

Written Evidence submitted by the Police Federation of England and Wales (POP0089)

FROM THE OFFICE OF THE NATIONAL CHAIR

Home Affairs Select Committee: Policing priorities inquiry

1. While appreciating that the Police Federation of England and Wales (PFEW) does not manage police forces, and therefore has limited jurisdiction on what changes are implemented at a force level, thank you for the opportunity to write to the Home Affairs Select Committee regarding some specific points the Committee are examining in your policing priorities inquiry.

2. We are more than happy to provide the Committee with further information if required, or indeed, to address the Committee directly if you wish. The following is not an exhaustive response to all the areas the Committee is examining, but instead is a top line view on some of the issues we are aware you are focussing on.

3. As you know, the Police Federation of England and Wales (PFEW) is the staff association for police constables, sergeants, inspectors (including chief inspectors), and special constables, having established in statute in 1919. We currently have approximately 139,000 members.

Politically independent policing

4. First and foremost, it is worth stating that the model of policing by consent in England and Wales is envied across the world and must be retained, with the politically independent Office of Constable at its heart.

5. This means the police service should be free from political interference and operational policing decisions must be made independently, having assessed information and intelligence about a specific circumstance.

6. It is therefore worrying that there has been some discussion in government again about setting national targets. We have seen this before and witnessed the mess it can create. The adage of what gets counted, gets done, is very real; and what may be an issue or problem in one force area may not be a concern in another. It is important that decisions about what policing activity should be prioritised in a force area should be left to the chief constable of that force, in discussion with the locally elected Police and Crime Commissioner. That way, local needs can be addressed more effectively, and it increases local accountability.

Community policing

7. Community policing is hugely important – not only does it help foster relations between the police service and local communities, but it also aids the gathering of intelligence which can help prevent and detect crime.

8. Regrettably, in the years of austerity, community policing has been a victim of budget cuts. Forces have been required to maintain a 24/7 emergency response capacity and, in many areas, this has meant the decline of the traditional neighbourhood policing model.

9. The Police Federation has long argued that the police service needs sustained and substantial investment and funding to ensure that all aspects of policing can function efficiently and effectively. Chief officers should not be forced to rob Peter to pay Paul when it comes to choosing which areas of policing to fund and thereby sustain at a local level.

10. For police forces to be able to prevent more crime and drive crime rates down, they need adequate resources. We desperately need more police officers. It is good that the government is committed to restoring the number of police officers from a decade ago through the uplift programme, but it doesn't go far enough and will only bring us back to the levels seen before austerity measures. It also fails to keep up with the exponentially growing population, and there must be more focus on retaining police officers once they are recruited, which can be achieved with better pay and working conditions.

Any further cuts to the police service would be disastrous and damaging. As an organisation, we have been warning for years that cuts have consequences.

Trust in policing

11. In recent months several events and reports have understandably rocked public trust and confidence in policing. This is extremely concerning and impacts on the thousands of police officers who are doing their utmost in often difficult and demanding circumstances to serve their communities.

12. The Police Federation does not want officers who commit crimes, or are guilty of inappropriate behaviour, in the police service. However, it is essential that proper processes are followed, and that we do not end up with kangaroo courts in forces which remove officers without independent assessment.

13. Building trust in policing starts within the police service itself. Our members need to know that they can safely identify inappropriate behaviour they witness or experience, without fear of persecution or the matter being swept under the carpet.

14. A recent report by His Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) pointed out that too many warnings have been ignored and highlighted that the inaction of some forces to prevent and tackle misogyny and predatory behaviour internally is unacceptable.

15. What is not covered in the report is the number of officers with non-disclosure orders imposed on them, who have been silenced by their force from speaking out. To bring about further positive change and to ensure learning, openness, and transparency, PFEW is campaigning for forces not to utilise non-disclosure orders in such an arbitrary fashion.

16. The report recommended the Home Office, working with the National Police Chiefs' Council (NPCC), and the Independent Office for Police Conduct (IOPC), should ensure police officers who make criminal allegations against other members of their own force are afforded rights similar to those held by members of the public who make criminal allegations.

