

Home Affairs Committee

Oral evidence: [The Macpherson Report: Twenty Years On](#), HC 1829

Tuesday 12 March 2019

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[Watch the meeting](#)

Members present: Yvette Cooper (Chair); Kate Green; Tim Loughton; Stuart C. McDonald; John Woodcock.

Questions 72–113

Witnesses

I: Chief Constable Sara Thornton, Chair, National Police Chiefs Association; Melanie Field, Executive Director of Corporate Strategy and Policy, Equality and Human Rights Commission; and John Azah, Director, Kingston Racial Equality Council.

Written evidence from witnesses:

- [Equality and Human Rights Commission](#)
- [Kingston Racial Equality Council](#)
- [National Police Chiefs' Council](#)

Examination of witnesses

Chief Constable Sara Thornton, Chair, National Police Chiefs Association; Melanie Field, Executive Director of Corporate Strategy and Policy, Equality and Human Rights Commission; and John Azah, Director, Kingston Racial Equality Council.

Q72 Chair: We are now turning our inquiry to the 20th anniversary of the Macpherson report on the Stephen Lawrence inquiry. Could I ask our additional panellists to introduce yourselves?

John Azah: My name is John Azah. I am Chief Executive of Kingston Racial Equality Council, but it may be worth saying that I am also Vice-Chair of the Met Police Independent Advisory Group.

Melanie Field: I am Melanie Field from the Equality and Human Rights Commission. I am the Executive Director of Strategy and Policy.

Q73 Chair: Thank you very much. Can I ask all three of you for opening reflections on what you think are the main things in the last 20 years that have best improved since the Macpherson report and what are the areas that you are most concerned about where we may not have improved in the way that we should have done?

John Azah: Thank you very much for the invitation. Can I first of all acknowledge the tremendous work that Dr Neville Lawrence and Baroness Doreen Lawrence have done over the last 25 years since their son was murdered and what they have done to change the focus on race relations and policing in this country?

For me, the Stephen Lawrence inquiry report and its recommendations over the last 20 years break into two parts. In the first 10 years there has been tremendous change, where there was the setting up of Independent Advisory Groups, the huge improvement of the Family Liaison service that supported families who had suffered critical incidents.

There was the recording of racist incidents that became hate crimes and incidents, the transparency really within policing, where before the Lawrence inquiry police officers, the police service, barely shared any information with anybody and as a result of the inquiry the services opened up their services. People like myself, independent advisers, attended critical incidents, goal groups and so on and so forth and there was huge transparency, which resulted in the setting up of community safety units that dealt with racist incidents and hate crimes.

There was the huge change in legislation as a result of the Stephen Lawrence inquiry, when the Race Relations Act was amended. Further down the road it resulted in the Equality Act 2010, and as I mentioned, critical incidents became a huge issue, but also critical incident training, things that the police service did with communities where people like



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myself did senior management of counselling and training, we started groups and critiqued the training. That was the first 10 years.

The second half of the 20 years resulted in a gradual erosion, if you can call it that, of the way Independent Advisory Groups were used. Therefore if you go back the last five years I, as Vice-Chair, have hardly attended any critical incidents at all in the Metropolitan Police or across the country, so there was that lack of use. There has been a gross loss of funding for racial equality councils, where race equality as an issue lost focus and was no more a priority. The cessation or the abolition of the Stephen Lawrence Steering Group, which was chaired by the Home Secretary, disappeared and IAGs usually met with the Minister of State for Policing and Criminal Justice. Since Nick Herbert became the Minister of State for Policing and Criminal Justice some years ago, that disappeared.

For me, it is the lack of focus on monitoring the administrative duties of the Stephen Lawrence Steering Group recommendations and therefore, as Baroness Lawrence said when she came to this Committee, nobody really knows who is doing what on the Stephen Lawrence inquiry recommendations. For me, it breaks into those two parts and unfortunately the last 10 years has not been as fruitful as the first 10 years of the inquiry.

Chief Constable Thornton: I think all of us in policing would see the Stephen Lawrence inquiry as a significant catalyst for change. John mentioned some of the changes, whether it was the approach to racist incidents, the setting up of community safety units, the work of family liaison officers, the improvements to homicide investigation, the work with Independent Advisory Groups, critical incidents, recruitment of BAME officers and a lot of diversity training. Looking back, after the first 10 years, I was looking at the report from this Committee, which did talk about tremendous strides that had been made, and I think there was a sense then that things were in a much better place.

What was interesting, looking at that report from 10 years ago, is that there were two things that were proving problematic then, one of which was the target of BAME recruitment, which was to hit 7% by 2009, which was not met. The second issue was the continuing concern around representation in terms of issues such as stop and search and other criminal justice outcomes. My view is they remain an issue today, but I do not think it undermines the fact that across a whole range of the way we deal with difficult issues in policing the legacy of the Lawrence inquiry is still huge across the forces.

Melanie Field: Thank you for inviting me to give evidence. I echo a lot of what the other witnesses have said, clearly a personal tragedy for a family and failures to deal with that appropriately did provide a much needed kick-start to some progress on some longstanding issues. From the perspective of the Equality and Human Rights Commission, where our



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role is around the legal framework, protecting equality and human rights, the changes to the Race Relations Act that were then incorporated into the Equality Act 2010 were incredibly important. The fact that the police were not previously bound by the anti-discrimination provisions was not an appropriate state of affairs, and the race equality duty was a really important legislative change that I think has not fulfilled its potential, so that is something I would like to come back to in my evidence, if I may, later.

In terms of improvements, I think we have seen some improvements in policy diversity, but also we have seen significant numbers of BAME officers leaving the police force, which is unexplained. We have seen continued disproportionality in the use of some police powers, recent evidence of poor workplace practices, which we looked at in our investigation of the Metropolitan Police in relation to its handling of discrimination and harassment complaints by staff. We have seen some improvements in reporting of race hate crime, which is to be welcomed, and we have seen some recent action by Government in terms of the commissioning of the Lammy Review and the Race Disparity Audit.

