

Home Affairs Committee

Oral evidence: [The state of policing and the fire and rescue services](#), HC 806

Wednesday 27 October 2021

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Members present: Yvette Cooper (Chair); Simon Fell; Dame Diana Johnson; Tim Loughton.

Questions 1 - 45

Witness

I: Sir Thomas Winsor, Chief Inspector, HM Inspectorate of Constabulary and Fire and Rescue Services.

Examination of witness

Witness: Sir Thomas Winsor.

Q1 **Chair:** Welcome to this evidence session of the Home Affairs Committee. We are very grateful to have joining us today Sir Thomas Winsor, Her Majesty's chief inspector of policing and of fire and rescue. Welcome to the Committee. We are very grateful to have you today, Sir Thomas.

You have been Her Majesty's chief inspector for nearly 10 years. Can you give us your reflections on, or your summary of your assessment of, the state of policing now compared to 10 years ago, and the state of the criminal justice system now compared to 10 years ago?

Sir Thomas Winsor: Yes, thank you. One thing that is in no need of reform in policing is the bravery, the commitment and the dedication of police officers, who go out every day to face unknown dangers. Police reform is something that is constant and constantly needed, and will always be needed, but their bravery and their courage need no reform.

The police service has come a long way. Mrs May, when she was Home Secretary, probably effected more police reform than anyone since Robert Peel in 1829: the College of Policing, the National Crime Agency, the replacement of ACPO with the National Police Chiefs' Council, the creation of police and crime commissioners, the major changes to the inspectorate, and many other things.



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Policing has its own culture; many professions do. Perhaps an inward-looking culture is understandable when one sees just what a battering the police get, predominantly from the media but from other commentators as well, when things are thought to have gone wrong or when things do go wrong. It is very demoralising for frontline police officers, who are doing the things that I have just described, because the very, very, very great majority come to work and do a really good job.

Officers will often complain that they are badly led and inadequately supervised. There are difficulties with training and, of course, a great suffocation of bureaucracy. As members of this Committee, you get out and meet police officers, and police officers are not slow to tell you just how frustrating that is. There does tend to be a circling of the wagons and a protective culture when the slings and arrows are coming in from outside.

Having said that, the police are us. They are citizens in uniform. We do not have an oppressive arm of the Executive—the Government—responsive to and controlled by political entities. That is of enormous importance. The operational independence of the chief constable and the police is of enormous importance, and we might discuss that today. The culture is one of commitment, bravery and getting things done. That has not in any way diminished in the almost 10 years that I have done this job.

There have been many improvements in efficiency and effectiveness, and the police have tried very hard to embrace new technology and to get ahead of those who would do us harm. Of course, they are constrained because they have to go through proper procedures in relation to the acquisition of this technology, and they are constrained because of money. Unlike the other essential safety-critical public services such as gas, water, electricity, telecommunications and transport, the police can never meet all demand.

One of the major changes—there are many, and we could talk all morning about this—that has come about in policing is that it has a better appreciation, not a perfect one, of the true demand that they face. One of the reforms that I have introduced is the concept of an annual force management statement. Force management statements are based on network management statements from the other regulated industries; this is not a regulated enterprise, of course. Network management statements are required by regulators—I used to be the regulator for the railways and I have worked in the other regulated industries—to assure the public, through the regulator, that the state of the assets is in the future going to be good enough to meet all reasonable expectations of demand, of all demand in some cases.

Given that those things are required by the regulators for transport, energy, water and so on, why would you not apply the same discipline to the most essential safety-critical public service of all, namely the police?



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Because without public safety, nothing works. The economy does not work and social society breaks down. We introduced the force management statement, which is an annual statement under the signature of the chief constable, to assure us and elected representatives, as well as police and crime commissioners, but also national politicians, that the police are operating as efficiently as possible.

A force management statement, just like a network management statement, answers three questions. I will be brief. We could go on and on, but I will not. What demand do you face in a foreseeable future? In the case of the police we say four years. In the case of railways and water it is 10 years, but four years is a reasonable look forward. What is the state of your assets which you are going to use to meet that demand? I will come back to that. How much money are you going to have in order to use those assets to meet that demand?

As far as the demand is concerned, what the police were not doing in any kind of an adequate way anywhere in the country was assessing all future demand. They can tell you how often the phone rings and how often they see disorder and difficulties in society, but all demand. The College of Policing not that long ago assessed that about 20% of the demand on the police is crime. The rest of it is lots of other things. All demand—crime and non-crime, latent as well as patent demand, the people who are afraid to approach the police, for example.

As far as the assets are concerned, in the case of gas, water, electricity, telecommunications and transport, they are broadly physical assets: water treatment plants, electricity generating stations, cables, pipes, wires and railway lines. It is quite easy to measure their condition, capacity, capability, serviceability, performance, efficiency and security of supply, because that is what you have to do.

As far as the police are concerned, the assets in question are the most complex of all because, apart from computers and police cars and police stations and things like that, 85% of the cost of the police is people. It is the pay bill, and people are the most complex assets of all. Nevertheless, the police need to understand their condition, capacity, capability, serviceability, performance efficiency and security of supply. That is tough to do because the stresses on police officers and police staff are quite severe. You need to assess their physical health, their mental health, their skills, their competencies and other things. Nevertheless, we have introduced those. We are in year 4 of force management statements and they give us a far better picture of total demand and how ready the police are.

Q2 Chair: The conclusion, then, in terms of how police are meeting that total demand or are able to meet that total demand over the next four years? Is it going to get better or worse?



Sir Thomas Winsor: It is getting better, predominantly because the police understand what the future demand is far better. It is not perfect, but it is far better.

Q3 **Chair:** If you take something like prosecutions, over the last five years there has obviously been a significant drop. We have been looking into the issue of rape prosecutions, which have plummeted so terribly, but overall prosecutions have fallen as well, at a time when reported crime has been going up. How can you say that the police are doing better at being able to meet demand with the resources they have if something like referrals to the CPS and police and the prosecutions of criminals are falling so significantly?

