, 500-odd cases, and they have successfully driven those numbers down to, I think, the remaining three. Since then, their performance has been good, with a very high percentage of cases being completed within 12 months—something like 90%—although there is still more work to do. The reforms that we instituted recently will hopefully accelerate that focus on timeliness and getting things cleared up quickly.

In terms of the shift of emphasis of the IOPC more towards lessons learned and a front-end triage of complaints to allow for swifter resolution, that seems to be working well for the vast majority of complaints, which,



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as you will know, are of a customer service nature. The playing-in of police and crime commissioners much more into the system of complaints to allow them to take responsibility where they wish at different levels of involvement, but nevertheless be responsible for holding the chief constable to account for dealing with complaints, seems to be working well too.

However, we have just been through some elections, as you will know. We have a new crowd of PCCs, and one of the key issues for me as part of their induction will be outlining to them the importance of building legitimacy with their local community through a complaints system that moves swiftly and is responsive. That is not to say—I know you had an evidence session yesterday with the Commissioner—that the IOPC has not been involved in some controversial investigations, but broadly overall, in terms of performance, I am pleased thus far, and I have great confidence in Mike Lockwood, the director general, who has shown significant commitment to try and get the IOPC into great shape.

**Q191 Chair:** In terms of how that fits into the overall system, one of the frustrations that we have come up against time and again is that even where the IOPC makes some recommendations—even where there may be an interaction with some HMICFRS recommendations—in practice, they do not go anywhere. We put this to the Commissioner yesterday, and she talked about the huge numbers of reports that make recommendations. Although she said there was a system in place, to be honest, it does not feel very convincing that forces across the country do have systems in place to make sure that these recommendations are implemented. Do you think you are doing enough to make sure that the IOPC and other reports actually have an impact?

**Kit Malthouse:** Obviously, there is supposed to be a system of accountability through policing as part of the new regime, particularly with police and crime commissioners, where chief constables are held to account not only for the conduct of the complaints system but for the resolution and the acquisition, or adoption, of the points of learning that come out of that particular process. In the next round of inspections by HMI, they will be looking specifically at the complaints process and the adoption of some of those points of learning or action points that come out of complaints, investigations and reports, so hopefully this will be an improving picture.

Obviously, with the very high-profile one—I know you had a long session yesterday on Midland—we did send in the inspector specifically to look at whether the Met had a coherent plan to adopt some of the points that came out of that unfortunate investigation. I think it is fair to say that in the summer of 2019, that was not the case. Things have improved very significantly, but part of the change of emphasis with police and crime commissioners, particularly, being played into the system is to make sure that we embed that process of taking the points that come out of these investigations and putting them into action in the force.

**Q192 Chair:** Do you have a list of major IOPC recommendations for forces



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across the country, so that the Home Office can check whether they have been implemented or not?

**Kit Malthouse:** We obviously monitor force performance, but we are not the primary governance structure for forces, as you will know. As I say, we have a series of police and crime commissioners who are designed to do that, but like Operation Midland, we take an interest where there are significant issues at play that need to be addressed, and make sure they are driven through using the inspection mechanism. As we go through the next round of inspections—each inspection report is reported into the Home Office, for our perusal—we will look at whether those forces are acquiring the lessons that they need to acquire from those investigations.

Q193 **Chair:** The words and the intentions all sound very good, but in practice we have seen recommendations made and not taken up. The existing governance system is not working to make sure that those recommendations are implemented. You may not play the central role in the governance system, but you are responsible for the structure of the governance system. How can you be confident that your governance system is working to implement recommendations, if you do not have a list within the Home Office of what the IOPC recommendations are and whether they have been implemented in practice?

**Kit Malthouse:** We have access to all IOPC recommendations and investigations, which naturally are available to us. In the inspectorate, we have a body whose job it is to look at the performance of each force on a rotational basis to make sure that forces are doing what they are supposed to be doing. If an inspection flagged concerns to us about the adoption of measures that are required by the IOPC as part of the investigation, we try to resolve that with the police and crime commissioner and the force.

**Chair:** Probably a separate issue that would take too long to pursue is the HMIC recommendations, which are also not followed up. We might come back to that.

Q194 **Andrew Gwynne:** As has been said, the transition from IPCC to IOPC sought to streamline decision making, but concerns have been expressed to us about the significant impacts of delays in investigations on complainants and those under investigation. Those delays might impact on police officer careers, and officers under investigation and complainants might experience damage to their mental health, home lives and families. Minister, do you share those concerns, and what should be done to guard against delays, given their significant impact on the lives of those involved?

**Kit Malthouse:** I share those concerns, absolutely. We have tried quite hard in the changes in regulation to inject a sense of urgency into the system and to make requirements on those participants—in particular the IOPC—to report where we believe that delay has become unacceptable. The critical thing with delay, although there are cases that are complex and therefore take longer, is to understand why there has been a delay.

The vast majority of cases, as you know and as I said earlier, are of a customer service nature. By making sure that they are dealt with at the front end, by the force, which is able to say, "Sorry, we got it wrong. Here's how we will improve", we think that the bulk of complaints will get faster resolution.

For the more serious cases, where an IOPC investigation is warranted, we think we have to have that sense of urgency. That is why we now have a cut-off in regulation of 12 months—if an investigation is to go over 12 months, the IOPC has to write to the accountable body, which might be me or the police and crime commissioner, to explain why.

It is worth pointing out that delays are not always down to the IOPC. Often, delays are caused by, for example, inquests or other court hearings, or by getting responses from legal representation or, sometimes, complainants. Understanding why there has been a delay is the critical thing.

We have managed to drive the number down. At January 2018, I think 538 cases were over 12 months; that is now down to three IPCC cases. Since the regulation change, in three cases the IOPC has written to say that they are going over 12 months. In between the two, 20-odd cases are over 12 months, which the IOPC is working to drive down now.

**Q195 Andrew Gwynne:** Given the significant impact that the investigations can have on the lives of those involved, both complainants and police officers, should increased support be provided to complainants and to police officers under investigation?

**Kit Malthouse:** Yes, the IOPC has a statutory duty to communicate with complainants and to make sure that they are informed about what is happening with the complaint. On support for officers who are complained against, we are in discussion with the College of Policing and the NPCC about guidelines to be given to forces around the notion of support for officers who have been complained against, in particular in cases that might be prolonged because of complexity or other types of legal delay.

We totally understand that any complaint situation is a traumatic incident, or a small number are—quite a lot, as you say, are customer service-related—but they can be very traumatic for both sides. Making sure that both sides are informed and understand that things are being done with alacrity, and that they have support when they need it, is part of the process.

**Q196 Andrew Gwynne:** Coming back to what you said about investigations that exceed 12 months and the checks and balances to try to drive those through more quickly, we have had evidence from the Police Federation, which suggested that a sanction-based system should be incorporated into legislation to ensure that investigations are completed within the 12 months. Do you agree with the Police Federation on that?

**Kit Malthouse:** I do not, I am afraid, because it is not entirely clear whom we should sanction in those circumstances. For example, if there is



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a delay caused by an inquest hearing—if we are looking for fault, if you like—who is at fault in those circumstances? If the IOPC have difficulty getting a response from the legal representation of an officer has been complained against, or, indeed from the Fed who often represent police officers, where does that play into the consideration?

Thus far, we have seen a massive reduction in the number of cases that are taking more than 12 months. We have a current stock of about 30, which is down from 538 back in 2018. I think what we should all do, in fairness, is allow these new changes in regulation that have been brought in to bed in and see how they work. We have had three taking over 12 months so far since the regulation came in, for a variety of reasons. We should be able to judge in a couple of years' time whether timeliness is still an issue.

The average time for an investigation now—Michael will correct me if I am wrong—is about eight months. That is pretty good. We are getting 90% of cases closed within 12 months, and 80-odd per cent. with an outcome. The performance is improving; there is still a way to go, but let's see how we get on in the next year or so.