I think the Race Disparity Audit is important because it does set the context for the issues in relation to policing in the broader societal context and what we would like to see is a race strategy by Government that looks across the piece at all the factors that contribute to the experiences of black communities in Britain today, and that focuses concerted action on dealing with those issues.

Q74 Chair: Do you think institutional racism is still an issue that needs to be addressed?

Melanie Field: Institutional racism is about systems, structures and processes. I think the evidence in our own reports on "Is Britain Fairer?" which looks at the state of equality and human rights in Britain, we also did a race lens of our previous report, which was called "Healing a Divided Britain", we see BAME communities falling behind across all areas of life, which suggests that there are systemic issues in society. The police force is part of society and plays a massively important role and it will not be immune, and clearly the evidence of disproportionality in the use of powers suggests that there are still issues to be dealt with.

Chief Constable Thornton: I think that there are some officers who are racist. I think that there are some policies and procedures that can be unintentionally discriminating, but do I think that we are organisationally racist? No, I do not, and I think the problem with the term "institutional racism" is that is what is heard, but that does not in any way undermine my desire to deal with those officers who are racist and to be constantly vigilant about policies, procedures and practices that can unintentionally discriminate.

Q75 Chair: Do you think there is still sufficient focus on those practices or on the potential for institutional processes or organisations to be



discriminatory or to have that kind of racist outcome?

Chief Constable Thornton: I think there is, but it is interesting you mention the Equality Act. In the last 10 years in particular the focus on equality has broadened to all the protected characteristics. We have done a lot of work in the National Police Chiefs' Council over the last couple of years and agreed our diversity, equality and inclusion strategy last year. My colleague, Gareth Wilson, the Chief of Suffolk, worked really hard on that and we also have a toolkit that has the long title, "Workforce Representation, Attraction, Recruitment, Progression and Retention Toolkit" and it is not just about agreeing those sorts of approaches at the Chiefs' Council, but I was talking to Gareth yesterday.

He had a load of chief officers, heads of human resources at the College of Policing going through what that means. We are doing a lot of peer review, we are doing lots of conferences and we are also saying to the inspectorate, "Can you come and inspect forces?" so we are determined to turn this strategy into action, but it is very much broader. The point I make about policies, procedures and behaviours unintentionally discriminating, it can be on the basis of race, but it could be on the basis of gender or sexual orientation. I think we are alert to all of them.

John Azah: I think this is a huge issue. I think institutional racism is still a big issue for the police and for society and I have to disagree that the police service is not still institutionally racist. If you look at the evidence on the ground there are a number of things that the police are doing as a result of the Stephen Lawrence inquiry report and recommendations, but there are a number of other things that the police service has not caught up with.

One example is the processes that they use in retention and promotion and how they recruit communities. There is not a sustained strategy to say, "We want to increase the BAME communities within the police service and therefore over the next 10 years we are going to have projects". If we look around the country, there is one woman who is a deputy chief constable in the whole country who is from a BAME background, one. This is after 20 years of the Stephen Lawrence inquiry.

If you look across the piece, what the police service does well is saying, "We have not done this like this before over the number of years and therefore we will continue to do it that way". They are not interested in systemic change that embraces the issue. Institutional racism anywhere is a bit like the Deputy Chief Constable in Scotland, my dear friend, Steve Allen, described to me is a bit like Whac-A-Mole. I do not know if I am getting the technology right, but where you are dealing with gender you press on gender and you begin to deal with those issues, so you concentrate on gender, but by the time you feel like you have finished with gender, disability pops up, and then as you press down on disability, race issues pop up. There is no time in an organisation's life that you can say that you have dealt with all those equality issues and now you can comfortably go forward.



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There is so much evidence on the ground that it is unacceptable that the police service would say, "Yes, the definition is a challenge". Again, a dear friend of mine has offered a different analysis to the institutional racism where he says perhaps we should be looking at institutional fairness. I can send the Committee the work he has done on that, but over the last 10 years, if you look at the progress that the police service has made and the following of the issues that it is looking at.

When the BPA were here, Janet Hills made a really strategic point, and I meet a number of police officers, a number of young police officers in the service. Two things: they do not want to hear about institutional racism, because it does not impact on their lives, and secondly, a number of them, quite a majority of them, have never heard about Stephen Lawrence. They were not born when Stephen Lawrence was murdered and therefore there is not anything within the service that says, "This caused a cathartic effect on policing and therefore we ought to continue to remind ourselves that the challenge remains and to do something positive about addressing it" and therefore they become almost laidback about institutional racism.

I have to admit it is not helped by the former Chair of the Commission for Racial Equality and the Equality and Human Rights Commission banging on about institutional racism finishing and therefore we ought to move on to something else. It is still current and I think the service needs to embrace it and work with people like myself and others to deal with it, rather than going into denial and saying it is finished.

Q76 Kate Green: I want to go back to something you said a few moments ago, Mr Azah, about the lack of focus after the Stephen Lawrence Steering Group was disbanded. Could you say a bit more about what you would like to see now? Would it be a replica of what we had before or would it be some other structure that would have the same strategic focus and enable a strategic drive forward?

John Azah: When you talk to Dr Neville Lawrence, the one thing that he thought was effective when the report was published was the Home Secretary and a whole series of senior officers and Ministers pulling together on a monthly or quarterly basis looking at what was being reported, what was laid down within the recommendations. For some reason that was suddenly stopped and his view is that because there is not anybody with high enough authority monitoring what is being done with the recommendations it has been allowed to lapse. Therefore obviously going forward things have changed.

There has been a lot of achievement and I do not think he would argue that we should go back to where we were 20 years ago, but he would safely argue that we need a mechanism led by somebody senior within a Department so that we can have monitoring of the processes, we can have some feedback on what is being done within the recommendations. I think genuinely the police have done an analysis and they will tell you that they have achieved certain outcomes with certain recommendations,



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but out of the 70 there remains a lot, and we need a mechanism that regularly looks at it with people like Baroness Lawrence and Dr Lawrence being around a table, because they have a vested interest for this to succeed and to continue.

Q77 Kate Green: Who should be leading that? Should it be the Home Office or a figure in Government? Should it be the College of Policing? Should it be the police forces individually? Should it be police and crime commissioners? Who do you think should be leading that?

