



RESPONSE BY THE PCC TO HMICFRS INSPECTIONS OF CLEVELAND POLICE

INSPECTION DETAILS

Title of Inspection - An inspection into activism and impartiality in policing

Date Inspection Published - 10 September 2024

Type of Inspection:

- | | |
|---|--|
| <input type="checkbox"/> Cleveland Specific | <input checked="" type="checkbox"/> National |
| <input type="checkbox"/> Follow Up | <input type="checkbox"/> Thematic |
| <input type="checkbox"/> Partner Inspection | |

Is Cleveland Police quoted in the Report? Yes No

EXECUTIVE SUMMARY OF REPORT

Introduction

In September 2023, following several incidents that attracted media attention in a way that appeared to reduce public trust in the police, the then Home Secretary commissioned a report into activism and impartiality in policing.

Most of the incidents the police deal with receive no media attention. But the minority of incidents that get coverage give the public insight into police work. Sometimes, that insight leads to accusations that the police aren't acting impartially.

This report explores how the police deal with politicised or contested matters. The HMICFRS examines whether the police allow politics or activism to unduly influence them.

Public perception of police impartiality has an impact on levels of public trust in policing. Without that trust, police forces can't keep the public safe.

This has been one of the most challenging inspections the HMICFRS has carried out. It deals with complex legislation and regulations. It deals with policing's sometimes invidious role in keeping the peace, meeting the needs of individuals and groups who have opposing views and simultaneously upholding everyone's rights. And it involves contentious and emotive issues.

Terms of Reference

During the HMICFRS's inspection, the following matters were addressed:

- how effectively police policies and processes comply with the obligations set out in the Equality Act 2010 and other related legislation and guidance;
- how such policies affect the police's decision-making and subsequent outcomes;
- the suitability of training provided to staff to implement these policies and processes, as well as the suitability of the organisation(s) that provide this training;
- whether the recording of non-crime hate incidents since changes to police authorised professional practice, following the 2021 Miller case, has adversely affected operational decision-making;
- the value to the police of recording non-crime hate incidents;
- how effectively forces select and use advisory groups that influence force policies and processes;
- how effectively forces ensure impartiality when using advisory groups; how effectively they seek to obtain a range of views from groups (including those that may hold opposing views); and how effectively they take account of the views of those unrepresented in advisory groups;

- how effectively forces communicate with the public on matters such as police participation in political or social activities or campaigns, and how this affects public perceptions of the police; and
- whether there are systemic problems that prevent the police from being, or being seen to be, impartial - especially in contentious matters.

Systematic Issues

The commission required the HMICFRS to consider whether systemic issues in policing are preventing it from being, or appearing to be, impartial, especially in contentious matters. The HMICFRS found three main issues:

- There is a near-total absence of any definition, guidance or judicial consideration of impartiality insofar as it relates to policing.
- Legal application of the Equality Act 2010 is complicated by case law.
- The legislation doesn't clearly define the boundary between police operational independence and appropriate external influence or accountability.

The impartiality duty

- There is limited case law or guidance on the impartiality duty
- Obligations on police staff are similar to those of police officers
- Most police officers and staff believe they act with impartiality
- There isn't enough guidance for police officers and staff navigating complex modern issues

Recommendation 1 - By 31 July 2025, the Home Office, Police Staff Council, College of Policing and National Police Chiefs' Council should work together to update the Police Regulations 2003, the Police Staff Council's standards of professional behaviour for police staff, and associated guidance so that they:

- set out in clear terms what the impartiality duty means for officers and staff, both on and off duty; and
- provide clear guidance on what the impartiality duty means in relation to contested or politicised causes.

The College of Policing should update the Code of Ethics and relevant learning and development material accordingly.

- The impartiality duty isn't covered well enough in guidance or training material
- Differing learning opportunities are contributing to cultural change and a generation gap in policing
- There is no independent process to check the quality and consistency of the training student officers receive

Recommendation 2 - By 31 March 2025, the College of Policing, working in partnership with other education organisations, should complete a post-implementation review of the education provisions under the police constable entry routes. This review should make sure that the learning provided to new police recruits is appropriate, consistent and impartial.