**Q197 Tim Loughton:** Minister, good morning. You start off by saying that you have great confidence in Michael Lockwood. Why?

**Kit Malthouse:** I know Michael Lockwood of old. Michael Lockwood was a chief executive of a London borough when I was working at City Hall, and in that position I found him to be a man of integrity, ingenuity and commitment. Certainly, in my interactions with him at the IOPC, that is the impression that he has given me. His performance overall in taking the IPCC headache, if you like, and turning it into the IOPC, driving down the number of long-standing cases, resolving quite a lot of difficult cases and improving the performance of the IOPC has been good, so yes, I have a lot of confidence in him.

**Q198 Tim Loughton:** Do you think it is sustainable to be in the position where the director general of a Government arm's length body is also the chairman of the of the board? That is quite rare, isn't it?

**Kit Malthouse:** Yes, although obviously that was a structure that was recommended when the consideration for the formation of the IOPC was brought into place, so you didn't get the problems of the IPCC's divided leadership.

The critical issue to remember with the IOPC is that the non-executive directors are in the majority on the board. Effectively it is a cosmetic name—the fact that he is chair—but the point is that the independent voices on the board are dominant and are able, if they wish, to take effective control or to overrule the executive on the board. That, for me, is the key.

We also have a lead non-executive. There is a new one at the moment, Julia Mulligan, who has taken a big lead. She was certainly at the forefront in her force of the changes to the complaints system and adopting some of



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the reforms quite quickly, and is committed to that process. I think that structure is working well.

Q199 **Tim Loughton:** It is an odd structure, isn't it? You may have a majority of non-execs, but that is only effective if you have good, effective non-execs who are playing a very hands-on role. Where there is nobody looking over the shoulder of the chief executive, as a chair would, we need a far greater role than a non-executive director. Is that structure up for consideration? It would not pass muster in the world of business.

**Kit Malthouse:** The IOPC is, I think, on the roster for periodic reviews by the Cabinet Office, as all those non-governmental or arm's length bodies are, so no doubt the governance structure will be reviewed as part of that. As I say, it is worth going back to the fact that this was what was recommended as a structure—the divided chair and chief executive of the IPCC had caused issues in the past—that, critically, the non-executives were dominant, so people could have confidence that the oversight mechanism of independent voices was the strongest on the board, and that there was a lead non-exec who, as you put it, should be sitting side by side with the director general and making sure that everything is tickety-boo.

Q200 **Tim Loughton:** I want to come on to Operation Midland. You probably will have seen the evidence we had a few months ago from Lady Brittan. They were pretty appalling experiences that she had, her family had and obviously Lord Brittan had, as did Nick Bramall and the rest of Lord Bramall's family and Harvey Proctor. What happened there was extraordinary.

Yesterday, we had the Met Commissioner and I kept quoting back to her some of the criticisms that have been made by Lady Brittan and others in evidence to this Committee in person and in writing, and in extensive coverage in the *Daily Mail*, which has done a big exposé on this and I think has done a great service by doing that. The comment by all of them and by Richard Henriques as well—he was commissioned by the Met itself to look at its own shortcomings—was that the IOPC report was nothing but a whitewash and that, despite all the extraordinary implications of misconduct by officers and of warrants being applied for illegally, in the words of Richard Henriques and others, not a single member of the Met police has suffered any consequences as a result. Nobody has been demoted. Nobody has lost their job. Nobody has faced criminal charges. Nobody has been disciplined in any way whatsoever. And the IOPC, in their report, effectively countenanced that. Do you think that is acceptable?

**Kit Malthouse:** Obviously, the Carl Beech investigation was a terrible episode and dreadful mistakes were made, for which apologies have been forthcoming. The key focus for me is to make sure that it does not happen again. That is why the Home Secretary sent in the inspector—to make sure that the Met were learning the lessons they needed to learn, and I know that the Commissioner outlined to you the significant measures that are now being taken in the Met to correct the errors of the past.



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As to the conclusions of the investigation by the IOPC, you will understand that they are an operationally independent body, as are the police, and I do not think it would be appropriate for me as a Minister to comment on the outcome of that investigation or the conclusions that they reached. My job is to make sure that the organisation itself has in place the processes, rules, regulations and law that mean that it operates with integrity.

I know you have Mike Lockwood coming to give evidence to you at some point, and you can question him on those issues. He has been in correspondence with Sir Richard Henriques and, I know, with some of the complainants as well about why the IOPC did what they did, with him outlining why and how they came to the conclusions they did. And I think that is really for him to deal with.

**Q201 Tim Loughton:** You say that the IOPC report is not something for you to comment on, so who is the IOPC answerable to if it has produced—let us put it this way—a dodgy report, which fails to grasp the seriousness of what has happened with Operation Midland, as all the victims and Richard Henriques himself, investigating it, have agreed is the case? Diana Brittan says that these are not just historical problems that the Met have and there is still a problem with lacking a moral compass and with there being more focus in the Met about frustrating the publication of the Henriques report—it was several years before it was actually reported—rather than properly holding their hands up, properly finding out who was responsible for these calumnies that went on, and there being implications for certain people? If the IOPC is not going to say that something is wrong and something needs to be done in terms of people carrying the can for this, who oversees that if you are not prepared to?

**Kit Malthouse:** The non-executive directors are obviously the primary group of people responsible for the integrity of the operations of the executive branch of the IOPC. If in another world, for example, a police force were investigating a particular crime and decided that there was no crime, but the Minister said, “Well, I think there was; I want you to reinvestigate because I want you to get this person”, you would understand that that would be improper. The IOPC is quite rightly set up as an arm’s-length, operationally independent body, and they reach the conclusions that they reach, and they have to justify them to you, to others and to us. Our job is to make sure that the body itself operates with integrity and within a set of laws and has the right training and all the rest of it. It is for the director general to come and explain himself to you.

**Q202 Tim Loughton:** I understand what you are saying, but six former Home Secretaries have said that the whole experience of Operation Midland has seriously undermined public confidence in the police, and I am sure that you would agree with that. That is a serious consequence for the Home Office as to the public perception of its police force. Just because the IOPC has effectively said “nothing to see here”, you are content with that, and you and the Home Secretary will be taking no further action over the miscarriages of justice, as some would call it, and the illegal activities, as Richard Henriques would imply have happened. You are not going to take any further action about Operation Midland.



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**Kit Malthouse:** No, I do not think that that is what I said, and I do not think it is fair to say that the IOPC said “nothing to see here”. There were obviously significant—

**Tim Loughton:** Well, “there is no one to blame here”.

**Kit Malthouse:** There were significant changes that were necessary at the Met, and we have obviously put in place measures to try to make sure that those happen. The Home Secretary has obviously been in discussion with Richard Henriques. I think those discussions will continue, and then she has to consider what and if she may or may not decide to do in the future.

Q203 **Tim Loughton:** What could she do?

**Kit Malthouse:** You would have to ask the legal advisers. There is a variety of things. The first thing she did was obviously to send the inspector into the Metropolitan police to make sure that the lessons are being learned. At the moment, I think she is considering her options.

Q204 **Tim Loughton:** What are those options?

**Kit Malthouse:** I do not have that to hand, I am afraid.

Q205 **Tim Loughton:** Okay, but in general terms, what could the Home Secretary do? With respect, all of your answers have been that it is not for you to comment or say or do anything, that that is for the IOPC, and if the IOPC says it is all fine and everything is now being done, you are happy. The problem is who the IOPC is actually accountable to if it cocks up, as it has here. You are saying that the IOPC is accountable to the IOPC, which is run by a director general who is also the chairman of the board.

**Kit Malthouse:** No, obviously, as I said, the IOPC is responsible for the non-executive directors, who are appointed by the Home Secretary, so I suppose accountability ultimately lies with her to make sure that the system of supervision and operation in the IOPC is satisfactory. If you think that that is not satisfactory, you will obviously have to make that view known, as you obviously are to me, and we will have to consider what, if anything, we will do about that.