Sir Thomas Winsor: I did not say that they are going to be better at meeting demand in all respects, but they are going to be better at being able to meet demand because they understand what the demand is. If you do not have that information, you cannot employ your resources efficiently and effectively. Rape, of course, is an extraordinarily difficult crime to prosecute, for reasons that you have already heard evidence about and you know about. However, as far as all demand is concerned, without that information, as I said, you cannot make good decisions.

The overall conclusion is that if you have a far better understanding of demand and the condition of that capability and of your assets, and you know—because this is the easy bit—how much money you are going to have. Because that is basically a political decision locally and nationally, it establishes an honesty in the political debate. The honesty is we do not have enough.

There is a political question for people to answer at the ballot box and for elected representatives to answer, which is if we cannot meet all demand or all the demand that the public want, with the money that we have, using the assets in question as efficiently and effectively as possible, what is going to give? Are we, the public, going to provide more money, as long as it is spent well, or are we going to accept more risk? In other words, there are things that the police will never be able to do or will not be able to do as well as we want.

Q4 **Chair:** If the public want to see prosecutions going back up again because we want to see fewer criminals getting away with their crimes, is your assessment that policing and other parts of the criminal justice system simply need more and more resources to deliver that?

Sir Thomas Winsor: Yes, and those resources need to be used as efficiently and effectively as possible. The Crown Prosecution Service in the last 10 years—more than 10 years—has had its budget cut enormously. The approach of the Crown Prosecution Service and the interface with the police is not a very good one. There is too much finger-pointing; it is not working as a single system. Indeed, the criminal justice system is not working as a single system; it is working as five separate pieces that sometimes work well together and sometimes do not work



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together. It is the police, the prosecutors, then the courts, then prisons and probation. It is not a single system. In my last couple of “State of Policing” reports, I have described the criminal justice system as dysfunctional and defective. I think it is dreadful that criminal justice is so neglected by policy-makers and legislators.

Q5 Chair: In terms of the Budget and the spending review today, we need to ensure that there is enough investment for policing the criminal justice system or we will see the consequences?

Sir Thomas Winsor: Yes. The criminal justice system is very much the Cinderella, the poor relation of the other essential public services, but it is an essential public service. I observe that in too many respects—I do not condemn everybody; how could you?—policy-makers neglect the criminal justice system because it is largely invisible to them, unlike health and education, until they are drawn into the criminal justice system, or a family member or somebody they know is drawn into the criminal justice system, whether as a victim or a witness or an accused person. Then they are overwhelmed with the inefficiencies and ineffectiveness of the criminal justice system: court backlogs, delays, bureaucracy, uncertainties, failure to communicate with witnesses and so on. By then, for them it is too late.

When you are accused of a crime and you are acquitted, you may have been financially ruined by what is sometimes called the innocence tax because you have paid for your defence, you have remortgaged your house or you have spent all your savings or you have borrowed money from the family. You do not get that money back any more. It used to be that you would get back a sizeable proportion of your defence costs if you were acquitted. That does not happen any more, which is extraordinarily unjust.

Q6 Dame Diana Johnson: I want to ask you a specific question about public confidence. I am interested in what you were saying there about the force management statement. What is your assessment of communities with antisocial behaviour—most MPs would say antisocial behaviour is one of those issues where we get a constant stream of complaints from constituents. The police obviously have their part to play in dealing with that, but I am coming across people now who say they do not bother to tell the police about antisocial behaviour because they have told the police in the past and nothing changes. Because of some of the policy decisions over the last 10 years, particularly issues around addiction services and access to services and what is going on in our streets in terms of very vulnerable people being around, is your assessment that we would expect this force management statement to identify that there are lots of people in communities who never come forward to say there is a problem, because they have given up?

Sir Thomas Winsor: Yes, insofar as police know that people have given up. If they never give up, you are pretty much left with public confidence surveys, which are valuable as well, but force management statements



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are the chief constable's assessment of future demand and how that demand will be met. There are other means of assessing public confidence in the police.

As you imply, antisocial behaviour is not trivial. It is corrosive. It can wreck people's lives, particularly people who are afraid or vulnerable or alone or who fear that the agents of the state, whoever they may be, will not intervene. It is sometimes overlooked that when it comes to antisocial behaviour, for example, in a social housing context and so on, the most effective agent of the state who is going to solve this problem is not a police officer. It may be a housing officer, because they have the power to put them out. Nevertheless, people's confidence in the state to protect them sometimes is very shaky.

That is deeply regrettable, because the first principle that Robert Peel laid down in 1829, or at least those principles were laid down in his name, is prevention. That is the first principle of policing. The primary function is to prevent crime and disorder because prevention is by far the cheapest thing you can do. It is the cheapest thing in terms of both money and the use of resources, and it is the cheapest thing that you can do in terms of human suffering because that does not happen.

The interventions of the state—you ask about the police, of course—are of enormous importance. When a housing estate or some other place becomes thought of as lawless, or at least as having inadequate prevention measures, the perpetrators of that disorder are encouraged and they may escalate their misbehaviour into crime, and people get more and more afraid. The interventions of the police and the other agencies of the state are of enormous importance at what you might call the bottom rung of crime and disorder, because it can escalate.

You say people do not bother and they do not think anything will change. I fear that there are many people who do believe that. As I mentioned earlier, the police cannot meet all demand. They simply do not have enough money and resources to do that. It is for people in this building and other buildings to decide whether they should have more. Force management statements, the inspectorate and many other interventions and agencies look at and assess how well the police are spending their money and using those assets to meet the demand.

Of course, the police have to prioritise, and they will prioritise the most serious—the high-harm crimes and disorder—even though we all know that at that bottom rung, when things start to go wrong, they will continue to go wrong.

Q7 Dame Diana Johnson: I am a bit concerned at the moment that the figures around antisocial behaviour can look quite low. People are not reporting as much, so the police could say, "That's because we're doing such a great job and all our interventions are working." Whereas I think hidden behind that is all these people who are not coming forward because they have not had a good experience in the past or feel that they



are not going to get a service. I am interested in your comments on that.