17. These should include the right to complain about the conduct of officers concerned with the handling of the allegation, its recording and investigation, and the right to appeal against the outcome of such a complaint.

18. We are pleased HMICFRS has recommended police officers are afforded rights similar to those held by members of the public who make criminal allegations, including the right to appeal against the outcome of a complaint.

19. We have been advocating for this for some time now, and it is imperative it is brought into reality. It is completely unacceptable, and unjust, that officers do not get same support as other victims.

20. Culture change is desperately needed, and this starts from the top through strong leadership, but as it stands, the current environment is deterring officers from reporting misogynistic and predatory behaviour.

21. Tackling any inappropriate or discriminatory behaviour will go some way to demonstrate to the public that they can have greater confidence and trust in their police service.

Protected Learning Time

22. The Police Federation has been calling for protected learning time for all police officers. We feel this is imperative if officers are to receive the ongoing training needed, whether that be changes to the law, or how to better deal with communities and encourage trust and confidence.

23. For example, how we deal with people with neurodiverse conditions. The number of people being diagnosed with neurodiverse conditions is increasing and the police service needs better awareness and understanding of this and other mental health conditions.

Improving national conviction rates

24. It has long been a frustration of police officers that they spend time gathering evidence for prosecution of often repeat offenders only to find that they are unable to secure a successful conviction.

25. It is right that there are proper processes and checks and balances in place to ensure sound convictions, but we consider that some of the processes act as a barrier to getting suspects before the courts.

26. One such example is the detrimental impact on investigating officers and therefore outcomes, of changes made by the Attorney-General's office to the Crown Prosecution Service (CPS) guidance on disclosure.

27. In December 2020 the CPS released the 6th edition of the Director's Guidance on Charging. It sets out the arrangements prescribed by the Director of Public Prosecutions for charging decisions; the evidence and supporting information to be sent when a charging decision is sought and the joint working framework for both police officers and the CPS during the investigation and prosecution of criminal cases.

28. The Police Federation National Detectives' Forum conducted a survey of its detective members towards the end of 2021. From the 6,000 officers who responded:

- 93 per cent of respondents indicated their overall workload had increased due to the changes
- 45 per cent indicated the number of victims that have withdrawn from active participation with their investigation has increased due to the changes
- 86 per cent said the changes had decreased the efficiency of the criminal justice system
- 96 per cent indicated the increased the number of hours spent on pre-charging file preparation - at least an extra four hours

29. PFEW launched the campaign #SimplifyDG6 following the release of the Annual Review of Disclosure by the Attorney General's Office in May 2022. This review acknowledged many of the shortcomings in the Guidance which have placed significant additional pressures on policing when submitting any case file to the CPS for charging decisions.

30. In October 2022, the NPCC and CPS released its revised Joint Principles for Redaction. The redaction of personal information is necessary when sharing information with the CPS, including when seeking initial charging advice. The Joint Principles aim to provide instruction and clarification on how the police service can deal with disclosure in line with the Guidance. It is hoped that this will help police officers across the country comply with the Data Protection Act. Whilst PFEW welcome this, we don't think it goes anywhere near far enough to resolve the hurdles police officers face on a day-to-day basis when preparing a file for CPS submission.

31. The issue remains that the Guidance has introduced a larger obligation on the police service to provide more information to the CPS pre-charge. This includes unused material, digitally recovered material and third-party material all of which must be redacted in accordance with the Data Protection Act. This causes a huge amount of desk-based work for officers resulting in hours of preparing appropriate redactions which ultimately may never be used by the CPS if the matter is not charged, or the defendant(s) pleads guilty before trial. Nationally around 25% of cases that are submitted to the CPS are not charged. This desk-based work removes police officers from being able to be visible within their communities, protect the public and inevitably impacts on local resourcing as they are obliged to complete hours of redundant redaction work.