Q206 **Tim Loughton:** Is one option potentially the Home Secretary’s sacking non-executive members of the board?

**Kit Malthouse:** No, I do not think that is necessarily the case; we have just appointed some. Obviously, discussions are ongoing about what, if anything, she could do. I am sorry; I wish I could give you a more detailed answer. I am not privy to the conversations that the Home Secretary is having with Sir Richard Henriques at the moment.

Q207 **Tim Loughton:** But you can see the point I am trying to make. The IOPC seems to be a law unto itself, and if you are saying that there is really nothing you can do—you are not even prepared to say that you might end up sacking some of the non-executive directors who oversaw that whitewash of a report—I just cannot see who the IOPC is actually



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answerable to.

**Kit Malthouse:** I think you are characterising this in very unfair terms. I think you are pointing towards one aspect of our law enforcement atmosphere that we treasure—operational independence. You and I, as venally elected politicians, are not allowed, by law, to interfere in those operational decisions about who or what is prosecuted or where an investigation may go, whether that is by a police force or the IOPC. That is a very important principle for us to maintain, but that does not mean that we should not have an overarching view about the integrity of system, and then change the rules, regulations and laws if we think that the system itself is not operating with integrity, notwithstanding the specific cases that we might be concerned about.

Q208 **Ms Abbott:** I am sure you agree, Minister, that it is really important in building public confidence in our police force to have a complaints system that is transparent and accessible, and for people to see things getting done as a result of taking their complaints forward and complaints being upheld. You and your colleagues said that the recent reform should make the police complaint system less complex, bureaucratic and process-driven, but we have heard evidence, including from the IOPC, that it remains complex and difficult for complainants to navigate. Does more need to be done to make the police complaint system easier for people to understand and navigate?

**Kit Malthouse:** Well, possibly, but as I say we are in the process of bedding in the recent regulation changes. There is a shift to trying to deal with as many complaints as we possibly can at the front end quickly, allowing police forces the flexibility to apologise for what in the vast majority of cases are minor complaints of a customer service nature so that they can be dealt with swiftly and people can get on with their lives, having had the satisfaction that they need. Where cases are more complex and require IOPC investigation, obviously we have to balance the simplicity of the system with the integrity of the investigation and fairness to both sides, and I think broadly that is what we have achieved in the regulation changes.

As I say, it is a little early to draw any conclusions about the current system. I hope the number of police and crime commissioners who can adopt a greater role in, for example, communicating with complainants will grow from the relatively small numbers that we have at the moment and, by getting those democratically elected individuals involved, we will be able to help people navigate the system much more effectively.

Q209 **Ms Abbott:** So you are unmoved by the IOPC itself saying that the system is too complex and difficult for complainants to navigate?

**Kit Malthouse:** I am happy to look at that evidence. As I say, it may still be a bit too complex, but we have streamlined it since. The IOPC have not raised that issue directly with me, but I am happy to discuss it with the director general the next time I see him.

Q210 **Ms Abbott:** In written evidence, the National Black Police Association told



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us that they were shocked that the NPCC's 2019 report into disproportionality in police complaints and misconduct identified that 63% of Home Office police forces professional standards departments—25—had no BAME police officers or staff. Is there any work being done in the Home Office to support police forces and policing stakeholders to increase ethnic diversity within professional standards departments?

**Kit Malthouse:** That is obviously a statistic of concern, but I have to say that it is sadly not unique to professional standards departments. It is true across policing that we do not have enough officers coming from minority groups represented. The key to that is to make sure we recruit as diverse a workforce as we possibly can. As I hope you are aware, we are doing a significant amount of work as part of our uplift of 20,000 police officers to increase the number of officers coming from a minority, and indeed from a female, perspective.

We are having some success in that, but obviously in terms of the professional standards department itself, while we can encourage a greater representation from all groups in those departments, it is hard for us to compel police officers to pick that particular specialism and the area in which they want to proceed. Thus far, we are doing pretty well on the flow of minority officers. We have something over 10% of applicants coming through. It is still not high enough, and there will be more work to do, but that is going to take time to feed through.

Q211 **Ms Abbott:** So you are not doing anything specific to raise the number of BAME staff in professional standards departments.

**Kit Malthouse:** As you will know, coming out of Phil Cain's report a few years ago, there were a number of action points focusing on the disproportionality in the disciplinary system that we do, sadly, see. That work is being taken forward by Craig Guildford, the chief constable of Nottinghamshire Police, on behalf of the NPCC, and we are seeing some progress on that. I know this issue is of interest to this Committee; it might be worth you talking to the NPCC about the work it is doing to focus on this disproportionality in disciplinary. There is work ongoing and we are supporting that work.

Q212 **Ms Abbott:** No doubt as a Committee we will discuss taking evidence from the NPCC on that and other issues, but I was just trying to probe what the Home Office itself is doing to support police forces and stakeholders in increasing ethnic diversity within professional standards departments.

Currently, local police forces have a large amount of autonomy over the handling of complaints. Complainants must log their complaints with their local force. The IOPC youth panel suggested the IOPC should become the first port of call for complainants, to improve accessibility and to make complainants less apprehensive about logging a complaint. Do you agree with the IOPC youth panel that the IOPC should be the first port of call for complainants?



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**Kit Malthouse:** Well, I do not. Given the reforms we are putting through at the moment, that should be evident. We believe that the vast bulk of complaints can and should be dealt with at the front end, by the force itself, with the involvement of the police and crime commissioner, who is democratically elected by local people.

It is worth emphasising this point: the vast bulk of complaints that we see are of a customer service nature and therefore are much better dealt with swiftly at the front end, with the appropriate apology by the police force, which is then able to make changes to its practice to make sure that these things are ironed out. Where things become more significant, then obviously they can move to the IOPC.

One of the critical changes that has been made is that the IOPC now do not actually need a referral to start an investigation. If it believes that there is an issue that it should be investigating in a force, it is able to step forward and initiate an investigation, should it require. There is no sense that a police force can get in the way of a complaint making its way to the IOPC, if it should.

Q213 **Ms Abbott:** So you do not think that giving the IOPC responsibility for logging all complaints would increase public confidence?

**Kit Malthouse:** No, the whole philosophy behind having elected police and crime commissioners in each force is to make sure that there is a point of accountability at the front end. Encouraging police and crime commissioners to play their part in the logging and the resolution of complaints is pretty key. You are a long-standing and very highly regarded London Member of Parliament. I would hope that you would feel that the Mayor of London, who is the primary governance body or individual for the Metropolitan police, would take a significant interest in the complaints of your constituents against the Metropolitan police, and that, being closer to the action frankly than I am, he would be much more able to give a responsive service and sense of involvement to them than me or, indeed, the IOPC.

Q214 **Ms Abbott:** Finally, at the beginning of the sitting, the Chair of the Committee asked you if the Home Office kept a list of recommendations by the IOPC and others and you were not really able to answer. You just talked in general terms about the governance structure. We understand the governance structure and we understand the changes and we understand your emphasis on the role of police and crime commissioners, but don't you think it would increase public confidence if they felt you were more proactive in making sure that recommendations by the IOPC and others are actually implemented and do not just lie on the table?

**Kit Malthouse:** I slightly take issue with the notion that we are not being proactive. We are sending inspectors in to make sure that these points that need to be taken on by the forces are being handled properly and are being embedded. Obviously we are in constant conversation with the IOPC about their investigations, and we are aware of the points being raised, but the key thing is to ensure that there is a systemic system across the



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41 forces in the United Kingdom that is, on a routine basis, ensuring they are doing what they are supposed to be doing with IOPC reports. They will be doing exactly that on our behalf.