John Azah: I am going to get into trouble for this. I do not think the PCCs understand the process enough. Some of the PCCs that I have spoken to I do not think understand the process enough about the impact and the risk, the murder of Stephen Lawrence and the Stephen Lawrence Steering Group recommendations, so therefore I would not say the PCCs.

I think the Home Office has done a lot of work on ensuring that this happens. I myself want perhaps an independent chair who has some gravitas within the community working with Government Departments. I think the model exists within the Hate Crime Independent Advisory Group model, where DSC John Grieves used to be the chair since 2007, retired in 2015. He held the Government and others to account. Mike Ainsworth is now the chair of that group and it is a very robust group that brings communities and Government Departments together.

I think if you have a robust, knowledgeable, respectable chair who would work with Government and others to ensure that the community's vested interest is being delivered, the family's vested interest is being delivered, as well as Government priority and prioritising things like race, equality, then I think it will work. There is clear evidence that the Home Office has done a lot of this work before and frankly I can see visible tangible outcomes that the Home Office can demonstrate that is a continuum of delivery in these areas.

Q78 Kate Green: What do the other witnesses say would be the preferred model or who do you think is doing it now?

Chief Constable Thornton: This echoes some of the comments I made in the earlier session that the political approach is very much about local responsibility. The police and crime commissioners set the Police and Crime Plans and the chief constables work with them on that.

I had a quick read through the Association of police and crime commissioners' submission to this Committee. I understand that in quite a few of the Police and Crime Plans there is aspiration, ambitions about diversity and equality, and in particular I think they highlight Derbyshire and Gwent, so clearly there is some leadership. Whether it is right across the board, I think you would have to ask them.

That is clearly the current structure. The Home Office could do more, but again, you have to think about how that undermines the responsibility of police and crime commissioners to deliver this locally.



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Q79 **Kate Green:** What are the mechanisms for holding people to account?

Chief Constable Thornton: The mechanism under the Police Reform and Social Responsibility Act is very much that the police and crime commissioner sets the Police and Crime Plan, holds the chief to account for the delivery of that plan and holds them to account for the carrying out of their duties. That is very much the model. It is a very localised model.

Q80 **Kate Green:** Is that going to be sufficient to drive forward progress across the country in relation to the Macpherson recommendations?

Chief Constable Thornton: It could be. I think, if I may say so, the Committee needs to see the extent to which the police and crime commissioners could do more. I think we need to be very careful about saying, "Let's bring it all into London. Let's ask the Home Office to do it" because the issues about diversity do vary right across the country and one size does not fit all. I think a lot of it has to be local, so I would not give up on the police and crime commissioners in this respect yet, and think about how the Police and Crime Plans could be used to deliver this and that holding to account at a local level, which of course in many forces is done in public. Surely that is where local people need to be assured, rather than however good the steering group was, it was never in public, was it? It was very much a central committee.

Melanie Field: I think this balance between centralised and local is interesting and important. I wonder if the balance is slightly wrong, so as I have said before, I think we need a Government race equality strategy with clear ownership and leadership from the centre, and clarity about what the key issues are on which progress needs to be made to shift the pattern across the board of entrenched disadvantage that our BAME communities experience.

I would like to see some national expression of the important outcomes that all forces should be working towards. I think there is something about the "what" and then the "how", which is more for local determination. Going back to the public sector equality duty, what we have currently is quite a light-touch set of specific duties that require public authorities like police forces to set equality objectives and publish information. I would like those objectives to reflect the national priorities that are identified in the evidence that we produced, as the national Equality and Human Rights organisation, the evidence from the Race Disparity Audit, key bits of data that show what the problems are. The ambition for the race equality duty and the public sector equality duty is that it would harness the power of the public sector to tackle these big issues. What has happened is because it has been implemented in a bottom-up way, it has not had that effect.

Q81 **Kate Green:** What would be the enforcement mechanisms or sanctions if police and crime commissioners on local forces did not act in line with that strategic approach?



Melanie Field: I would like to see in all sectors the inspectorate responsible for those sectors inspecting for progress against those equality priorities, and then of course the Equality and Human Rights Commission is the regulator for the public sector equality duty and should be going in and ensuring that forces are taking the action they are required to do under the duty.

Q82 **Kate Green:** Would there be sanctions if they failed?

Melanie Field: We can impose compliance notices and that kind of thing and inspectorates presumably have their own way of expressing whether something has met a standard or not.

Kate Green: Do the other witnesses have any comments on that?

Chief Constable Thornton: In terms of policing, the HMICFRS, the inspectorate, have been looking at some of these issues. On their recent PEEL legitimacy report that was published last year they had been looking at what forces had been doing to look at disproportionality in misconduct issues. They have been looking at the extent of unconscious bias training. They have been looking at a range of issues and there are published reports on just that, so they definitely have a role.

Q83 **Stuart C. McDonald:** Thank you and apologies in advance, I have to head off just before 11.30 am to get to the Chamber, but I have a couple of questions on discipline and conduct and retention of officers. First of all, why are disproportionately more black and minority ethnic officers leaving the police force compared to white officers, both voluntarily and through dismissal, and why has that persisted for a decade essentially?

Melanie Field: My answer would be we do not know, because there is not enough information on it. I do not think exit interviews are routinely conducted and the information from those is not brought together. I think that is an area where it would be very helpful to have more information.

Chief Constable Thornton: In terms of BAME officers leaving early, the data is, I am afraid, reasonably clear. They are much more likely to be dismissed than their white colleagues and in terms of voluntary exit they are more likely to leave before they have completed 30 years of pensionable service.

There has been some work done on this, but I think everybody would agree that more research needs to be done. There are several potential causes posited, particularly in terms of misconduct, that whereas very often issues of maybe performance before they reach the conduct stage will frequently be dealt with quite informally, but this maybe is not happening as much because supervisors fear that they will be accused of being racist. There is also a suggestion that there might be some unconscious bias creeping in, but also a failure to deal with difference and assuming, "Everybody is like me" rather than, "Everybody is quite different and it is a strength".