Sir Thomas Winsor: If I may add to that answer, that is why force management statements require, not just invite, the chief constable to describe all demand, including latent demand, the demand they do not know about unless they go and look for it.

Q8 **Dame Diana Johnson:** Thank you. Can I ask you about inconsistencies between police forces? You know we have been looking at rape investigations. What we have been concerned about is that some police forces do things much better than others. What is your assessment of when we might get to a stage where there is consistency and that people who come forward with rape allegations are all given a good-quality service no matter where they are and which police force they are dealing with?

Sir Thomas Winsor: There will always be inconsistency in performance. One of the frustrations that many people have, and that includes me, is that there are not 43 best ways of doing the same thing. There are 43 territorial police forces, Home Office forces. However, it is—

Q9 **Dame Diana Johnson:** There should be minimum standards, though.

Sir Thomas Winsor: There should be, of course, and there are for many things. The College of Policing, which was established in 2013, is responsible for establishing minimum standards under authorised professional practice. The College of Policing had a slow start. Under Mike Cunningham as the second chief executive, it started motoring and it now has Andy Marsh as its new chief executive. I know it is committed to ensuring that there are many more useful national standards for all sorts of things.

The College of Policing and the Home Secretary have yet to—I was going to use the word “discover”; I will say “use”—a power in the Police Act 1996 that has never been used. In fact, it has been so neglected and forgotten that it has been overgrown by vegetation and become obscured, to use that metaphor.

Section 53A of the Police Act 1996 enables the Home Secretary, with the agreement of the college, or the college but without the agreement of the Home Secretary except in certain limited circumstances, to establish policies and practices and procedures that every police force must adhere to. This is the establishment of minimum standards for pretty much anything. I am surprised it has not been used and we have recommended it be used in terms of violence against women and girls, which I am sure we will be coming to.

The way it works is that the College of Policing comes up with a draft statutory instrument—not just a policy paper, but a draft statutory instrument—for improving whatever it may be. It then puts that to the Home Secretary and the Home Secretary must make a statutory instrument in terms of the college’s draft. She cannot make amendments



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to it; it must be the college's draft unless one of three statutory let-outs, or conditions, applies, and they are very hard tests to meet.

The first is that it would be unlawful to do what the college is suggesting; that is unlikely. Secondly, it would be harmful to efficiency and effectiveness; same thing. Thirdly, it would for some other reason be wrong to do so. That is not as big a let-out as it might at first appear because the statutory interpretation, *noscitur a sociis*, means that the words in the third condition have to be interpreted having regard to the colour of the first two—in other words, illegality or harmfulness. There has to be some other very strong reason why the college's proposal should not be done. Unless one of those three conditions is met, the Home Secretary has no choice. She must make a statutory instrument in those terms, which of course has the full force of the law.

The college can propose that to the Home Secretary, or the Home Secretary can do it off her own bat, but she cannot do that unless the college has approved her draft. That makes the College of Policing pretty powerful. I have discussed this with the last three chief executives of the college, and it may be that they will dust that off and use it. That is a way to achieve a great deal more consistency than up to now.

Q10 Chair: Off its own bat, the college could put forward some minimum standards in terms of tackling violence against women and girls?

Sir Thomas Winsor: Yes, and in the report that we published in September this year, we recommended that it does, or we recommended that the Home Secretary do so, but one or the other.

Q11 Dame Diana Johnson: That is very interesting, I have to say. Can I ask you a further question? Sarah Crew, the NPCC lead on rape and adult sexual offences, welcomed your recommendations to add the policing of violence against women and girls to the strategic policing requirement, during oral evidence last week to the Committee. If implemented, how would this high-level recommendation improve the performance of police forces on the ground? If this recommendation is not adopted, how else might the police secure an upward shift in the prioritisation of offences of violence against women and girls? You might have just answered that second bit.

Sir Thomas Winsor: Section 53A is one of the ways in which the police could do that. They do not have to be compelled to it—they do have operational independence—but operational independence within the framework of the law, and section 53A is the law. How else could they do it? We have recommended also that violence against women and girls be elevated to a national priority under the strategic policing requirement. SPR used to be about things like organised crime and terrorism. It was predominantly to try to get police and crime commissioners— Some, and I stress some, can be very parochial. They have their blinkers on and they cannot broadly see outside their police area. Of course, they are



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supposed to because policing does not stop at borders, and crime and disorder does not stop at borders.

It was to require them, and many of them do this, to look outside and take a regional and national view on the things that have to be looked at regionally and nationally. Latterly, the Home Secretary, Theresa May at the time, added child protection to that because of the very severe failures in child protection that we were seeing and which the inspectorate has frequently been pointing to—we have done over 30 reports on this—the worst being the Met in 2017. Child abuse is part of the evil practices of organised crime groups, but it elevates it to a higher national priority.

Having reviewed all the work we have done on violence against women and girls, because we have done a huge amount on that as well, including the most recent commission we got from the Home Secretary in March, the day after the Sarah Everard vigil, it is our view that violence against women and girls is at epidemic proportions and, therefore, it should be elevated to the same status as things of the kind I have just mentioned, including child abuse.

The SPR is something to which the chief constable must have regard and the police and crime commissioner must have regard. To have regard is not the same as do as you are told. That is just the way it is. We have operational independence and that is of enormous importance. Having regard means you should do it unless you have a good reason not to. The SPR is another way of ensuring it.

The third way is for chief constables to give this a higher priority, but what they will often say is that if they give a higher priority, something else is going to have a lower priority. That is not always true, because if they were more efficient they could do both. That is a huge generalisation for obvious reasons, but nevertheless. Chief constables also have to have regard under the Police Reform and Social Responsibility Act 2011 to the police and crime plan published by the police and crime commissioner and the mayor or mayoral equivalents.

Police and crime plans, some of them, are very general. They just say, "Protect the public and do your best." I simplify somewhat. Some of them are rather specific. Some are too specific. Nevertheless, the chief constable is supposed to facilitate them as far as possible and take very seriously the local priorities on that.