Q215 **Dame Diana Johnson:** We know, don't we, that sorry is often the hardest word to say? Nick Glynn, a former police officer told us that sorry "is the hardest word for the police" and that many complainants "will be satisfied with just an apology". What is your take, with your long experience of working alongside the police? Is there still that reluctance within policing to accept responsibility for wrongdoing and to actually apologise?

**Kit Malthouse:** I think there probably is, although it has improved. It was definitely the case when I was at City Hall that there was a "circling the wagons" approach from a complaints point of view—particularly for serious complaints—that meant there was not a great relationship between, for example, the force and the IPCC. I do think that has changed. Certainly, we are trying to push resolution of less serious complaints but nevertheless ones that are important to complainants down to the front end. We are giving forces greater capacity, as you quite rightly say, just to say, "We're really sorry. We made a mess of this thing and we are going to learn from it." That will satisfy a very large number of people. I find, certainly from my own postbag as a constituency MP, that often that is what people are looking for. I hope that we can build a culture that will allow that and, over time—I think we are seeing progress on that already—police will be less defensive about those errors.

I think, however, it is pretty key that we as politicians play a role in that as well. I think we often fail to recognise the very challenging circumstances that police officers find themselves in. They are often faced with confrontational situations, which sometimes do not go entirely to plan. Allowing them to say sorry and move on is a job for all of us to do, not just for them.

Q216 **Dame Diana Johnson:** You have talked a little bit about how the new system is allowing police forces to apologise quickly. Have you got statistics showing how many times an apology is now being given in a speedy way and not being dragged out of the police? Have you got evidence that that is actually happening?

**Kit Malthouse:** We probably do. I might turn to Michael Cordy, who has probably got his finger on the numbers better than me.

**Michael Cordy:** Good morning, everyone. In terms of the statistics from the system since the reform, as the Minister explained at the beginning we have not had the latest stats from the system. We are expecting those in the autumn, so I will be able to publish timeliness stats then.

We are certainly seeing indications of good practice. In terms of PCCs, you will have had evidence in particular from Julia Mulligan, who talked about her experience in North Yorkshire. I understand that something like 78% of complainants that her office had dealt with were entirely satisfied with



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that service, which indicates to us that complainants are getting that quality of service—and undoubtedly an apology.

**Q217 Dame Diana Johnson:** Finally, Minister, how do you think an apology from the police generally impacts on the public's confidence in police accountability and legitimacy? Is that a really important part of what needs to happen, or is it not that important if it is just individual cases?

**Kit Malthouse:** I do think it is important, not least because I am very keen for a general humanisation on both sides. I think it was Peel who said that the police are the public and the public are the police, and it is very easy to see police officers as a uniform and not as human beings who may, from time to time, not get things entirely correct in very difficult and challenging circumstances. That connection and relationship are very much helped by honesty and transparency. The vast majority of police officers operate in exactly that way, which is why they have great relationships with their neighbourhoods; they build a strong sense of legitimacy where they work and they get enormous support from the British public. That is something that we should cherish and promote.

**Q218 Chair:** Thank you, Minister.

I want to turn to some of the issues around the violence and abuse against shop workers. Across the country today, hundreds of shop workers will endure violence, abuse or unacceptable threats at work, of the kind that nobody should have to experience. The Association of Convenience Stores told us that there are around 40,000 incidents of violence and 1.2 million cases of abuse a year. In my constituency, I have heard from many shop workers about the violence and threats that they face, and from small shop owners about the fear that they faced after an incident in town. We all know that from our constituencies right across the country.

We have received overwhelming evidence from employers and shop workers as part of this inquiry about the scale of abuse and the impact that is having on people's lives. They also told us that, while they see the repeated cases of abuse and violent crime going up, the police response has gone down. In the words of Paul Gerard from the Co-op, "I cannot overstate the position of my colleagues in the Co-op that, at the minute, the police and the courts do not care." What do you say to that?

**Kit Malthouse:** I am disappointed that people feel that way. Fundamentally, we do care and we have done enormous amounts of work to try and get on top of what I acknowledge has become a problem. We have seen some very difficult situations in the retail environment during the pandemic; you will remember the toilet-roll riots and punch-ups right at the start, which were deeply unpleasant. Looking at the numbers, we are aware that the victimisation of retail workers has increased over the past couple of years. That is why we have a specific workstream at the Home Office, which Paul Regan leads, where I hope I have been very active to try to deal with some of those issues and drive them down.

You might have seen recently that we launched our #ShopKind communications campaign across the country; hopefully you will see the logos in conjunction with the British Retail Consortium and other partners—the ACS or what have you—to try to create a culture change of a greater sense of responsibility in a retail environment. We have done some specific work with a variety of groups in our four areas to encourage critical reporting.

One of the key issues that we find that in this crime type—and in others, not least rural crime—is the paucity of reporting. We have got ourselves into a situation where people do not think it is worth reporting or they do not know how to report. That means that it is quite hard for modern policing, which is very data driven, to see the true picture of what is happening in a particular neighbourhood. We believe that encouraging reporting will help to bring greater focus and priority.

**Q219 Chair:** But part of the reason that people are not reporting is because they do not think any action will be taken. The reason they do not think any action will be taken is because, too often, that has been their experience. We have heard it time and again. Dixons told us: “last year alone the Police failed to prosecute and serve justice in a considerable proportion of violent theft offences reported by our business...the complete non-response in the majority of occasions to verbal abuse incidents, is considered unacceptable”. Wickes told us: “the number of cases has...risen, the Police response rate has not...This has resulted in an increase in the number of re-offenders.” We heard that time and again. Do you accept that the police response to those crimes is not good enough?

**Kit Malthouse:** I accept that that we need a better response generally from everybody, including the police, but also from the sector itself. Indeed, from some of the measures we can take, particularly through the Ministry of Justice—

**Q220 Chair:** Let me focus on the police response. Do you accept that the police response to those crimes is not good enough?

**Kit Malthouse:** I certainly think a lot more can be done, yes.

**Q221 Chair:** Why is it so weak?

**Kit Malthouse:** There are a variety of reasons. First, because the police naturally prioritise their work when they have constrained resources and, where reporting does not give them a true picture, they are not necessarily allocating the resources that are required for that particular problem or area. By increasing capacity, we can improve that—20,000 extra police officers across the country will of course help.

**Q222 Chair:** Is the lack of capacity in policing the problem? The increases we heard about have been going on over many years. This is not just during the covid crisis; they all told us about the increase beforehand. Has the lack of capacity in policing been a problem?



**Kit Malthouse:** It is a combination of issues, but it is also about different demands on policing. For example, one of the issues that has grown up over the past 10 years since I was last involved in policing at City Hall has been the involvement of policing in dealing with mental health issues. Time and time again, when I am out talking to officers on the frontline, in particular on response, because those are the individuals who would normally be responding to such issues, they will tell me that they started their shift looking for someone having a mental health incident, they will secure them and, critically—

Q223 **Chair:** This inquiry is into the abuse of and crimes against retail workers. I completely understand the other issue, which we will want to come back to, but I am trying to understand the prioritisation for retail workers. You are saying that part of the important thing is that we need additional police officers, which will help. Therefore, do you accept that the substantial reduction in police officers over the past 10 years has been one of the factors in increasing the sense of frustration among shop workers at the lack of police response that they have had?

**Kit Malthouse:** No, not entirely. I was trying to explain that the changing demands on policing have had an impact as well. To a certain extent, police tactics can have an impact too. For example, one of the approaches that we promote through our serious violence work is a greater focus on hotspots, hotspot policing and grip of geographical areas. That will necessarily include high streets. That has not necessarily been the approach over the past four or five years and, as we shift back towards that approach—from which we see benefits across the country—I hope that we will see things improve. However, it is undoubtedly the case that if we had more police officers, we could do more, yes.

Q224 **Chair:** You cannot have it both ways. You cannot say that there has been a lack of capacity and that the additional police officers will make a difference, while also suggesting that the reduction of so many police officers over the past 10 years has therefore made no difference.