The Equality Act 2010

- The legal interpretation of the Equality Act 2010 is complicated and continues to evolve
- Policing needs greater clarity on how to apply the Equality Act 2010 if it is to improve the trust and confidence of the public
- Police sometimes make decisions relating to the Equality Act 2010 that attract criticism

Recommendation 3 - By 31 July 2025, the Government Equalities Office and Equality Hub should review and update the 'Public Sector Equality Duty: guidance for public authorities', and produce further guidance, to provide clarity in relation to the protected characteristics and how they apply to policing and police powers. This work should include recommendations for legislative amendments to the Equality Act 2010, for the consideration of Parliament. The National Police Chiefs' Council and the College of Policing, in consultation with the Independent Office for Police Conduct, should then work together to produce updated national guidance for forces. They should review this guidance annually and make sure it is updated to reflect any changes that result from developing case law.

Engagement at public events

- Engagement at some public events may make the police appear less impartial
- The actions of individual officers and staff can undermine operational plans

Recommendation 4 - By 31 March 2025, the National Police Coordination Centre should amend the online reporting form to require forces to provide information about the effectiveness of the policing style adopted in the event or operation and any allegations relating to impartiality. All forces should make sure their post-event learning reviews include evidence of the effectiveness of commanders' strategies in terms of policing style and impartiality. The National Police Coordination Centre should include information about policing style and impartiality in the learning updates they send to forces.

- Forces' engagement in some events can have the appearance of bias
- Some forces use external advisors and subject matter experts
- The absence of national guidance for police participation in community events increases the risk of the police appearing less than impartial

Recommendation 5 - By 31 July 2025, the National Police Chiefs' Council should publish national guidance for forces in relation to officers and staff attending and participating at community events. This should include guidance on:

- the decision about attendance at or absence from the event;
- communication with the public and the workforce about the reasons for attendance at or absence from the event;
- the dress code for those attending;
- the conduct of those attending; and
- whether attendance is on or off duty.

The College of Policing should reflect this guidance within the relevant authorised professional practice.

- Officers and staff want explicit guidance on sensitive issues
- Forces find it difficult to maintain the appearance of impartiality
- Police forces don't respond quickly enough to emerging contentious issues, or prepare officers and staff to respond impartially

Recommendation 6 - By 31 March 2025, the National Police Chiefs' Council should add contentious issues to its existing horizon-scanning process. It should co-ordinate consistent policing responses to these issues and national communication to the public.

Operational independence, politics and impartiality

- The role of police and crime commissioner has made policing more political
- A review of the Policing Protocol Order 2011 aimed to introduce greater political influence on policing
- The relationship between PCCs and chief constables involves a delicate balance
- Chief constables and PCCs don't always understand the delineation of their roles and responsibilities
- Senior officers and staff have varying experiences of working with PCCs
- Operational officer and staff experiences of PCCs' political influence differ from that of senior officers
- MPs and councillors sometimes try to influence police activity
- Some officers and staff felt that political interference can result in a prioritised policing response
- Overt attempts to influence operational policing on a national level challenge police impartiality
- Political influence can have long-lasting and far-reaching consequences
- Senior officers protect their operational independence

Recommendation 7 - By 31 July 2025, the Home Office, in consultation with the National Police Chiefs' Council and the Association of Police and Crime Commissioners, should publish guidance for the term "operational independence" within the Policing Protocol Order 2023.

Communication with the public

In this chapter, the HMICFRS examines how forces communicate with the public, and the guidance available to officers and staff to help them do this effectively. The HMICFRS also examines the way

forces use social media and the effect that this, and some factors out of their control, has on public perception of the police.

Guidance and governance arrangements

- The College of Policing should update its advice to forces about communicating with the public
Recommendation 8 - By 31 July 2025, the College of Policing should update its engagement and communication authorised professional practice to give more up-to-date information about communicating using social media platforms. It should also include guidance about how to communicate about politicised and contested matters. The College of Policing should regularly review the updated guidance to make sure it keeps pace with changes to social media.
- Forces have a variety of policies that relate to communicating with the public
- Most officers and staff had a good understanding of policies relating to communicating with the public
- Communications policies don't give guidance on communicating in relation to contested issues
Recommendation 9 - Within six months of the College of Policing updating its engagement and communication authorised professional practice, forces should update their policies to reflect the College of Policing advice on communicating about politicised and contentious issues.
- Forces have effective governance of their communications with the public

Communication using visible representations

- Officers and staff often use visible representations as a form of communication
- Policies relating to visible representations vary across forces
- Communication using visible representations risks misinterpretation
- Views about the benefits of displaying visible representations vary
Recommendation 10 - By 31 March 2025, chief constables should give clear direction to their workforce about wearing and displaying visible representations. They should make sure that they clearly communicate such policies to the workforce and that they enforce the policy. Chief constables should regularly review these policies to respond to new causes that arise. The National Police Chiefs' Council should support chief constables in achieving a consistent approach.