Some police and crime commissioners or aspirant police and crime commissioners do not get it. You may be surprised or alarmed to hear this story. I am happy to say that it had a happy ending in the sense that the PCC candidate was not elected. This was told to me by the then chief constable of Merseyside. There was a PCC candidate in Merseyside who got a respectable proportion of the vote. He was running as an independent and he did not have a party label. He seemed to think that the police and crime plan was a set of orders for the chief constable,



which chief constables immediately carry out. That is not the regime that Parliament has established and nor should it ever be.

One of the things that he said in one of his election addresses, unhappily not in writing but orally, was that if he was elected his police and crime plan would say that the police will never go to a call for service involving domestic violence because, he added, what happens between a man and his wife behind closed doors is nothing to do with the police. I do not think that requires any comment. Happily, he was not elected. If you put so much power in the hands of one single elected individual, you had better make sure you get the right one. Happily, the good people of Merseyside did not elect this person. Nevertheless, the police and crime plan is something to which the chief must have regard, and police and crime plans are important instruments. They could be improved, but they are important instruments.

There are a number of ways in which the chiefs can get to consistency, but the reality is that even if the Chief Constables' Council that meets every so often—all 43—were to agree on one course of action in relation to something, as long as it was not mandated by section 53A or the Strategic Policing Requirement or something else, at any time, the way things work, the chief constable of Borsetshire can just say, "We're not doing it any more. That's not the Borsetshire way," and can break off and just do it his or her way, even though 42 other police chiefs have agreed to proceed in a certain way. That is the nature of the 43-force model that we have.

One of the steps that I have been taking, which I hope to complete before I leave office in six or so months' time, is the establishment of a mechanism of qualified majority voting that will prevent the chief constable of Borsetshire from doing that. We can discuss that in more detail as you wish.

Q12 Tim Loughton: Sir Thomas, can I come back to these annual force management statements, which I am interested in and know nothing about? Why did you introduce them?

Sir Thomas Winsor: I introduced them because they had had very significant success in the other regulated industries. Naturally, I know railways best, but all the others. They are an instrument of assurance that the public, through their elected representatives, PCCs and national politicians, and also through the inspectorate and the college and other things, need to have. Because if demand—crime, non-crime, latent and patent demand—is not properly understood, how on earth can you make efficient deployment decisions as to the use of the assets, your scarce assets, because you do not have enough to meet all demand? How on earth can you do that? It has worked with success in the other public services that I have mentioned, so why not apply it, as I said earlier, to the most essential, safety-critical public service of all?



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It also compels the chief and his or her top team to ensure that they know all that they need to know. Every well-managed enterprise, whether it is a corner shop or a multinational corporation or anything else, needs to be able to answer those three questions—demand, asset stewardship and money—and whether they add up. In policing they do not add up; they really do not.

One of the chiefs in one of the Yorkshire forces—I cannot remember which one it was—using an analogy of standing in an alligator-infested river, said to one of my colleagues, “Before I did my first force management statement, I thought the alligators were swimming around my ankles. After I had done my first force management statement, I realised they were swimming around my waist.” What it compels the top team to know is, what do we already know and what do we not know about future demand, asset stewardship and money so that we can make efficient decisions? I think that the making of good decisions by police chiefs is of enormous importance. They are not sales documents; they have to be true.

Q13 Tim Loughton: How transferable are they from a utility company? You were regulating the railways. The railways have a fairly simple job—whether they do it well or not is another matter—to transport as many passengers as safely and as promptly as possible from point A to point B. Effectively, that is their job, and they can model as to how many passengers they may have to take care of, and which points A and B may be involved.

The police have a lot more imponderables. It is very difficult to predict what a police officer is going to be doing from one day to the next. He or she is not going to be driving his or her police car from the same point A to point B and dealing with the same group of individuals. How easily transferable is it as a tool for greater efficiency and effectiveness? You used those two terms, although doing something efficiently is not the same as doing it effectively. Is this about efficiency or effectiveness?

Sir Thomas Winsor: It is about both. I would hesitate to correct you, Mr Loughton, but the railways also carry freight and it is not quite as simple as you say.

Tim Loughton: I am generalising, but you get the picture.

Sir Thomas Winsor: Of course. I apologise, of course. Policing is far more complicated than any of those public services, undoubtedly. It is very much more complex because much of the demand on the police is unknown or is hard to know. It fluctuates in all sorts of ways, but there are means and measures to predict demand with far greater degrees of accuracy than might be assumed. It is of enormous importance, as I mentioned earlier, to have the highest possible quality information so that you can make good decisions. It is about efficiency and effectiveness, because you can be effective while being inefficient, which means you just get less policing for your money because of your low



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efficiency, or you could be efficient but not very effective because you are not doing enough things. You are not getting enough public benefit out of the activity that you are doing because you are not doing it very well.

Yes, they are transferable. They are transferable in principle. The respects in which I discuss this—the demand, condition, capacity, capability, service delivery, performance, security of supply of assets and money—are exactly the categories that are used in the other regulated public services. This is not regulated. Applying the principles is exactly the same. Applying it to the facts of the case is, of course, significantly different and significantly more complicated. Just because it is hard to do does not mean that you should not try to do it, because policing affects everyone, as we were discussing earlier.

Q14 Tim Loughton: You said that they have been working for four years for the police. How successful have they been?

Sir Thomas Winsor: They have been very successful in many respects in terms of understanding demand and flushing out the information the force already had but the chief did not have, and in flushing out information that the force should have had and did not have.

When we were introducing force management statements, I remember sitting down with about a dozen chief constables in the National Police Chiefs' Council at the time. The lead chief constable in that case said, "Tom, we're fine with force management statements requiring us to describe and measure the demand today, but don't ask us to make an assessment of demand in the future, because we don't know about it." I was startled by that. My answer was that force management statements are all about the future. You need to know where you are today, of course, but they are all about the future. Demand is changing. Technology, criminal activity, the instruments available to those who will do us harm are changing and improving all the time. You have to look into the future and work it out.