**Kit Malthouse:** That is not what I said. I said it was not entirely down to that, but down to a combination of factors. We would not be recruiting 20,000 police officers if we did not think that that would make a difference.

Q225 **Chair:** And if you did not think that you needed to restore the 20,000 police officers you lost. May I ask you why you think prosecutions have fallen? Overall, prosecutions have dropped by about 30% over the past five years, which is a very substantial drop. A lot of the witnesses we have heard from said that only a tiny proportion of these kinds of crime—even the serious violent crimes—that they were reporting were ever making it to prosecution. Why has that happened?

**Kit Malthouse:** I would have to look at the patterns of prosecution across the different police forces to come up with some kind of view on that. I think it has been the case that so much of the prolific crime that we see is driven by addiction, whether to alcohol or drugs, and that is an area in which we will do more work over the months to come. Those individuals,



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who are cycling around the criminal justice system and offending on their way around, do not necessarily respond to prosecution or going to prison.

In fact, at our last retail crime steering group, a very inspirational project from Birmingham was brought before us. A police officer there has been working with highly prolific criminals who are addicted to drugs. Rather than putting them through the criminal justice system, he is working on a problem-solving basis to get them into treatment and rehabilitation to make sure that they are not out there persecuting retail workers. That has had a huge impact in the area in which he works. It may be that there are other ways to solve the problems but, without doubt, this has not been an area of concentration. We are trying to bring more concentration to it through the retail crime steering group and our work through the safer streets fund and elsewhere to make sure that there is greater sense of governed space in the public realm, including in a retail environment.

**Chair:** It would be helpful if you could write to us on the broader issue. As I understand it, overall prosecutions have gone down by 30% over the past five years, a period when recorded crime has gone up by 40%. That is a substantial widening of the justice gap.

It would be helpful if you could give us your explanation of the reasons behind that wider point. Specifically on retail crime, the concerns we have heard repeatedly are that no action has been taken, whether prosecution or action on addiction. That is a serious concern.

We want to probe some of the things that the Government have been talking about and the actions they are taking. I turn to Stuart McDonald.

**Q226 Stuart C. McDonald:** Thank you to the witnesses for your evidence this morning. As the Chair said, the Association of Convenience Stores has reported about 1.26 million incidents of abuse as well as 40,000 incidents of violence, 10,000 of which included a weapon.

Against that backdrop, I understand the Government response has amounted to putting up some guidance on the British Retail Consortium website, some #ShopKind communications and resources, and a letter to PCCs and chief constables. Isn't that utterly underwhelming? It almost says, "This is just part of the job of retail workers." Wouldn't we have expected a far more significant response if other professions were impacted in that way, such as footballers or Members of Parliament?

**Kit Malthouse:** I do not think that is a fair characterisation. You have to remember that the work that we do through the steering group is only part of our general confrontation of crime, violent crime in particular. As I explained to the Chair, we are investing significant amounts of money and resource in dealing with violence across the board, in particular promoting the notion that police forces should focus on their violence hotspots. Some of those will obviously overlap with a retail environment.

We are investing in 18 violence reduction units. We have a significant strand of work looking at prolific offenders, identifying them and finding different ways to deal with them. For example, alcohol is a huge driver of



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offending and we are rolling out our sobriety tags across England and Wales with enormous success. They have been in Wales since October. They have just started in April this year and we are seeing about 90% compliance through those.

Similarly, we have just started rolling out GPS tagging for all those convicted of an acquisitive crime—burglary, robbery or other sorts of acquisitive crime—when they leave prison. That is in six forces now. We are seeing enormous success with the early results of that programme, being able to track the movement of prolific acquisitive criminals.

It would be unfair to see the work we are doing with the retail crime partners through the steering group as all that we are doing. It is part of a much wider assault on crime generally, particularly in the public realm, which is being driven through the crime and justice taskforce, chaired by the Prime Minister.

**Q227 Stuart C. McDonald:** A lot of that answer focused on violence in particular, but isn't there now a general culture of abuse that almost seems to be acceptable, that retail workers can suffer abuse without any repercussions? How can Government try to tackle that aspect?

**Kit Malthouse:** As I say, through the working group, we have broadly said that there are four strands of work we need to do. First, whether you think it is right or not, we need more crime reporting. We need to make it easier to report these incidents. We need to ensure that people know that when they report there is some product from their reporting, and that they know there is going to be action over time.

We then need to be in a position where we can share that data between retailers, and between retailers and the police, so we all have a proper shared picture of what has happened. Alongside that, there should be support for victims and general communication to the public that this is an area of importance where they have a role to play as well, by shopping kind.

Off the back of that, we create a proper picture in an area so that we can encourage business crime reduction partnerships in particular geographies, where chief constables and police and crime commissioners can concentrate their fire and drive this number down.

We also need a strand of work focusing on the drivers of the crime, and we are about to start that work now on alcohol and drugs, particularly where they are pushing people towards acquisitive crime. We heard at our last group that a heroin addict needs to steal something like £3,000-worth of goods a week to fund their habit. If we are able to get ahead of drugs, we will be able to do something to drive down some of this abuse and crime in a retail environment.

As you might know, there is a huge push on dealing with drugs, not least our ADA programmes, which we have now in five areas of England, and hopefully soon in Scotland if they will come alongside, and we will be expanding to other areas hopefully later in the summer. There is a huge



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amount of work going on around dealing with individuals who think it is appropriate to go into a shop and behave in the way they do. I am confident that, over the coming months and years, we will be able to drive that number down.

**Q228 Stuart C. McDonald:** On the issue of information recording and data, which you mentioned a couple of times, there is, as we understand it, no mandatory recording process for business crime. Some forces apply a particular flag, but not all. Should that become mandatory? How do we understand properly what is going on if there is not such mandatory recording?

**Kit Malthouse:** We could consider that, yes, and we will have to see what comes out of the work we are doing at the moment. What I am more interested in, I have to confess, is geographic recording and identification. We know that crime is very geographically based. While you will have abuse, theft or even violence taking place in a shop or a retail environment, it is very often indicative of a wider sense of criminality in a defined geography. Giving the police a picture of the activity in that geography and the individuals who more often than not will be involved not just in violence or abuse against the shopworker but in other forms of crime that are taking place nearby, allows them, in an intelligent way, to concentrate their resources and deal with the issue on a preventive basis.

The geographic reporting is critical from my point of view, and if we can get identification as part of that—if we are able to see who those prolific offenders are—that gives us even more evidence to get ahead of the crime. I hope that as we move into a new world of police and crime commissioners, they will see the value of this work, not just in protecting the victims, who are obviously our primary concern, because it is incredibly corrosive to have repeat offending again and again—it is bad to have it even just once—but for the health of our high street. It is an economic imperative that the high street is safe and free of crime so that lots of people feel secure in using it.

**Q229 Stuart C. McDonald:** In your letter to chief constables and PCCs back in September, you also flagged up the importance of the use of victim and business impact statements and the prosecution of thefts of under £200. Do you collect information on the use of victim personal statements and business impact statements? Are you therefore able to say whether their use is increasing? How have you been able to measure the changing approach to low-level theft?

**Kit Malthouse:** I do not know, actually. Paul, do we collect the use of victim impact statements? There probably is information at the MoJ about that kind of stuff. Is that right?

**Paul Regan:** I don't believe the Home Office collects that information. You may be right, Minister, that the Ministry of Justice does, but I am sure we can clarify that point and write to the Committee.

**Q230 Stuart C. McDonald:** That would be useful to know. In relation to the importance of prosecuting low-level thefts, how does the Home Office



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measure whether or not there has been a change in approach?

**Kit Malthouse:** I believe data on prosecutions and outcomes is collected by the Home Office. Is that right?

**Paul Regan:** That is right. Your letter, Minister, was written last September, so it may be that the effect of that will not yet have fully percolated through the system, but again we can share with the Committee such information as we have.