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There was a workshop done last week, there has been work done in several forces with several universities, but I think that needs to be progressed.

The point about dealing with things early is key. One of the many difficulties of course with the current situation you are dealing with in terms of EU exit is the fact that there are regulations on police conduct that introduce a new idea called “practice requiring improvement” and also try to ensure that we do not end up dealing with things that are misconduct as gross misconduct. So setting out clearly what the definitions are and encouraging people to deal with things informally at the beginning, rather than let them escalate and send them to a Professional Standards Department to deal with.

Those regulations have all been worked through with officials. They are ready to go, but they are caught in the backlog of Statutory Instruments. Something like that we think would make a huge amount of difference, because it would encourage people to tackle problems early rather than being formal and sending them straight to Professional Standards Departments.

Q84 Stuart C. McDonald: Before you come in, can I follow up on two quick points for Chief Constable Thornton? Previously the inspectorate recommended that the National Police Chiefs’ Council and the College of Policing act to improve and standardise recording of complaints and disciplinary cases. Have there been improvements to these matters, as far as you are aware?

Chief Constable Thornton: They suggested that in 2015. In 2017 they said there had been some improvements in some forces and they highlighted the Metropolitan Police as an area that was improved, but there was still some way to go.

Q85 Stuart C. McDonald: Similarly, the inspectorate also found in 2015 that there were questions about fairness and consistency in the treatment of officers during internal misconduct cases and again called for chief constables to review complaints on misconduct arrangements within six months and take action to address bias. Again, have you seen sufficient action in that regard?

Chief Constable Thornton: I am not familiar with exactly what has happened in all forces, but I do know that work has been happening at a national level, which is what I have just referred to.

John Azah: My answer is quite stark about why BAME officers are leaving the service and why there is disproportionality. Before coming here I did a bit of work in trying to get some data from the Metropolitan Police and talking to police officers who I know, and if you look at a case study within the Metropolitan Police, I am told that there are six BAME chief superintendents. Five of those, as of today, are either under suspension or on special duties, and special duties is you have been



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accused of something and you do not get operational duties and you get a desk job.

I have tried to compare that with white colleagues and I have some data, but I am not really confident I have full data yet, so I will try to solve that and make that available to you. My evidence, in talking to police officers, is that there is a two-track system that operates in the service, where BAME staff feel that they are under more scrutiny than their white counterparts, that things that their white counterparts pick up where somebody puts an arm around him or her and says, "Well, let us try to sort this out" for a BAME officer gets escalated to misconduct or discipline. Therefore there is huge disproportionality within the data when you look at it.

I also have done a case study where my daughter was a police officer. After 13 years she left and it was not because she had a new career. It was because it got so difficult as a black woman being in the service that she had to leave. There is quite clear evidence that there is a disparity of treatment within the services. I think the retention and the promotion and particularly recruitment are red herrings if the services do not sort themselves out to encourage communities and assure them that this is a service where they ought to come and join and be successful, rather than the people who come out talk to communities and say, "Look, if you want to be challenged, if you want to suffer racism, if you want to suffer discrimination then you can join". I think unless the service sorts that out then it will continue to have these issues internally. When I looked at the data as well, some of the issues were internal complaints that were within the service rather than people from outside making complaints against police officers. So there is that disproportionality and disparity.

Chief Constable Thornton: May I come in there, Chair? I think the points that John raises are really important. As part of the work we have been doing about disproportionate involvement in misconduct we know that the information we get into our Integrity Line, anticorruption lines, that BAME officers are disproportionately represented in that. Interestingly, so are women. It raises the point, you called it Whac-A-Mole and I think normally people call it intersectionality, but whether it is Whac-A-Mole or intersectionality it is about thinking about these characteristics not in silos but where they cross over and that is really important.

When we start to think about what is prompting this disproportionate reporting to Integrity Lines I think we need to look at how we deal with anybody who is not the same as us. It is about dealing with difference right across the board, rather than just race.

Q86 Stuart C. McDonald: We have also heard evidence from the National Black Police Association about a number of Employment Tribunal cases where officers who acted as whistleblowers in relation to discrimination had then been subject to disciplinary action. Is there any data about that problem and what can be done to address it? Mr Azah, do you want to go



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first?

John Azah: Yes. In fact, this is a discussion I had with the Chair of the IAG panel also who attends some of these meetings on behalf of the IAG. He was quite clear about the way the process works and so an officer maybe complains about an issue. Down the line this officer is accused of some other incident that is purported to be a criminal offence. I think the Home Office guidance says that the criminal offence has to be dealt with before the victim's complaint is dealt with, therefore by the time the criminal offence is dealt with, protracted and all that stuff the victim issue is lost in the system and the complainant becomes a witness for dealing with the complaint.

That confuses the issue, where people are not confident about the system, therefore they are not seen as victims but as witnesses and therefore are interviewed and are disciplined. I think that is a process that needs looking at, so that we can look at the victim who is making the complaint once they have made a complaint, rather than waiting for the service to accuse them of some criminal offence that then gets first examined.

Chief Constable Thornton: I am not aware of any national data on those issues, but where I completely agree with you is how worrying and concerning they are. The one that I am aware of is Nadeem Saddique, the Cleveland firearms officer, who went to an Employment Tribunal, which he won. Speaking to colleagues in Cleveland, they have a massive culture campaign, "Everyone Matters". They understand the severity of that finding. There are other cases I know in the system there as well and they are absolutely determined to have a root and branch approach, a strategy and a culture change right across the board. I think people understand the importance of it, but it is not to say that it does not do a huge amount of damage.

Q87 **Stuart C. McDonald:** Would you agree with Mr Azah's suggestion that you just deal with that complaint first and you do not kick it into the long grass and wait for any criminal proceedings to occur?

Chief Constable Thornton: I do not quite understand how that would work, so I am not going to comment.

Stuart C. McDonald: Okay. We can explain that again. Any comments, Ms Field?

Melanie Field: No, I do not think so, thank you.