To take a simple example, a huge amount of crime is now committed online. Child abuse is one of them; there are many others. Fraud we might talk about: huge. Do you need police officers who are traditionally trained to sit in front of a screen, get into the depths of the dark web and work out how these criminal enterprises are operating, or do you need people who are not police officers, because they do not have to be able to arrest somebody or search them, to sit in front of a screen and understand these things better?

Q15 Tim Loughton: I understand that, but can I come back to the original question? You said that a feature of the force management statements is as an instrument of assurance for the public. I have never heard of them, so I guess that most of my constituents will never have heard of them, so how after four years are they assuring the public?



Sir Thomas Winsor: They are not published and I do not have the power to publish them. They are produced. Some forces have published them. I think Kent was keen to publish it, but I do not have a full list of which ones are published and which are not. There are clearly parts of force management statements that could never be published because they contain sensitive, confidential information in relation to techniques and criminality. They are provided in full, unredacted, to the police and crime commissioner. When I say they are instruments of assurance, I am using the police and crime commissioner and the mayors as the proxy for the public, because that is what they are.

If this Committee were to ask to see the force management statements, I reckon the police force would provide them. The Home Office has them all. When we introduced them, Treasury seemed to be rather interested in having them. I am not sure if they got them. If you aggregate them, they provide the best-ever available picture of future demand on the police. The Treasury was interested in that to assess the Home Office's policing bid, but also to assist with all the other pressures on the criminal justice system, because the more policing you get done, the more prosecutions you are going to have done and prisons and probation.

Q16 **Tim Loughton:** I am not questioning their usefulness. What I am questioning is that you have said they have been a very successful instrument of assurance for the public, and the public know nothing about them, so clearly that is not the case. Would your recommendation be that these comprehensive pieces of work, in a redacted synopsis form or whatever, should be routinely publishable and promoted to the public, which would hopefully achieve that instrument of assurance that you have said is a key part of them existing?

Sir Thomas Winsor: With the redactions that we have already discussed, it would be highly desirable for force management statements to be published, but I do not have the power to publish them. What we do every year is we, the inspectorate, publish our assessment of the force management statements that we have had, not on a force-by-force basis but on an aggregate basis, such as, "The police are getting better at measuring demand of this kind; they are not so good in relation to something else," and so on. That is published. I have discussed them and drawn attention to them in each of my "State of Policing" reports. I am sure they are not talking about the force management statements in the pub, but one day they might.

Q17 **Tim Loughton:** Or even on this Committee, which is the problem. You mentioned the statistic that only 20% of demand on police is crime. What is the rough breakdown of the other 80%?

Sir Thomas Winsor: Sorry, what is the other 80%? Missing persons; vulnerability; antisocial behaviour, which may or may not be a crime; and the many other demands on the police. Mental health is a major part of demand on police. I know this is a special interest of yours. People with mental ill-health are in the community and until they start behaving in a



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particular way, people do not know that they are unwell. Of course, people who are unwell are not bad. They may do bad things.

When somebody is out in the community and is doing something dangerous either to himself or herself or to other people or causing disturbances and so on, the police are the people who will go there. They are the ones who have the power to take them into custody, to take them to a place of safety, under section 136 of the Mental Health Act.

Q18 Tim Loughton: I completely agree, and this Committee has looked at that in the past. It is a huge diversion of police resources that would more appropriately be looked after by another agency, perhaps. We can talk about that in great detail.

I am slightly surprised that the figure is as low as 20%. How empirically based is that figure?

Sir Thomas Winsor: It is the college's assessment, not ours. I was surprised it was as low as 20% as well, but the other pressures on the police—for example, public order, particularly in London and other large cities—can use a huge proportion of police resources. Then, and we may come on to this, there are those who want to block motorways and stop London working. Those are public order offences—

Q19 Tim Loughton: That is crime, though, isn't it?

Sir Thomas Winsor: Yes, but that is not always treated—

Q20 Tim Loughton: It is crime.

Sir Thomas Winsor: It is not always treated as crime.

Q21 Tim Loughton: Well, it should be. I think we all agree that it should be. That is interesting. I have learnt something from what you have said this morning, something the Committee might like to take forward, certainly on those statements.

With the indulgence of the Chair, can I come on to one other issue, particularly a case that we have looked at in great detail in respect of the police complaints? On Operation Midland and the way that the Met police handled or mishandled that, and the assurances given to Sir Richard Henriques, who was brought in by the Met—by Cressida Dick—to do an internal inquiry, does the Met get it and, secondly, is it changing its ways? Have you looked at that much, as a very high-profile case, and do you think the lessons really have been learnt by the police? Are you happy with the progress in them changing their ways, effectively, on which Dame Cressida has given assurances to Sir Richard, who is not entirely reassured by it himself?

Sir Thomas Winsor: Yes, I know he is very dissatisfied. We were commissioned by the Home Secretary to look at Operation Midland and we published our report in summer 2019. We were concerned about progress with the recommendations that Sir Richard Henriques had made so we made 16 recommendations of our own. Twenty of them concerned



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training and guidance and policy. We also made recommendations to other bodies.

We were dissatisfied with progress on the implementation of the Midland recommendations. In August this year, we conducted a review of a number of those recommendations from earlier and we found that they had all been completed. It has been slow but they have very largely got to where they needed to be.

Q22 **Tim Loughton:** You are happy that everything is now sorted?

Sir Thomas Winsor: Happier.

Q23 **Tim Loughton:** What would you still like to see happen? From what you have described and from having looked at your report, a number of those things were quantitative rather than qualitative and some boxes had been ticked, but there were some fundamental problems about how that inquiry happened. Certainly, in the evidence given to this Committee—we have not yet published our report or finished our report on the complaints procedure, which incorporated Operation Midland—there were some strong indications that the police are still in denial about the extent of what happened and the extent of the journey that they still have to go on. Is that fair or do you think that is all fine, your boxes have been ticked, and therefore, nothing to see here?