Q231 **Stuart C. McDonald:** Again, that would be useful. The final question from me is: what is your ambition? What does success look like in this sphere? If you are back giving evidence before us in a couple of years' time, midway through the Parliament, what change should we see in how retail workers are feeling supported and safe at work?

**Kit Malthouse:** As with all crime types, I hope that over the next couple of years, we will see a very significant reduction. I hope retail workers feel safe and comfortable going to work, feel supported, and know that if there is an incident, they will get the response they need, and that justice will be swift and certain. In particular, I hope we will see a significant reduction in prolific offending driven by addiction to drugs and alcohol. It is an area of strong concentration for me because it drives so much crime, and I hope we will see an enormous reduction.

From my own point of view, I will probably measure it by the number of parliamentary questions that come through, or Westminster Hall debates that I have had to respond to on this issue. It is a very, very serious issue. We understand the impact and are trying to do as much as we possibly can to focus UK policing in this area, alongside the other areas that are important. It is worth bearing in mind that the primary responsibility for dealing with these naturally geographic and localised issues lies with the 41 police and crime commissioners. My job is to help them focus and give them the tools they need, along with the sector itself, to get on top of this problem.

Q232 **Laura Farris:** Minister, could I just explore one thing about the adequacy of the police response? We heard from police witnesses in previous sessions who said that their response to an assault on a retail worker would be judged according to the THRIVE criteria—which I am sure you are familiar with—threat, harm, risk, victim vulnerability, and I cannot remember what the last one is. One of the concessions in a previous session was that when a retail worker was assaulted, because they were likely working with other colleagues, they would not be perceived as as vulnerable as, say, somebody in the street. Sometimes, if there was theft, it was low-level and usually the perpetrator would have escaped before the police had got there. Do you share the concern that materialised that some police do not take these assaults seriously enough?

**Kit Malthouse:** I naturally share that concern, yes, which is why we are doing the work we are. If we thought the response was adequate, we would not be doing what we are. We are trying to focus activity in this



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area to make sure that we deal with what is a geographically concentrated crime.

**Q233 Laura Farris:** Given that there is evidence of inadequacy, or patchiness, in the police response, is it not at least reasonable to say that a distinct, new statutory offence of assault on retail workers would focus minds and contribute to consistency in policing? Do you agree with that, and if not, why not?

**Kit Malthouse:** At the moment, I do not. I have said in other forums that I have an open mind on a new offence. Obviously, the offence comes in in Scotland in August and we will see what impact it has there on numbers, but I do not, I am afraid, think it will particularly focus the mind because the challenge for policing does not necessarily change. They have to make these awful decisions about demands, what they respond to on an immediate basis and where the most harm is likely to be.

We hope that as we increase capacity, particularly in frontline and uniformed officers, we will get a better response to those issues, but I am not sure that having a specific offence will change people's minds. What we want is a really good, co-operative relationship between local retailers and employers and the police who have a shared picture of what is happening in their area, with political leadership from the police and crime commissioner to make sure that the high street is safe for workers and shoppers—that is the primary goal. I am not sure having a specific offence would help with that, not least because quite a lot of these incidents are subject to other offences, whether it is theft or ABH in significant cases, hopefully not GBH or worse, or other hate crime-related offences. Assault on its own—one offence—does not actually deal with the vast majority of cases.

**Q234 Laura Farris:** I have heard your answers about how increasing the numbers of police should improve the overall response, but given the work you are doing with the national retail crime steering group, do you think that, in the event that police numbers never quite reach the optimal number that we should wish for, there is a case for standardised Government guidance—in the way that you might have for serious sexual offences—on the way that the police should respond to incidents of this nature, just to improve consistency across forces?

**Kit Malthouse:** Just on your first point, I am very confident that we will hit that optimum number of 20,000, fear not. We are already well ahead of schedule at nearly 9,000 officers recruited in the first 12 months, so I am pretty confident that we will get there on that.

That is definitely something that we could look at. As I say, we have strands of work that have been agreed through the group that we are now rolling out. We are moving on to look at the role of drugs and alcohol in driving prolific offending. I hope that, first, we can embed in the hearts and minds of police and crime commissioners that this should be an area of priority for them, for the reasons I have outlined, and secondly, that as we grow police capacity, we will see a much more assertive response



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around these issues. If that fails to materialise, I am more than happy to look at other things, whether that is an offence or guidelines or whatever. However, for the moment, I think we have a pretty good package of work. We have a very co-operative atmosphere.

We have a number of interesting innovations around the country, such as Operation Monster in Sussex, led by Katy Bourne—a PCC there who takes a particular interest and leads for the Association of Police and Crime Commissioners in this area—which is having a big impact. We have some technology solutions that are emerging. I had a meeting with an outfit called Facewatch, which is a kind of identification-sharing platform between retailers, so that as a known offender enters the shop, they are able to take evasive action, if you like, before it reaches the point of confrontation. Lots of stuff is emerging on both the policing and the retailer side that I think point in a very positive direction for us before we get to those kind of measures.

**Q235 Dame Diana Johnson:** Minister, the Committee has seen evidence, and you have referred to it in your answers, that suggests that the majority of shop theft is attributable to repeat offenders with addiction issues. You talked a little bit about some of the evidence that you have heard; I think you referred to the pilot in Birmingham and the way that addiction issues were being dealt with there. Could you say something about how you are developing the evidence base regarding the role of drugs and alcohol in driving violence and abuse towards shop workers? When can we expect the Government to set out clear actions on this particular issue?

**Kit Malthouse:** We have five areas of the country where I am hoping that we will see a significant reduction in those kind of offences because of our concentration on drugs. I do not know whether you have had a look yet, as a Committee, at the ADDER projects, but in Blackpool, Hastings, Norwich, Middlesbrough and Swansea bay, we have a strong focus on drugs and on bringing everybody together in a sharp geography to focus on an identified and shared group of individuals who are addicts and have been, or may have been, prolific acquisitive criminals—shoplifting and what have you—to try to turn their lives around. That involves police, local authorities, housing and drugs support services all coming down into focused geographies. We hope to prove that, by everybody doing the same thing at the same time on the same people in those areas, we can really shift some of the numbers.

Blackpool has the highest incidence of drug deaths in England, and of drug misuse. By concentrating on that geography and shifting the numbers, I hope that we will see a reduction in those numbers and also, critically, an impact on the retail environment, where there will be less shoplifting, less abuse and less confrontational violence when those individuals are challenged. I did a virtual visit—sadly; I will be up there physically as soon as I can—to Blackpool a few months ago, and they are very excited about the possibilities of change, particularly for young heroin and crack addicts, for the first time for a long time. I hope that, if we can prove in those five areas that that model of operation has an impact, that will translate



elsewhere, and we can build it town by town, effectively, into something that will benefit everybody.

Just on the alcohol side of things, it is worth looking at our sobriety programme—I do not know if you have had a look at it as a Committee—where we are now giving magistrates and judges the option of fitting an alcohol-testing tag to people’s ankles that tests their skin every 30 minutes on condition that, if they remain sober and do not drink, they stay free; if they drink, they are obviously apprehended and put back in front of the court, and there may be consequences for them in doing so. That has been operational in Wales since October and we are seeing compliance—not drinking and therefore not offending—up above 95% as part of that programme. It is currently rolling out across England—it has been since the beginning of April—and I have to say that judges and magistrates are very enthusiastic. The Welsh used them at about double the rate we expected. We should be seeing the impact of those over the months to come.

**Q236 Dame Diana Johnson:** Going back to the five areas that are running these pilots, what is the timescale for you to look at the evidence and see whether that could be rolled out nationally? It is all very well in those five areas, but there are lots of areas where there is not much happening. What is your timescale? When will we see nationwide coverage if these five areas prove to be so successful?