Q88 **Stuart C. McDonald:** In 2016 your organisation, the EHRC, found significant weaknesses in the Metropolitan Police's handling of discrimination claims by staff. Has the Metropolitan Police made sufficient changes, to your mind, to address those failings?

Melanie Field: I think it is important to say that our investigation did not establish that equality law had been breached, but we did find a number



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of weaknesses and poor practice. Also an expectation that making a complaint would result in victimisation of the complainant. The weaknesses we found were around data collection and record-keeping. It was quite difficult to do the investigation because of the way that records were kept.

Barriers to fair treatment for those who had been victims of discrimination or harassment, and coming back to the misconduct regulations, the unintended consequence of the regulation's approach, which says that if it is discrimination it is misconduct meant that complaints that should have been dealt with at a local level through the grievance process were escalated and therefore not dealt with.

Then we did conclude that there was some reluctance within the Metropolitan Police to admit mistakes and apologise. Going back to your first set of questions about institutional racism, I think the difficulty with that term—and I do believe that those issues exist in all institutions—is that it creates an oppositional or defensive culture or response and the important thing is for the community and the institutions to work in partnership to deal with these issues. I am concerned about anything that gets in the way of that. I do not think those words should get in the way of that, but my sense is that sometimes they do.

Q89 Stuart C. McDonald: Has the Metropolitan Police Service responded sufficiently well to these complaints?

Melanie Field: We have regular catch-ups with them to check on progress. We do that annually, so the last one was last July. They were implementing new systems to collect data and keep records, so there was improvement on that. They have recently conducted a culture survey, which we have not yet seen the results of, so we are due to see them in the next couple of months.

Q90 Stuart C. McDonald: Are you able to say if there are similar issues in other police forces or have they been learning from the work that the Metropolitan Police is doing?

Melanie Field: I do not have any information about that specifically. We have been doing the follow-up with the Metropolitan Police and the publicity and the fact of our investigation we would hope has highlighted those issues, but we have not been doing any specific work to monitor that.

Q91 Stuart C. McDonald: Finally from me, what else can be done to ensure fairness in the handling of external complaints against black and minority ethnic officers? Any final thoughts on that? Mr Azah.

John Azah: Could I very briefly touch on the issue about the EHRC going into the Metropolitan Police? Carol Howard remains one of the biggest Employment Tribunal cases the Metropolitan Police has experienced. If you go in and talk to staff today they will tell you that the Metropolitan Police learnt a few lessons, but because the process is so slow that the



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changes the BAME officers were hoping would have come out of the EHRC's intervention have not happened fast enough. Obviously I think these processes need to be sped up if change is going to be sustained. Sorry, I forget your last question.

Q92 Stuart C. McDonald: It is about the handling of external complaints against BAME officers.

John Azah: I think historically what the IAG, the Independent Advisory Group, did when Commander Steve Allen was in post is that there were protracted cases that were complaints against officers. The Metropolitan Police, in its wisdom, just passed them around and years went by without them being dealt with. Steve Allen got independent advisers together and we sat and looked at a whole series of these cases and some of them were people complaining because some innocuous event had taken place. All they were looking for was an apology. Once they received that the cases were finished.

I think if we are going to continue to make progress the police service has to continue to be willing to trust community members and independent advisers on how these can be resolved, rather than going into protracted guidance processes that then make cases last a few years, and then by the time you get to resolution everybody—the complainant and the one who is being complained against—gets into a bottleneck where they are not able to have any sensible discussions because everybody wants to win. My experience is that some of the cases that come along, somebody just wants somebody to talk to them and apologise or say they have learnt lessons. I think if you involve independent advisers on a continual basis and be transparent then things will be more easily resolved. If you involve independent advisers on a continual basis and are transparent, things will be more easily resolved rather than the way it is at the moment.

Chief Constable Thornton: We were not aware that there was an issue with public complaints, but if there is, and if there is a confidence issue—for example, recent legislation has allowed police and crime commissioners to get more involved with the process of complaints from the public—that link from police and crime commissioners to the public might be a good one to build confidence in the system, if that was a concern.

Melanie Field: I do not have anything particular to add, save to agree with John, that early resolution—transparency and admission that things could have been done better—is often a constructive way forward.

Q93 Tim Loughton: We have been hearing a lot about retention and disciplinary proceedings, but to go back to first base, the recruitment figures for BAME police officers have remained excruciatingly slow over the last 10 years, and for other police staff, not just frontline officers. Mr Azah also mentioned the lack of BAME police officers in senior positions. Why is that and to what extent are the two linked? All of you.



Chief Constable Thornton: Recruitment has been so much slower. Of course as the population of the country is changing, so do the targets. We had the 7% target for 2009. The current position is that we are nearly at 7% but the population is now 14%. There has been some concerted work by the Metropolitan Police in West Midlands, in Bedfordshire, where 27% to 30% of their joiners are from a BAME background. However, the issue is just how long can we wait.

When I last gave evidence to this Committee, I talked about whether we had pushed positive action as far as we could and talked about whether it was time for politicians to think about whether we should think about positive discrimination. I say that partly because there was that recent case where Cheshire Police tried to use the Equality Act to recruit more people with protected characteristics and they lost the case. They were pushing the law too hard. It is not a matter for police chiefs. It really is a matter for politicians. If we want to see a change in the next five or 10 years, the sorts of approaches such as they had in Northern Ireland, where you select to a standard and you appoint on some basis of representation, should be looked at.

I say this, and I know that it can be quite controversial, but for nine years as the chief of Thames Valley I chaired our diversity board and at every meeting we looked at our recruitment, and although we had lots of campaigns that were very much focused on BAME—at one point we had four dedicated police officers who did work with communities to try to encourage people to join; we did all of that—when we eventually advertised and people applied, there was nothing we could do about the fact that we were attracting a large number of white recruits. Of course we had to treat those white recruits fairly and within the law. Having done that for many years, it is now time for politicians to say that if we want to change it, we need to look at other ways.