Media narratives

- Forces can quickly lose control of the narrative when the media and social media take an interest in an incident

Social media

- Automated social media systems can also influence public perception of the police in a way that forces can't control
- Forces may overestimate the effectiveness of their communications using social media and rely too much on this communication channel
- Other external influences can affect public perception of police effectiveness and impartiality
Recommendation 11 - By 31 July 2025, the National Police Chiefs' Council should carry out or commission research into the influence of bots and non-local social media users, and how this can fuel community tension. The College of Policing should include any learning from this research in the revised engagement and communication authorised professional practice.

The Equality Act 2010 and the public sector equality duty

In this chapter, the HMICFRS report on how effectively police processes and policies comply with the legal obligations placed on police forces by the Equality Act 2010 (the 2010 Act). The HMICFRS also examines how such policies affect police decision-making. And it assesses the suitability of the learning and development provided to police officers and staff to help improve their understanding of the 2010 Act and the public sector equality duty.

Policies, processes and governance arrangements

- There is consistent evidence that forces comply with the requirements of the Equality Act 2010 when developing policies and processes
 - Forces use equality impact assessments but forces don't always complete equality impact assessments consistently or thoroughly enough
 - There isn't enough training in some forces for those completing equality impact assessments
 - There is some confusion between equality impact assessments and other assessments
- Recommendation 12** - By 31 July 2025, chief constables should make sure that those personnel responsible for completing equality impact assessments are appropriately trained to do so. Chief constables should also make sure there are effective governance measures in place to improve the quality of these assessments and make sure they are completed when required.
- Forces don't systematically review all policies and processes
- Recommendation 13** - By 31 March 2025, all chief constables should audit their policies that include or relate to the Equality Act 2010. They should make sure there is an effective process for regularly reviewing and updating policies and have appropriate governance arrangements in place.
- There are some examples of forces going beyond the nine protected characteristics, but with a rationale or justification for doing so
 - Some external organisations believe forces aren't justified when they go beyond their equality legislation obligations
 - Forces are trying to navigate this complex legal framework
 - Some forces have a policy of placing particular emphasis on those with certain protected characteristics
 - Many forces give equal support to officers and staff with different protected characteristics
 - Most forces consult with unions, staff associations and staff networks when they are developing new force policies
 - Police forces often struggle to recruit and retain candidates from certain minority groups
 - Some officers and staff confuse positive action with positive discrimination
 - In some cases, positive action wasn't always welcomed by those it aimed to support

Learning and development in relation to the Equality Act 2010

- Forces use external advisors to help with learning and development
 - Working with external groups or organisations, including those which hold views that others could find challenging, is important
 - Forces assess the credibility of advisors and external learning and development providers
 - Face-to-face training brings diversity learning to life
 - Most forces use the College of Policing's hate crime and diversity, equality and inclusion material for the learning and development of their workforce
 - Many officers and staff are critical of the online learning for diversity, equality, and inclusion
 - Some forces have developed their own training material to complement what the College of Policing provides
 - Forces make sure all officers receive equality training when they first join the force
 - Refresher training on equality is inconsistent and isn't given in some forces
 - Equality-related learning and development for supervisors is inconsistent
- Recommendation 14** - By 31 March 2025, the College of Policing should work with forces to evaluate and improve diversity, equality and inclusion training. This should include a consideration of the effectiveness of online training for this type of material. The College of Policing should regularly review and refresh guidance on the protected characteristic of belief, in line with emerging case law.
- Equality-related learning and development for senior officers is more comprehensive
 - New chief officer and police staff equivalent training includes a greater focus on diversity, equality and inclusion

Advisory groups

In this chapter, the HMICFRS examines how effectively forces select and use external advisory groups and panels. This includes how representative these groups are of local communities and their level of independence. The HMICFRS also examines how well forces obtain a range of views from groups and panels, and from those that may not be represented in a formal setting.