**Kit Malthouse:** Obviously, we have just kicked them off. We are evaluating as we go, and at the 12-month mark, given that we have got a one-year spending round, we will obviously have to answer for ourselves and our results to our colleagues the accountants at the Treasury. So I am hopeful that we will have some signs then. We are, though, working on phase 2 and where that comes through and, after that, hopefully phase 3, and we will be able to build across the whole country over the years to come. But, as you will know from your experience, this is difficult and complex work, and getting large public sector organisations—health, local authority, police, other providers and housing associations—to co-ordinate and come together in an area to focus takes a little bit of time to put together. We have been successful in doing so in five. I am confident that the next phase will be coming on soon, and then we will build after that.

I hope that, once the success of the model is proven, it becomes self-sustaining, and areas will not need me to go in and say, “Let’s do this” but will adopt the model themselves and bring it into play. I hope that will even progress north of the border into Scotland, where they obviously have a very, very significant drugs problem.

**Q237 Dame Diana Johnson:** It is clear that the Home Office recognises that addiction is playing a big part in the level of crimes we are seeing in the retail sector, so is the Home Office now committed to increasing funding for rehabilitation services? Many of us will know that there have been cuts to rehabilitation services in our local areas. Are you now arguing for that in Government?



**Kit Malthouse:** Yes, and as you might have seen in the last spending round, we got the largest award of money for rehabilitation services for many years, which will allow us to offer a rehabilitation place to everybody released from prison who has got a drugs issue. So we are pushing that proposal as part of our assault on drugs generally. The role that rehabilitation treatment should play is critical. That is a conclusion of the first phase of the Carol Black review that we commissioned, so we are definitely actioning on that. From memory, I think we got £80 million or £90 million for the post-release programme. As part of our ADDER projects, rehabilitation treatment is definitely playing a huge role, so, as we build that model, it will be critical to success.

Q238 **Dame Diana Johnson:** David Jamieson, the former PCC for the West Midlands, suggested to us that drug rehabilitation pilot programmes could be partly funded by temporarily increasing the proportion of money that police get under the Proceeds of Crime Act 2002. What do you say to that? Would you support that approach?

**Kit Malthouse:** The Proceeds of Crime Act falls in my colleague James Brokenshire's portfolio, but it is fair to say that we have been having conversations—in particular with colleagues at the Treasury—about how we might optimise the return to policing from POCA and how we might make it an investable proposition, if you like, for the police, where they know that by investing they will get a return on their money and will not necessarily have a loss. That money is extremely useful to quite a lot of other organisations, not least the Home Office, which uses some of the money itself. But yes, it is under discussion.

Q239 **Ruth Edwards:** Minister, I would like to ask you some questions about online crime because that is one of the areas in which, certainly, I hear from constituents that they are least satisfied with the service they get, in terms of investigation and outcomes, from the police. Of the 3.7 million frauds that were reported between March 2019 and March 2020, what proportion led to a judicial outcome?

**Kit Malthouse:** That is a good question. Hold on a minute, I'm just having a look at my numbers. I don't think I necessarily have them; I don't have them to hand, I'm afraid. I will have to write to you with the exact numbers. But I absolutely acknowledge that we have seen a very significant growth in cyber-crime and, in particular, online fraud over the last few years and, in particular, during the pandemic. Obviously, cyber-fraud falls into the portfolio of my colleague James Brokenshire, the Minister of State, and I know that he is very focused on it as an issue. You will, I am sure, be aware that the National Cyber Security Centre, along with Action Fraud and the National Crime Agency, is investing heavily, shall we say, in capability and capacity to deal with these issues. I think it's worth saying that just as we know that something like 50% of thefts from vehicles are because people forget to lock the car, there is quite a lot that we ourselves can do in terms of cyber-hygiene and our own safety to target-harden ourselves, but nevertheless it does point towards a need in policing to focus on capacity and capability in dealing with this new threat.



**Q240 Ruth Edwards:** You mention Action Fraud, but of course Action Fraud takes the reports from individuals and then funnels them to police forces. The reason I ask about numbers is that I am looking at the Action Fraud webpage on the outcomes for individual forces. I will read out figures for the top three. There was no further action or non-judicial outcomes for Avon and Somerset in 548 cases, whereas the figure for judicial outcomes was 106. For Bedfordshire, there were 575 no further action or non-judicial outcomes, compared with 43 judicial outcomes. For Cambridgeshire, there were 902 NFA/non-judicial outcomes, compared with 70 judicial outcomes. So, it does seem that the vast majority of these cases are not getting any sort of judicial outcome. Obviously, you have been talking about the increase in police officer numbers, which is fantastic, but is it realistic to think the police will ever really be set up to deal with the huge volume of cases of online fraud that we are seeing now?

**Kit Malthouse:** I definitely think we need to think carefully about capacity and capability, and indeed location. As you will know, all 43 forces now have a cyber-crime unit. We have the National Cyber Crime Unit at the NCA, which helps to focus and co-ordinate this. But these are extremely difficult crimes on which to get a judicial outcome, not least because many of the perpetrators are overseas.

I don't know about you, but I am getting three or four telephone calls a day with a recorded message saying that they are from the National Crime Agency, that my national insurance number has been suspended because I have been accused of fraud—or something—and that I need to press 1 to speak to an officer. It comes from a different number every time. I must be getting three or four a day at the moment. I don't know how they got my number, but they picked the wrong guy, given that I can call the National Crime Agency myself; I don't need to press 1. But this, I have no doubt, is promulgated from overseas.

Certainly, I was listening just last night to a BBC journalist who pressed 1 on one of these calls and did have a conversation with an individual on the other end of the line. Obviously, it wasn't clear where that individual was located, but it struck me that they may well be overseas, and this is part of the problem. So, our capacity, capability and tactics are definitely something that we need to look at carefully in the light of this increasing problem, but at the same time we do, I think, need to have a very serious education programme to illustrate to people that they shouldn't press 1 when "the NCA" calls.

**Q241 Ruth Edwards:** I would certainly agree with you that prevention is better than cure. I suppose the question I have is, why don't the Government do more to make online platforms legally responsible, for example, for making reasonable checks to verify the identity of people taking out adverts on their services? There is a huge increase in what are called clone scams, where we have criminals posing as legitimate financial institutions taking out adverts on Google, and users are clicking on them and losing on average £45,000 a person. There is no legal obligation for Google to check that the person taking out the advert is who they say



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they are. The users clicking on them not unreasonably believe that Google has had to do that, because all other forms of media that carry advertising have had to make those checks.

I suppose what I would really like to know is what the Government's plans are to deal with this issue going forward. Is it something that you would consider including in the Online Safety Bill, or are there other plans to deal with it? At the moment, we have companies making billions of pounds and basically profiting from these fraudulent adverts, which they are pushing at users, and users often have no means of recovering their money because, like you say, many of the criminals are overseas and the stats on judicial outcomes speak for themselves.

**Kit Malthouse:** I definitely think that there is much more that these platforms could do to assist us in ironing out this type, and indeed lots of other types, of crime. Their enthusiasm for doing so is variable. I completely agree with you that I cannot see that there would be a particular problem with them verifying those people who are advertising, and given that they are extremely smart at identifying that I need to buy a new mower and then pushing adverts at me, you would think they would be equally smart at identifying those who were engaged in nefarious activities on their own platforms. Whether that is fraud, online abuse or indeed child abuse—where we see significant growth in volume using online platforms—I believe that these organisations could step up and do a lot more, and there are, as you know, ongoing conversations between much more senior people than me in the Government, and indeed the Secretary of State at DCMS, about what more we could do from a regulatory point of view to make them step up and fulfil their obligations to all of us to keep us safe.