With regard to progression, many of the issues we have talked about—unconscious bias, feeling most comfortable with those who are like us plays a part—we have, as part of the work we have done on the strategy and the toolkit, set up a group a couple of years ago, PAPA, which stands for Positive Action Practitioner Alliance. It comprises many of the senior BAME officers across the country, chaired by Nav Malik, who is a BAME deputy chief constable. There is also of course an assistant commissioner in the Metropolitan Police who is BAME. The figures are not great, but they are not as low as one. There is a lot of work going on, thinking about how we mentor, how we share best practice, how do we role model, how can we hold our colleagues to account about the toolkit, but there is a long way to go.

Q94 **Tim Loughton:** Can I come back on that? We have heard all about mentoring and everything else that needs to happen and it is not rocket science, but the figures are not suggesting much progress.

Back to your point about positive discrimination. How would positive discrimination help? As you have said, the problem is not that there is a



load of BAME potential recruits coming forward and a lot of white recruits coming forward and the BAME ones are being disproportionately rejected. BAME candidates are not coming forward. The problem is the lack of raw material deciding that a career in the police force is a career for them, so you are then spoilt with an excess of riches that you can choose good people from. In that case, you would want to have some sort of policy of positive discrimination if even with those good recruits coming forward, they still were not getting selected. Positive discrimination would be a solution then, but it is not going to work if the people are not there.

Chief Constable Thornton: It is not true to say that people are not applying. We always need to do more work to get more people to apply and be very active and positive about it, but certainly in my own experience we had sufficient people in the system. It was just because we could not say we are now full up, because Section 158¹ of the Equality Act, which allows you to select on protected characteristics, does not work on volume recruitment. It is fine if you have two people for one job, but the Cheshire learning is that it does not work on volume recruitment.

Of course we have to do more work to attract people, but it is not an issue about a lack of attraction. One of the things we have to be careful about is whether we lose people in the system and another is some of the issues about vetting. We have to be over-vigilant about the disproportionate impact of vetting policies, and we are very careful about that. If we are saying that we do not want to wait 20, 30 years for this to happen because the speed of change is so slow, there must be a different way that we could do it.

Q95 **Tim Loughton:** Chief Constable, are you seriously saying that potential black recruits are being disproportionately rejected when they apply?

Chief Constable Thornton: No, I am not.

Q96 **Tim Loughton:** In that case, how does positive discrimination operate, when they are not there positively to discriminate in favour of?

Chief Constable Thornton: Most of the time you have many, many applicants. There is a debate about whether this is the right way to do it, but forces either have a window where they will recruit for, let's say, three weeks or a month, although open all the time. What happens if you have a window for a month, you will get all your applicants in and you have to process them all and you cannot advertise again until you have finished processing them. That was always my argument, "We have enough now, can we stop and go out again next year?" No, we can't because we have lots of applicants in the process. I fear that is the sort of thing that happened in Cheshire.

The other way is if you have open application all the time and there is an argument that that is fairer and better. It just means that people are in the system for a long time, people are being recruited for months and

¹ **Correction by witness:** should read: 'Section 159'



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months and months. If, for whatever reason, from your background it is not something that people have always done, people will drop out.

- Q97 **Tim Loughton:** Chief Constable, with respect, if it is a process thing, as you are saying, that equally discriminates for or against, whether you are from a white background or a BAME background, where we need to see more positive discrimination is in proactively going out and encouraging people to apply in the first place and tackling at source the reasons why more BAME recruits are not deciding that they want to apply for a career in the police force. Positive discrimination will have no effect, from your own admission, when it is too late.

Chief Constable Thornton: Lots of positive action is needed and I have given you examples of forces where they have done lots of positive action and they are getting good results. To say that if people are in the system a long time that the issues that affect white people are the same issues that affect black people in my experience is not always the case. If, in joining the police force, you have done something that people in your extended family or your community think is unusual or they are not particularly supportive of, you are more likely to drop out of the process.

- Q98 **Tim Loughton:** Is that so, Mr Azah?

John Azah: There are a number of factors, some of which will not ring true through the whole recruitment process. I come from Ghana in West Africa. Policing culturally in a lot of developing countries is not something you would encourage your son or your daughter to develop a career in. The legacy of a number of communities that migrated to the West is a feeling that it is not a career that they could recommend to their children in the first instance because there are other careers that they look at.

If you bridge the gap and you say you want your child to become a police officer, then there are challenges, as Sara quite rightly mentions. When my daughter became a police officer, she lost a lot of friends because her friends were saying she has "become one of those", not somebody they can trust anymore, not somebody they can go out with, there were some things they could not do with her. By making a decision on a career, she disenfranchised herself from her peers and not a lot of people want that challenge because, frankly, if we look at a healthy job scene within our communities, policing is not something that we naturally recommend to people from our communities.

Of course, when you get into the service, her evidence would tell you that it was not a very nice bed of roses where she went to work every day and looked forward to going to work after the initial training. There are a lot of things that they need to do. It is not just recruitment and the packaging of recruitment.

The third thing the community needs to do is develop the confidence of the wider communities that they are trying to recruit from and I have done that for years. DAC Bill Griffiths will tell you that I used to be a



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placard-carrying activist. Then I came over the hill and became an adviser and I have not looked back since. Because of that, I am able to encourage young people to say with regard to career choices, "You can become a doctor, you can become a police officer, you can become an accountant, because there are opportunities" but how many people would do that?

For this year, the challenge of competition between careers, I was talking to the Deputy Chief Constable before I came here about her view about mentoring and about how all the things that are being done by the service somehow have not been successful. We need to ask the question, why is it that the private sector is quite successful, the NHS is quite successful in doing all this and yet the police service over the last 20 to 30 years—when I first started work in the police service, it went on about recruiting BAME officers—has not been successful? Therefore we need to look at the practices that other agencies have used.

The fifth thing is to look at good practice. I said earlier that the police service uses recruitment as a project, for so many weeks, we do recruitment and then it is finished and maybe next year or two years later we do it again. Chief constables have the autonomy to make those decisions. There are no sanctions if you are not succeeding. The example of people like Jon Boucher in Bedfordshire, where he, as a chief, is sitting on this project, and who said when he took over as chief, "We are not doing very well. I am going to relentlessly do this" at the expense of upsetting some of his peers and some of his officers within Bedfordshire, but he has relentlessly gone on.