Guidance and governance arrangements for external advisory groups

- Police forces have been using advisory groups for many years
- Guidance on the role of external advisory groups is outdated
- Terms of reference for advisory groups are often unclear

Recruitment, selection and vetting of external advisors

- Recruitment and selection for external advisory groups vary across forces
- Vetting requirements can be a barrier to external advisory group recruitment
- Some forces take a less intrusive approach to vetting external advisory group members

The role of external advisory groups

- Not all forces consult their external advisory groups when making policies
- The way forces use external advisory groups to provide scrutiny of police powers varies
- Many forces use external advisory groups to reassure communities
- There are benefits to getting community advice on planned events
- External advisory groups aren't always representative of local communities
- External advisory groups aren't always independent
- Forces can overcome gaps in advisory group representation
- Training of advisory group members is inconsistent

Recommendation 15 - By 31 March 2025, the College of Policing should publish new guidance on the role and use of external advisory groups, taking into consideration the results of its research and other relevant work. As a minimum, this should include guidance on:

- terms of reference;
 - selection and role of the chair;
 - vetting or other appropriate security measures;
 - recruitment, selection and tenure of members;
 - reward, payment and expenses; and
 - training.
- Most police officers and staff understand the reason for external advisory groups
 - External advisory group members often feel undervalued

Non-crime hate incidents

In this chapter, the HMICFRS describes the background concerned with non-crime hate incident recording and examine the effects that recording such incidents has on operational policing.

Legislation, guidance and processes relating to NCHIs

- The origins of non-crime hate incident recording go back to the Stephen Lawrence Inquiry
- A case in 2020 led to a change in guidance for how police deal with NCHIs
- Differences between the NCHI Code of Practice and the Equality Act 2010 can cause confusion
- There is inconsistency in the way forces have responded to the new guidance
- Force policies don't always provide clear direction about the processes for dealing with NCHIs

Recommendation 16 - By 31 March 2025, forces should update and implement their policies and guidance for non-crime hate incidents to provide clear direction to officers and staff for the assessment and recording of, and response to, these incidents.

- The recording of hate-related incidents, and the ability to retrieve data, is a significant challenge in some forces

Recommendation 17 - By 31 March 2025, forces should make sure their recording processes for hate-related incidents allow them to analyse data relating to hate crimes and non-crime hate incidents.

- Some forces don't effectively assess reported incidents, resulting in incorrect recording and inefficient deployment
 - Forces may deploy resources unnecessarily to NCHIs
 - Call takers may not be best suited to make this complicated assessment
 - Force review processes for NCHIs and hate crimes don't always provide effective scrutiny
- Recommendation 18** - By 31 March 2025, chief constables should make sure their force has an effective and efficient process for assessing and reviewing hate incidents.
- A risk-averse approach and lack of knowledge has led to incorrect recording of some hate crimes and NCHIs

Training and guidance

- Some officers and staff found training relating to NCHIs confusing
- Recommendation 19** - By 31 July 2025, the College of Policing should work with forces to evaluate and improve the effectiveness of non-crime hate incident training. This should include consideration of the most effective methods of providing this training.

Retention and redaction of personal data

- Forces can get valuable information and intelligence from recorded NCHIs
 - Forces view the removal of NCHI records and personal data as challenging and unnecessary
 - There is a higher threshold for recording personal data in relation to non-crime hate incidents than other non-crime incidents
- Recommendation 20** - By 31 March 2025, forces should make sure they clearly define in policies the requirements for recording personal data for non-crime hate incidents. If the force approach differs from 'Non-Crime Hate Incidents: Code of Practice on the Recording and Retention of Personal Data', the force should record the rationale for this.

Staff networks

In this chapter, the HMICFRS considers the extent to which police staff support networks affect police impartiality or the appearance of impartiality. In doing so the HMICFRS will outline the history of networks; that is, the various national and local groups or associations set up to support police officers and staff. The HMICFRS will also consider their purpose, role and governance arrangements.

The role and governance arrangements for staff networks

- Staff support networks are different to the statutory associations and unions that operate within policing
 - Staff networks aren't a new phenomenon
 - Governance arrangements for staff networks aren't consistent
 - Staff network activity could lead to a perception that they aren't impartial
 - The role and terms of reference for national networks need to be clear and consistent
- Recommendation 21** - By 31 March 2025, the National Police Chiefs' Council should publish a national terms of reference and governance structure for staff networks. The National Police Chiefs' Council and forces should withdraw funding and resources from any staff network that doesn't comply with these governance arrangements. The National Police Chiefs' Council should also publish guidance to forces to make sure local and national networks operate in a consistent and coherent manner.