**Ruth Edwards:** Thank you.

Q242 **Chair:** Thank you very much. Minister, a few follow-up questions. In response to Diane Abbott's question, you referred to work that was being done around black and minority ethnic recruitment to policing in response to the concerns about the lack of diversity within the professional standards departments. Could you tell us very briefly what specifically the Home Office is doing as part of that, as opposed to the work that the NPCC and the individual forces are doing? We have heard separately about the work that the forces and so on are doing.

**Kit Malthouse:** We are responsible for two things. Broadly, the national advertising campaign—its targeting, its messaging, the audiences it reaches and the response that it gets—is a key part of our platform, and we have money as part of the programme to do that. We are looking carefully at those messages. I recently held a roundtable with professionals from the private sector engaged in diversity of recruitment to talk about what more we could do, convened by Suzy Levy, who is one of our non-executive directors, so there is that aspect of it.

The second thing we are able to do is use our data to illustrate to forces where they are doing well and where they are not doing well, and who they should learn from. For instance, I recently wrote to all chief



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constables and police and crime commissioners illustrating to them how they were performing on minority recruitment against a background population, and similarly how they were performing on female recruitment, so that they could effectively see a league table of performance—particularly against the most similar forces—and take action where it was required. I impressed upon them, as the primary people responsible for recruitment in their forces, the importance of concentrating on this and taking leadership at chief constable level to make sure their force is as diverse as possible. Hopefully, that is seeing some response.

We have a variety of performances. Nottinghamshire performed—

Q243 **Chair:** That's fine; we have got information from them separately. When was the last time the issue was discussed at the National Policing Board?

**Kit Malthouse:** The National Policing Board is coming up in July and it is on the agenda to discuss then. I cannot remember whether we discussed it at the last one. We may well have done. We certainly talk about the uplift at all National Policing Boards.

Q244 **Chair:** It would be very useful if you told us when you last looked at diversity and the uptake, particularly the black and minority ethnic recruitment. Let us suppose a force is doing nothing on any of this. Do you have any levers that you can use to put pressure on it to do so?

**Kit Malthouse:** I have an uplift meeting every month with the team from the Home Office and from the NPCC, and every month we look in detail at the performance of recruitment across the board. We are monitoring. We now have data at force level that will allow us to exert pressure, or at least highlight poor performance, where we feel that is appropriate.

Q245 **Chair:** But it is just about highlighting. It is not that you do not have any further levers.

**Kit Malthouse:** As you will understand, I am sure you know that I cannot tell chief constables or police and crime commissioners what to do. They can tell me to get stuffed if they want. But we are giving them money for the uplift, and part of that expectation is that they will recruit a more diverse workforce. For example, in seven forces, more than half the recruitment intake is female.

Q246 **Chair:** To follow up Laura Farris's points, we were given evidence that suggested that when the specific offence was introduced for assaults against emergency workers, that led to an increase in prosecutions. Isn't that a justification, given the low level of prosecutions and police response to crimes against retail workers, for saying there should be a specific offence for violence and abuse against retail workers?

**Kit Malthouse:** As I say, I have an open mind on the offence. I am happy to see how it works in Scotland, but there are a number of things to bear in mind. The Sentencing Council is about to produce new guidelines on assaults. They have been consulting, and there has been a lot of lobbying of them and submissions put to them around retail workers. In the end, although the sentencing and judicial disposal are obviously important, the



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critical things are prevention and deterrence. We know that the greatest deterrent is the perception of the likelihood of getting caught, and that is fundamentally what we need to raise to protect shop workers.

**Q247 Chair:** It is hard to see in some of the things that you have set out what is really going to change in a substantial way in terms of that likelihood of being caught, given what so many of these organisations have told us about the lack of a police response and about how little seems to happen in practice. Many of the things that you have talked about, including five pilot projects on drugs, are very welcome, but they are still only pilot projects. Communication for employees that violence and abuse are not tolerated is welcome, but the trouble is that their lived experience is that they are being tolerated. There is work to understand the impact of different things being done, but not any action to really make a difference. Of all the multiple things that you have set out, what is it that will deliver a step change? We need a step change to deliver that increase in prosecutions, or an increase in interventions or community resolutions or whatever it is that they need. What will deliver that step change?

**Kit Malthouse:** The thing that has most potential is that if we get really strong and comprehensive reporting that gives us a clear picture, we will get a diversion of police resources to deal with this problem, allied to the fact that, as I say, we are pushing very hard and funding the notion that there should be a strong geographical grip and hotspot policing so that retail workers will see a greater police presence and response, and a general suppression of crime, in the areas in which they work and operate. Those are the key issues.

The communications campaign will help. It will promote to them and others that this is an issue of importance. We all have a duty, frankly, to keep the retail environment nice and safe, but in the end, it will be about raising that perception of the likelihood of getting caught, and we will be doing that by having a sharp geographical focus.

**Q248 Chair:** The geographical focus is fine, but a lot of these shops, particularly convenience stores, are spread out. They are all over the place, so it might be just one convenience store that is being targeted, and it is one convenience store that is not in the town centre. The pattern that we have heard is about retail centres everywhere, all across the country. They are not simply the geographical ones where they do not feel that this is being taken seriously enough.

**Kit Malthouse:** Geography can be one premise. Look at hotspots in London; you often find that there is one set of retail premises—sadly, often fast-food—that is a hotspot for crime, activity and violence. When I say geography, we are not talking about a postcode; often, we are talking about two or three streets—a really sharp focus on hotspots. When you analyse the data, you will find there are micro hotspots of violence in every town or city. By concentrating on them and ironing out the problems, very often they have a retail element to them. If we get good reporting, we will be able to see that, and the police will be able to focus.



Q249 **Chair:** But you realise how counter-intuitive it is if we turn round and say to the thousands of shop workers who responded to our Committee that the answer is to do more reporting. The reason they are not reporting is because when they do, nothing happens. Surely, to get people to report, you have to build up their confidence that something will happen if they report. Because right now, the vast majority of shop workers and employers who have contacted us think that in the majority of cases when they report, nothing happens.

**Kit Malthouse:** I absolutely agree that this needs to be a virtuous circle where people have confidence in reporting that the police will respond, and the police respond because they can see that there are reports that need their attention. By bringing the two together, I hope police and crime commissioners will adopt business crime partnerships, as they have in Sussex and elsewhere across the country, to allow them to bring that shared picture in focus. You have to remember that, because modern policing is so data driven, it is a bit like that philosophical treatise: if a tree falls in a forest and no one is there to hear it, does it make a sound? If a crime occurs and no one reports it, how are the police supposed to know? It is vital that we get comprehensive reporting. I hope, as an early sign of success, that reported crime will go up because more people will report, so police-recorded crime will go up. It may get worse in number terms before it gets better, but only by having a true and honest picture can we really focus on that.

Q250 **Chair:** Final question from me. I hope you find a way to break into that virtuous circle. You set some ambitious and very welcome tests for yourself and for the team working on that of a significant reduction in crimes against retail workers, for them to feel more confident at work and a significant reduction in prolific offending, particularly based on drugs, alcohol and so on.

Those we talked to who have been involved in a lot of work you are doing, such as the steering group on retail crime, were much more pessimistic when we asked them. They are involved, so they know the work that you are doing on data and everything else. At the end of the last evidence session, I asked the British Retail Consortium: "Do you think, based on all the work happening at the moment, will things get better or worse?" The British Retail Consortium told us: "At best, it will be the same, and... there is a real risk it will get worse." Boots said, "We have only just scratched the surface of making a real difference. I cannot see things getting better quickly and certainly not in the short term." The Co-op said: "I think the momentum means that it will get worse. If we carry on doing what we are doing, even with the things that are in plan, it will get worse."

If all the things that you are doing will deliver the step change and make those big improvements, why do they not yet have confidence in your action plan?

**Kit Malthouse:** I don't know; you would have to ask them. I would say to them, "Watch this space."



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**Chair:** That seems an appropriate point at which to end. We will watch, indeed. Thank you very much, Minister, for your time, and I thank your officials, too, for joining us.