32. We consider a legislative amendment to Part 3 of the Data Protection Act to create a data bubble between the police service nationally and the CPS would free up thousands of policing hours every year as pre-charge redactions would not be required. This would be a

welcome revision a time when public spending is going to be even more restricted, thus enabling Chief Constables to better utilise their allocated budgets.

33. The Home Office *Crime Outcomes in England and Wales* data tables show that there has been an increase in the number (and proportion) of cases that are closed due to evidential difficulties where the victim did not support further action (potentially indicating that victim attrition may be higher, not lower since the Guidance was introduced).

34. The same data shows that the number (and proportion) of reported crimes that resulted in a charge/summons has steadily fallen since 2017/18. The number of reported crimes that have closed due to evidential difficulties (even though the suspect is identified, and the victim supports action) has increased. This evidence, at face value, does not support the idea that there is 'greater justice for victims' as a result of the Guidance. This position is supported nationally by our members who consistently report to PFEW the huge impact of the Guidance on their redaction requirements.

35. Whilst it is recognised that the Guidance was only introduced in January 2021, we consider that the changes implemented by the Guidance coupled with the most recent 2021/22 Home Office data does not suggest that the Joint Principles are having a positive impact on policing. In fact, we consider the data suggests the Guidance may be having a negative effect on crime outcomes nationally, which most importantly impacts victims of crime and overall public confidence in policing.

Police Funding

36. For the police service to be fit for the future, it is imperative that the funding formula is examined, and that long-term, sustained funding is put in place.

37. Currently, the police service funding is agreed on an annual basis, therefore limiting the economies of scale that is available to Chief Constables, as they cannot predict with certainty funding for future years.

38. The Police Federation considers that a long-term funding settlement, similar to that given to the National Health Service, would allow Chief Constable to plan with certainty and take advantage of longer-term procurement opportunities.

39. In addition, the funding formula needs to be reviewed to ensure that police forces across England and Wales have the same opportunities to invest in officers, staff, equipment, buildings, and technology. We cannot have a situation where the quality of policing able to be delivered is a postcode lottery.

40. The Chancellor's recent autumn statement has again left policing without sufficient investment making it impossible to make necessary improvements or execute desired reforms, while other crucial public services have been promised a funding boost of £3.3billion. There has been no consideration given to investment in infrastructure, technology, or services to enable forces to provide the quality of policing the public deserves.

People

41. Finally, when we look at policing priorities it is often natural to focus on the external issues. However, it is important that we look at the working conditions, training, and support for those delivering the determined priorities in policing.

42. We will soon be publishing the results of our latest Pay and Morale Survey, conducted in recent months. However, I am sharing a few headline figures with the Committee now, as they make for stark reading.

43. Of the 36,669 police officers who responded to the survey:

70% said they would not recommend joining the police to others

66% said their workload over the last 12 months has been too high

66% said that they were single crewed 'often' or 'always'

65% had at least one day of annual leave refused in the past 12 months

18% said they were planning to leave the service in the next two years or as soon as possible.

Of those intending to leave, 77% said it was because of their pay and 78% said it was because of how they are treated by the government

44. Police officers were subjected to a two-year pay freeze at a time when other sectors received a pay rise, despite the inherent danger of protecting the public daily. Except for the Armed Forces, there are very few public servants who face the constant risk to their lives and health that our members endure every day of their careers.

45. In addition, with an average 7,000 police officers resigning or retiring each year, the police service is haemorrhaging those who have experience. We know that poor pay has been a key reason in those officers moving on.

46. It is vitally important that police officers not only have proper mental and physical welfare support, but also that they are fairly rewarded for the difficult, dangerous, and demanding job they undertake in society. We have been calling for a fair, transparent and independent process to determine and implement police pay. We are concerned that the pay review body mechanism often has its hands tied by government in advance of taking evidence, and then its recommendations once published can be ignored by government too.

47. As stated at the beginning of this letter, this is a snapshot of some of the issues that we feel the Home Affairs Select Committee should consider in its inquiry about policing priorities. We are very happy to expand on any of the points raised, supply further information if required, or address the Committee if that would assist.

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