Sir Thomas Winsor: We do not provide boxes for ticking, but we do check whether people have done what we recommended. They have taken it seriously, latterly. They have made a lot of progress. The principal recommendation that we made was in relation to the attitude and the reaction of the police when somebody makes a complaint.

In September 2014, we at the inspectorate published a report on crime recording. If that sounds a bit dry and dusty, it is not. Unless a crime is recorded by the police, it is extremely unlikely, not impossible, that it will ever be investigated. There was far too much evidence at that time that crimes were not even being recorded so they were not being investigated, particularly crimes of violence and sexual offences in a number of respects.

We made a recommendation—I led that inspection—that the police when they receive a report of a crime should operate on the assumption that the victim is telling the truth, purely—this a huge caveat—for the purposes of the administrative act of recording the crime and, therefore, starting the investigation. From that moment on, that *scintilla temporis* of recording the crime, the police should operate on the basis of a completely open mind, believing and disbelieving nobody, follow the evidence and proceed in a completely objective and professional way, and look at all avenues of inquiry, exculpatory evidence as well as condemnatory evidence.

Some police chiefs told me that their officers found it, or would expect to find it, quite difficult to operate on the basis of believing somebody for



the moment and then proceeding entirely objectively. My response was, "I think your cops are better than that." Of course, they can operate on the assumption that what they are being told is true, purely for the purposes of deciding whether to investigate it, and then proceed in an entirely objective manner. We made recommendations that rather than that the police should believe the victim, they should assume that the victim is telling the truth. That is pretty much close to the same thing. Then they should operate and proceed objectively.

Q24 **Tim Loughton:** I have a final point. You have no remit over the IOPC, do you? You have no purview over it at all?

Sir Thomas Winsor: No.

Q25 **Tim Loughton:** Do you think you should have?

Sir Thomas Winsor: I used to.

Q26 **Tim Loughton:** In what capacity?

Sir Thomas Winsor: I think that public bodies, because they are exercising public functions of enormous importance, should be assessed as to their efficiency and effectiveness, just as we assess the efficiency and effectiveness of the police, as HMCPSI assesses and reports on the efficiency and effectiveness of the Crown Prosecution Service, ditto prisons and probation. There is an interesting question about courts and tribunals, but that is another story. The IOPC is accountable at the moment to the public—

Q27 **Tim Loughton:** To nobody. They are accountable to nobody.

Sir Thomas Winsor: Michael Lockwood comes here.

Q28 **Tim Loughton:** He does not have to.

Sir Thomas Winsor: He does come.

Q29 **Tim Loughton:** To be clear, do you think there should be a better, formal oversight of the operations of the IOPC? In your view, does it make sense for that to be through the same body that is looking at the subject of its activity, ie the police? Would you or your successor have extended powers of oversight to include at least part of the activities of the IOPC? Would that be an improvement?

Sir Thomas Winsor: That is a perfectly rational and sensible proposition. That is not a yes, because there are other mechanisms of accountability. Maybe the Home Secretary could be more intrusive in terms of holding the IOPC to account. Let's remember that the IOPC is investigating things that Parliament has decided the police should not investigate, but it is still investigating. It is doing things that the police used to do themselves. Therefore, as an investigatory agency, it needs to be itself assessed as to whether or not it is doing a good job.



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In terms of criminal justice, there was a proposition in 2009 that all the criminal justice inspectorates should be merged into a single body. There are all sorts of ways of skinning the cat.

Q30 Simon Fell: Apologies for joining late; I have just come from a Bill Committee. I would like to ask a few questions around culture in the police and recruitment, and the impact that culture is at the moment having on that. The first question is around the drop in confidence we have seen in policing over recent months. What is your assessment of the impact that will have on recruitment going forward?

Sir Thomas Winsor: By the drop in public confidence over recent months you are referring to the murder of Sarah Everard. Yes, we have said that public confidence has taken a blow. The Commissioner of the Met has said that this has been a very severe blow. That is predominantly because of the entirely justified alarm and shock that people all over the country have felt in relation to the evil that Couzens perpetrated, because it is very, very hard to think of another incident where a serving police officer has misused his or her power to abduct, rape and murder someone.

That confidence will be and must be restored. There are a number of inquiries in relation to how that can and should happen. We in the inspectorate have been commissioned by the Home Secretary under section 54 of the Police Act 1996 to carry out an inspection, with an interim report by the end of the year and a final report in the spring, to assess a number of aspects of what went wrong in that case, including the quality of vetting and the competence and diligence of directorates of professional standards and anticorruption units, which I expect we will come on to.

That is one report. There is going to be an inquiry in public; we do not yet know who is going to lead it. The Met is doing its own inquiry. The IOPC is looking at exactly what went wrong in the Couzens case and so on. As long as those various inquiries and investigations take place in an orderly and coherent way, and I am sure that we are all determined that they should, that will do a lot to improve public confidence in the police. Yes, of course, it has taken a severe knock.

Q31 Simon Fell: Thank you. You criticised this summer the police vetting processes. We have a political direction to recruit more officers at the moment and you talked about the fact that this recruitment drive might lead to more unsuitable people going into the force. Could you speak a bit more about that and get into the detail of how real you think that risk is and what processes they need to strengthen to mitigate against that?

Sir Thomas Winsor: The police uplift programme—the 20,000 extra officers—is going great guns. It is, I think, ahead by some margin of its target of 6,000 or 7,000 a year. However, going that fast carries risk. In my last “State of Policing” report, which we published in July this year, if



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I may be permitted to read a couple of paragraphs of that because they are relevant—

Chair: Could you draw our attention to them or summarise them rather than read out the whole paragraph?

Sir Thomas Winsor: Of course. They are on pages 35 and 36. They are very short. My principal point was that if you are going that fast in recruitment, there is a danger that the wrong people will get in. Organised crime groups, for example, do plan to infiltrate the police to get people with clean skins into the police and leave them there until they are in a position to service the needs of the organised crime group, to leak information in relation to witnesses and evidence, to destroy or dispose of or conceal evidence, to do all the other things that they might do. Some of them may aspire to higher and higher ranks. That is important.