If Jon Boucher leaves in a year's time, the big question will be will the replacement chief follow Jon's legacy? I suspect not and there lies the problem. There is no continuity. They should have a 10-year strategy, saying, "This is what we are going to achieve. We are going to work with the communities to deliver this and deliver the confidence of those communities". If that happened, then there would not be this drib-drib aspect of it. That is my view.

Melanie Field: I agree that we need a concerted approach, which is why I believe it should be clear what the priorities are and all forces should be focusing on increasing diversity in recruitment. You can certainly run recruitment processes in ways that are more likely to optimise the number of BAME applicants. That outreach work is very important.

You asked about positive discrimination. Obviously when we leave the EU, we will have more capacity to flex our domestic laws and we could potentially do so. My feeling is that we should think very carefully about it and do it with great care. The Northern Ireland example is interesting. Where we have done it in this country, for example, with all-women shortlists for election candidates, there has certainly been a backlash, there are certainly questions raised about the merit of people who get through those systems, which I do not think is helpful to them or to



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institutions. We would need to think very carefully about it, but we should not rule it out, given that progress has been so slow. There are also lots of other things we can do.

Q99 Tim Loughton: The all-women shortlist, getting down to the highways and byways, as somebody in my party who helps to recruit, the problem was not that women were not being selected. The problem was that not enough women were coming forward for consideration. We positively discriminated by setting up a taskforce to go out and say to women, "Have you thought about becoming an MP? Do not dismiss it because we need people like you, reflecting blah blah blah". That was nothing to do with positive discrimination. It was about talent-spotting, which we needed to do for women.

Melanie Field: Other parties have used the all-women shortlist.

Q100 Tim Loughton: There are different ways of doing this.

Melanie Field: Yes, and I agree that that outreach and encouragement, painting the picture of why this is a good thing to do, is an important part of it. I do not agree that you cannot use the equal merit provision in volume recruitment. There is something about how you use it and in that particular case, the threshold was set artificially low. There are ways of constructing recruitment processes that enable you to use that provision and we see our role in the Equality and Human Rights Commission as explaining how that can be done. I would like to see a much more concerted and consistent use of the provisions that are already there.

Q101 Chair: Ms Field, can you give us a clear explanation of the difference between positive action and positive discrimination?

Melanie Field: Positive action is about encouragement and enabling people to compete on a level playing field. It might be about running outreach events targeted at particular communities or running preparation to apply courses, advertising in particular places, or once people are in recruitment, if they are facing barriers to promotion, which seems to be an issue, putting them on training and development programmes to prepare them to compete for promotion. There is a specific provision in Section 159 of the Equality Act that allows you, where you have candidates who are equally qualified on merit, to use under-representation as a reason to select a particular candidate. That is the provision that was recently misused by the police force.

Positive discrimination is simply selecting because of a protected characteristic without regard to merit.

There is also a lot to think about with regard to how we define merit. I was talking to people at HMP Berwyn in Wales. They were doing values-based recruitment. As well as looking at competence, they look at the values that people have. If you want to change the culture of an organisation, you need to be quite creative and forward-thinking about how you recruit.



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Q102 **John Woodcock:** Briefly, Chief Constable, could you say something more about the way in which vetting needs to change to address issues that may be disbaring BAME?

Chief Constable Thornton: Within the College of Policing's authorised professional practice, agreed just last year, I believe, you have to be very careful about the standards you are setting, that they are absolutely justifiable and that in key areas there is flexibility for chiefs. For example, one of the issues that I feel quite strongly about is that we are allowed to make use of what would normally be spent convictions, so cautions from when people were children. If you take the view that because of structural issues in society some groups are much more likely to have had those convictions or cautions, if you are not careful, you will be identifying those for more candidates and unless you have flexibility and discretion, there is a potential that those rules could act to discriminate against people from certain backgrounds. It is that sort of thing.

Also there are sometimes issues about people who have spent quite a long time out of the country and our ability to liaise with police forces, whether they have been noted or in trouble or in difficulty with the police force in that country. People who have been out of this country for a long time, sometimes that is more likely to apply to certain communities than to others because of families across the world.

Q103 **John Woodcock:** Thank you, that is helpful. Presumably, although in a way it is tangential, but the fact that you cannot put yourself forward as a police commissioner if you have any kind of offence is a troubling signal in that case.

Chief Constable Thornton: You are testing my memory. Is it an outright abolition or is just for imprisonable offences? I cannot remember exactly.

Q104 **John Woodcock:** Now you are challenging me. My understanding was that it was any kind of minor offence, even a spent conviction.

Chief Constable Thornton: Is it absolutely any? I do remember that this was an issue about six or seven years ago. If it is the case, I think it is something for legislators to think about, if we have set the bar appropriately and whether we are unintentionally discriminating against certain groups of people.

Q105 **John Woodcock:** Yes, thank you. Finally, I want to take you back to the evidence that each of you has given on the issue of institutional racism. Forgive me if I am mischaracterising your approach, Chief Constable, and Ms Field, but I do understand why you might say if we label police forces with this word, then we make it harder to solve the issue because people interpret it in a particular way and might make it harder to recruit the people we need. However, if you accept the interpretation that Mr Azah put forward of why more BAME police officers find themselves in a disciplinary process and being suspended, that is a clear definition of institutional racism. I very much take your point, Chief Constable, that



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there is also clearly a case for institutional sexism within the police, but you are essentially advocating not labelling a problem that does exist.

Chief Constable Thornton: As I said when I answered the question earlier, there are definitely some racist officers and some of the things that John was talking about might be about direct racism. I completely agree that policies, procedures and practices can discriminate. My issue is—

Q106 **John Woodcock:** Forgive me, they do discriminate, so that is institutional racism.

Chief Constable Thornton: My point for the last 20 years has always been that it is just not a helpful term because it is heard as, "This force, this police service, is organisationally racist". I know people would say that that is not what it means, but that is how it is heard and therefore I do not think it is helpful. That does not in any way, however, diminish my desire to deal with racists in the police service, or indeed any policies, practices or procedures that can discriminate.