Funding and support for networks

- Not all networks receive the same level of support
- Forces' rationales and processes for allocating funding to networks are inconsistent
- The activities of some networks can have a negative effect on trust and confidence
- Networks can help forces navigate challenging incidents
- Forces need to make sure they prioritise their support for networks in line with their recruitment and retention requirements

Recommendation 22 - By 31 March 2025, all forces should make sure they have a robust assessment process for allocating funding and giving support to their networks. They should prioritise funding and support based on local need.

- Officers and staff don't always understand how and why force leaders prioritise networks
- Local networks need clear guidance on their role, particularly in relation to politicised or contested issues
- Some networks have opposing views to other networks, but this can support police impartiality
- Not all officers and staff value the work of networks
- Public views on the benefits provided by networks are mixed.

FORCE RESPONSE TO RECOMMENDATIONS

All new reports into the Force follow a specific process which involves informing the Governance of Audit and Inspection (GAIN) Board, chaired by the Deputy Chief Constable, of the report's publication and identifying an Executive Lead to monitor/drive progress of the actions going forward.

A plenary session with the Exec lead and relevant stakeholders is held to discuss the actions and agree how they will be progressed. The outcome from this session is reported back to the GAIN Board for acceptance and approval; progress is then monitored through governance meetings until such a time as the action is considered complete.

The process for closing actions is depicted by HMICFRS, as they award each action a level; the Force complies with the appropriate course of action, linked to this level, to formally close the actions.

The report included 9 recommendations for forces. These are recommendations 9, 10, 12, 13, 16, 17, 18, 20 and 22 of those detailed above.

An Executive Lead (ACC Felton) and Delivery Lead (Ch. Supt. Sutherland) were identified in the September GAIN meeting, a plenary session is being planned to discuss and delegate the individual recommendations. All actions will be progressed over the coming months with the support of the Executive lead.

The Force continues to actively work to satisfy all recommendations and AFIs which are discussed regularly in the relevant Force Governance meetings.

PCC RESPONSE TO INSPECTION

Comment by the PCC:

The PCC:

- acknowledges public perception of police impartiality has an impact on levels of public trust in policing;
- recognises the importance of the Force communicating effectively with communities to build public trust and confidence; and
- acknowledges the HMICFRS's recommendations will provide the clarity needed for police forces.

The Cleveland Independent Police Ethics Committee is a forum for discussing ethical dilemmas and providing advice to Cleveland Police. The PCC acknowledges that the work of the committee helps to promote the highest standards of ethical conduct within Cleveland Police. Members of the committee act as 'critical friends' to the Force and through this role the committee seeks to enhance the trust and confidence of the public in the ethical governance and actions of the Force.

The PCC recognises the positive contribution of Independent Advisory Groups (IAGs) in giving communities, across the Cleveland area, a voice in police decisions. The IAGs help to highlight

community tensions and identify solutions. The PCC acknowledges the importance of IAGs receiving information on how their advice has influenced actions, change or improvement.

One of the PCC's policing priorities, as detailed in the Police and Crime Plan 2024-28, is to build trust and confidence in policing and the justice system. To support better communication between Cleveland Police and communities, one of the PCC's priorities will be to establish a Confidence in Policing (CIP) Scrutiny Panel. Linked to the action from the Inclusive Britain report in April 2023, which was as follows:

Action 10

The police need the powers to tackle crime - but there also needs to be effective local scrutiny of these powers in order to enhance trust and strengthen relations between police and communities. The Home Office, developed a draft national framework for how the use of police powers - including stop and search and use of force - are scrutinised at a local level. This framework will ensure that local scrutiny panels are independently-led, reflect the diversity of the areas they represent and give police officers the confidence to use their powers with the backing of local communities.

This will be developed further by the OPCC to ensure that members of the public will sit on the CIP Scrutiny Panel, and work directly with the PCC, to:

- help enhance transparency and accountability;
- provide a better understanding of the complex and challenging nature of police work; and
- make meaningful changes and improvements within policing.

The CIP Scrutiny Panel will review cases and investigate areas of public-police interaction.

The purpose of the CIP Scrutiny Panel will be to build public confidence and trust in policing and achieve community-led improvements in public services.

In addition to the establishment of the Confidence in Policing Scrutiny Panel, the PCC values the work of the scrutiny panels that have been set-up by the Force to increase public understanding, legitimacy, confidence and trust in policing. The PCC recognises the important work of these scrutiny panels in inspecting/reviewing cases with an aim to provide assurance for the Force that its actions have been fair, proportionate and timely.

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Response forwarded to Home Office

Response published on PCC website