The other concern I have in relation to this is that when police officers are going through their probationary period, when they are training and probationers, if they are displaying attitudes or preferences that are incompatible with the office of constable, the police need to be much more assiduous in recognising that and throwing them out, getting rid of them. Otherwise, if they do not, they are storing up what could be a 20-year or 30-year problem.

What kind of attitudes? A fondness for violence, a fondness for the exercise of power over your fellow citizens. Remember the unique powers of the police. Misogyny, racism, homophobia, all the other things, a lack of maturity and judgment and a preference for things that are incompatible in the way that I have mentioned. Regulation 13 of the relevant rules enables the police force in question to get rid of people like that. They are not, I fear, good enough at doing that in too many respects. Particularly with pressure on recruitment, they may be tempted to say, "We'll knock those rough edges off him or her because otherwise he looks like he's going to be a good police officer." That is not a good idea, especially when so many people want to join the police and so many people are well qualified to join the police. They should not be doing that.

The other point I was making was about the Directorate of Professional Standards, the internal anti-corruption unit of the police. It is not, in all cases, well-resourced with some of the best detectives. It is a natural instinct of a chief constable to want to put his or her very best detectives on rape squads, murder squads and so on. Nevertheless, when there is a cancerous growth within the force of a fondness for violence or the other characteristics I mentioned, that needs to be recognised and dealt with as efficiently as anything. If that person, whoever it is, or group of people, is allowed to remain in the force, they are going to make things much worse and they are also, potentially, going to adversely affect the culture of the force in question. I made remarks in relation to the wrong



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people getting in, that being recognised and them not being put out, and the competence, diligence and industry of Directorate of Professional Standards.

Vetting is of enormous importance and it is not done as well as it should be. We, as part of our PEEL programme—police effectiveness, efficiency and legitimacy—did a report in 2018-19 and found that too many forces had too many people working in them who did not have the correct vetting. Three forces had excessive levels of inadequately or “unvetted” staff. For West Midlands police, the figure of either inadequately vetted or “unvetted” staff was 52%, for Thames Valley police it was 42%, and for the Met it was 37%, one officer in three. Each force was given what we call a cause of concern, which is our most severe finding, and a recommendation to fix things. We have been back and have found significant improvements in relation to those things. It was very alarming. In West Midlands police, it was 5,500, in Thames Valley police it was 3,350, and in the Met it was 14,616 people either inadequately vetted or not vetted at all. That was in 2018-19. I believe, but I am not sure, Couzens joined the police in that period.

Q32 **Chair:** Do you have updated figures?

Sir Thomas Winsor: No, because what we are doing—we have been commissioned by the Home Secretary to do this, but we would have done it anyway—is going back and looking at the vetting standards now. That is the new section 54 commission we have had from the Home Secretary. We are carrying that out and will report on that in the early part of 2022.

Q33 **Simon Fell:** There is a multitude of reports coming out that we hope will restore confidence. However, obviously, post-Couzens, we are still going through this recruitment drive. What is your level of confidence that interim measures have been put in that will improve the vetting process so we are weeding out people with extremist views who are trying to be placed in by OCGs?

Sir Thomas Winsor: I cannot answer that completely until we have done the inspection. We never talk about inspections that are already under way; rather, we never talk about them in terms of what we have already found because we can find other things as well.

How confident am I that the police are going to take this much more seriously than they used to? Yes, I am quite confident of that. I think the Couzens case, horrific as it is, will have intensified the determination of the police to ensure that another Couzens does not get in.

Q34 **Simon Fell:** We cannot wait for reports to come in for police to take action on this. I do not want to pre-empt your report, obviously, but are you seeing them taking action now to address some of the concerns that I am sure will surface in your work?

Sir Thomas Winsor: We have a reasonable degree of confidence that the action they are taking now is better than the action they would have



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taken in earlier days. I cannot go further than that because we are still doing the inspection. We are looking at, I think, seven forces, including the Met, the Civil Nuclear Constabulary and Kent, which are, of course, the three forces in which Couzens was a police officer.

Q35 **Simon Fell:** Thank you. Do I have time for one more question, Chair? Thank you.

The last one on this point is on culture still. You talked previously, and again around the Couzens case, about a culture of colleague protection. What do you think needs to be put in place to move away from that culture, so it is far more about public protection?

Sir Thomas Winsor: Changing the culture of an organisation is the hardest thing you can do in management and leadership by far. Culture is how we behave when no one else is looking. I mentioned in my very first answer to the Chair that there is a culture of circling the wagons sometimes when the criticism is coming hard and fast and much of it is unfair.

Nevertheless, people need to feel confident that if they do some whistle blowing, if they do report bad attitudes or offending by a fellow officer or member of police staff, they will be taken seriously and will not be punished for it. That is a hard thing to assure people. There is no question but that under the code of ethics established by the College of Policing and under police regulations an officer or staff member who sees or becomes aware of something of this kind must—it is not a discretion; they must—report the matter to the relevant people and that must be taken seriously. Giving police officers and police staff that degree of confidence that if they do that, as they must, they will not suffer any disadvantage at work is a harder thing to do because people have to believe in the rules, not just know what they are. There are whistle-blowing policies, there are management interventions, and so on.

I was discussing this matter with a leading criminal practitioner not that long ago. He told me this story. I have not verified, but I have no reason to believe it is not true. I do not know right now where it happened and I think it happened in the last 10 years.

A young woman, who had had a very tough start in life, had three children. She got herself a house and a job. She was getting her life together. She was in her early 20s and was encouraged by one of her friends who said, "You need a break, let's go out. Park the kids with the grandparents, let's go out and have a few drinks," and so on. They went to a pub. They were not drunk. She was approached by a man. She rebuffed him, not in a disgraceful way, but was not interested, and he hit her very hard in the face. That knocked her off her feet. Happily, he did not break her nose, although he hit her very hard. He immediately left the pub. Once her friend got her to her feet and she realised she had not been as severely injured as she might have been, they left and followed the man out of the pub. He was about 20 to 30 yards ahead of them.