Melanie Field: I agree that there are credible ongoing concerns about how race issues play out in policing and police employment, which, as you say, is the definition. There are many definitions of institutional racism, but if you look at the encapsulation of the concept that Macpherson used, that does meet the definition. I do not have any problem with saying that those structural issues exist in the police and in many other institutions and in society more generally. I do not have any problem with calling that institutional racism. I none the less acknowledge that the use of that term can lead to entrenchment of positions and a lack of willingness to engage positively to solve those issues.

Q107 **John Woodcock:** Very finally, Chief Constable, I was going to follow up with something you have partly answered with your last question. Your position is that the police force should never have been labelled institutionally racist. Your position is not that, yes, there was a case to say that it was at the time of the Macpherson report, but now it is no longer so. It is the case that it was always an unhelpful label.

Chief Constable Thornton: I have always held the view that it is not a helpful label. I do believe the issues are very serious. The Stephen Lawrence report was a huge catalyst for change. I want to create positive progress for change to improve policing and I do not think racist is a label that helps us to do that.

John Azah: Chair, could you indulge me just one bit?

Chair: A very short indulgence. Unfortunately we are about to run out of time.

John Azah: For the avoidance of doubt, I brought the definition of institutional racism here. It says, "a collective failure of an organisation to



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provide an appropriate and professional service to people because of their colour, culture or ethnic origin, and can be seen or detected in processes, attitudes and behaviour, which amounts to discrimination through unwitting prejudice, ignorance, thoughtlessness and racial stereotyping which disadvantages minority ethnic people". I will make available to the Committee the alternative that Bill Griffiths offers in terms of institutional fairness.

If you talk to Dr Neville Lawrence and Baroness Doreen Lawrence, there is no question that they would argue that the definition is not applicable because it gets in the way of police officers or whatever. In fact, most police officers have never accepted the definition because people fail to understand the issue of institutional racism. Institutional racism is about the organisation, it is not about the individuals. But of course organisations are made up of individuals and therefore we have this conundrum where people say, "I am not a racist".

I advocate that every one of us has a bit of racism in us—I cannot describe what my own racism is, as a racist—but it is that phenomenon that we struggle with. Therefore, as I said in the beginning, police forces need to embrace this definition and work positively to address it rather than saying it gets in the way and that is why we cannot recruit people. People in the service tell us that they want to leave and that is why people in their groups are not joining.

Q108 Chair: A final question from me. Going back, Chief Constable, to some of the things you were saying about having guidance, having other measures in place, wanting action to deal with racist individuals or watching out for inadvertently discriminatory policies, do you not still have a major problem? It does not feel to me that you have said anything that matches the scale, the absence of sufficient policies to deal with unconscious bias or to deal with the fact that you are getting these results in the disciplinary process and so on. The absence of action or sufficient action to tackle a problem, which is having unequal consequences, that in itself feels quite serious.

Chief Constable Thornton: I do not agree that we are not doing enough. Of course we could do more. In the National Police Chiefs' Council we agreed our diversity, equality and inclusion strategy last year. The strategy sets out all these issues. We have also developed a toolkit. We are determined not to let it be a strategy that sits on the shelf. There is a huge amount of work going on to implement it. It is being driven by two of my chief constable colleagues, not just Gareth Wilson, the Chief Constable of Suffolk, but also Ian Hopkins, the Chief Constable of Greater Manchester. We do have a response and we are taking it very seriously.

Q109 Chair: Do you think you will have solved the problem of inequality in the disciplinary and conduct issues within two years, based on that strategy?

Chief Constable Thornton: I would not want to commit myself to two years. As I suggested, we are doing work on it, we are doing research,



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we are working with universities and we are working with the Home Office.

The sorts of suggestions I made about why the inequalities might be happening are things that are really difficult to deal with, cultural issues that take a long time to resolve. I talked about unconscious bias, about the fear of being accused of being racist if you deal with these things informally and the general failure to deal with difference. Those are cultural issues that take a long time to resolve.

A lot of very good work has gone on, led by the College of Policing, in relation to the code of ethics, the work that we have done on the leadership review, the way we are recruiting people and their initial training and the way we are developing our leaders, but I do think it is going to take much longer than two years.

Q110 **Chair:** How long has it been going on?

Chief Constable Thornton: I do not know—

Chair: I mean that particular programme of work that you have just described.

Chief Constable Thornton: The strategy was agreed last year. We probably started off in earnest a couple of years ago. There would have been something beforehand, but chiefs—

Q111 **Chair:** That is the problem. It just feels as if this is not matching the scale of the problem and the scale of the challenge. I am not saying they are not very worthwhile, the things you are doing, but relative to the scale of the problem, given what feels, frankly, like glacial progress on this—if we look back over the last 10 years, given that the 10-year anniversary report from this Committee or from our predecessors highlighted recruitment and retention as being a problem—we feel as if there has been effectively hardly any progress made since then. If you are saying, “We have all these nice programmes” it just does not feel that they are enough to make a difference.

Chief Constable Thornton: I am not saying we have lots of nice programmes. I am saying that we have developed and agreed a strategy in the last two or three years. I cannot think what was in the gap between 2009-10 and then—there will have been something—but this has been on the agenda at the Chiefs’ Council and a lot of people are very concerned about it and driving it. It is about race, but it is also about diversity, equality and inclusion right across the board.

Q112 **Chair:** The example you gave of the Cleveland Police doing the culture change thing, is Cleveland the only force doing that?

Chief Constable Thornton: I asked that question myself yesterday. It is the only one that my colleagues could find at that time. We will see if we can gather some more examples.



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Q113 **Chair:** It would be helpful to know that because I doubt that Cleveland is the only force to have the issues. If it is the only force that has a big culture change programme in place, that might be an example of the challenge.

Chief Constable Thornton: Cleveland has also had some substantial Employment Tribunals and I understand there are more in the pipeline.

Chair: Thank you very much for your evidence. If you have any further evidence or things that you think we should have asked you about, but did not, that you would like to send us, please do send us any further written evidence. We very much appreciate your time this morning.