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Just at that moment a police van appeared with two constables. They approached the police officers and said, "This has happened, that's the man." The police officers did not go after the man. What they did was say, "Are you okay? We'll take you to hospital." They separated the woman from her friend, put her in the police van and drove her away. They did not drive her to hospital. They drove her to her home where, I am told, they raped her. Now, they may say she was willing and there may be some doubt about that. The next day, according to the briefing I have received, those men were boasting about this in the locker room. No one in the locker room said anything about it until the matter came to the ears of a female inspector, who behaved in an exemplary manner. The men in question were suspended. They were arrested. They were prosecuted and got criminal convictions.

However, what happened to the police officers, who I believe were all men, in the locker room who heard about this and did nothing? The answer is nothing. That is the culture of colleague protection that I mentioned. I cannot provide the Committee with any more details about that case. Nevertheless, that is a culture that must not prevail.

Q36 Chair: Unfortunately, because we have prayers in advance of the Budget, we have to draw to a close soon. I am going to ask a couple of very quick final questions. On these culture and vetting issues, especially concerns about violence against women and girls, should it include questioning people or screening for whether they have an interest in violent pornography?

Sir Thomas Winsor: I am sure it should. How you screen that is another matter.

Q37 Chair: In terms of response to domestic abuse allegations within forces, we know there are cases where police officers are not suspended when there are domestic abuse allegations against them. Should they be?

Sir Thomas Winsor: The officers in question should be investigated for those things and we have been commissioned to inspect in relation to allegations of domestic abuse that are made against police officers. We will be reporting in the early part of next year.

Q38 Chair: We will look forward to seeing that important report. The Met yesterday was told to apologise to the family of Bibaa Henry and Nicole Smallman. There are obviously serious concerns that have been raised about whether black and minority ethnic victims of crime are not being taken seriously enough by the police. Do you think more action needs to be taken on that?

Sir Thomas Winsor: Yes. What happened in that case was utterly disgraceful. I know misconduct proceedings will go ahead. Everybody is entitled to be treated fairly. Everybody is entitled to equality of opportunity and equality of fair treatment.

Q39 Chair: The final point I want to raise is that we have looked at a lot of



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report recommendations you have made where the recommendations have not been implemented. Do you keep a list of all of the recommendations that have not been implemented and what do you do about that list?

Sir Thomas Winsor: Yes, we have a thing called the “monitoring portal”. We have just made it public in relation to the most recent recommendations so that everyone can look up their force and see what the recommendations are and whether they got done. Police and crime commissioners, of course, have full access to all the recommendations we have made, whether they have been done or whether they have not been done and why, whether there is slow progress or whether or not they have gone stale or have been rejected.

Q40 **Chair:** Does a report on those recommendations that have not been implemented go to the National Policing Board?

Sir Thomas Winsor: No.

Q41 **Chair:** Should it?

Sir Thomas Winsor: Probably.

Q42 **Chair:** Does the National Policing Board work?

Sir Thomas Winsor: Yes. It depends what you want of it. What it is not is the supreme authority for the police. I think the National Policing Board is a really good idea. I have a seat on it. It brings together the leaders of all the principal policing institutions. The Prime Minister came to the first one. It is chaired by the Home Secretary. The Minister is there; lots of people are there.

Q43 **Chair:** Isn't it important, then, for it to do exactly this kind of thing, to say, “There has been a whole list of recommendations made. There is a whole series of improvements that should be made. They are not being made.”? Isn't part of the role of the National Policing Board to be with the Home Secretary and the Home Office to come in behind your reports and say, “This must be done, get on with it”?

Sir Thomas Winsor: It is principally for police and crime commissioners to get behind our reports because they have a statutory obligation to respond to every recommendation we make within 56 days. I think the National Policing Board is a good and effective organisation. Nobody has surrendered or ceded any kind of sovereignty. It is a collection of people to discuss matters of importance. Rather than crowd it out with a 16-point agenda, we deal with about three things each time and we deal with them quite thoroughly. I think there is a meeting in the next fortnight.

I do not think progress on recommendations is going to come up at the National Policing Board any time soon because we are dealing with things like violence against women and girls, vetting, organised crime, terrorism and things of that kind. However, the Home Office has full access to our



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recommendations register and portal and a great deal of other information that we let them have. We do not let them have everything. Therefore, the Home Office is on it and the PCCs are on it.

Q44 Chair: Could the Home Office do more to encourage PCCs and police forces to take action on your recommendations?

Sir Thomas Winsor: They could do more. I do not think they need to do more because the statutory obligation to respond, which I have just mentioned, is quite powerful.

Q45 Chair: Not powerful enough to make sure those recommendations have been implemented, given the number we have identified that have not. Isn't there a serious problem? You do incredibly important work, but unless those recommendations are implemented what is the point of you?

Sir Thomas Winsor: It is important that our recommendations get done. We are not regulators. I used to be a regulator. Regulators are the hard part of intervention, direction and enforcement. I am an inspector. My organisation and I have the power of our voice and authority, and the rationality and quality of our reports. It is for others who do have hard power—police and crime commissioners predominately, chief constables, of course, the Home Secretary and others—to do things with our recommendations. We go back and say, "You have not done the following things. Why not?" We will criticise, but it is for others to do that. We should not be the regulators of the police. If we had the power to overrule the chief constable, we would be the chief constable of England and Wales, and we must not be.

Chair: Thank you. Sir Thomas, thank you very much for your evidence today. We very much appreciate it. I also pass on our thanks for your almost 10 years of service in the inspectorate, as you come to the conclusion of your term next year. We look forward to the remaining reports you will do.

It will be very helpful if you send us something more in writing about the two-thirds proposal you referred to early on, which we were not able to come back to, in terms of some of the decision-making within policing. That will be very interesting for us.

The very best wishes for the future as well. Thank you very much for your evidence today.

Sir Thomas Winsor: Thank you.