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**THE GOVERNMENT RESPONSE TO THE THIRD REPORT FROM THE  
HOME AFFAIRS COMMITTEE SESSION 2013-14 HC 67:**

# **Leadership and standards in the police**

Presented to Parliament  
by the Secretary of State for the Home Department  
by Command of Her Majesty

November 2013



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## **THE GOVERNMENT'S RESPONSE TO THE HOME AFFAIRS COMMITTEE'S THIRD REPORT OF SESSION 2013-2014: LEADERSHIP AND STANDARDS IN THE POLICE**

The Government is grateful to the Home Affairs Committee for its report *Leadership and standards in the police*.

The Government's ambitious police reforms are working. Crime has fallen by more than 10% since May 2010. The independent Crime Survey for England and Wales shows that the chance of being a victim of crime is at its lowest level since records began. The National Crime Agency (NCA) began full shadow working in September and was formally launched on 7 October. It is now leading the UK's fight to cut serious and organised crime. To have delivered these historic achievements as budgets fall is all the more impressive.

The Government is also taking steps to make the police more accountable to their local communities. For example, it has abolished invisible police authorities and replaced them with elected Police and Crime Commissioners (PCCs). It is also ensuring that communities everywhere have the information they need to hold their police force and PCC to account. Key to this is the provision of easy access to crime and policing information. Since January 2011, this has been available via the national Police.uk website, which has received more than 56 million visits and over 601 million hits. This demonstrates the significant public appetite for the Government's reforms.

The revelations around phone hacking, Hillsborough and a number of high-profile cases, particularly involving senior police officers, have rightly concerned the public. Although recent reports commissioned by the Government and published by Her Majesty's Inspectorate of Constabulary (HMIC) in December 2011 and the Independent Police Complaints Commission (IPCC) in September 2011 and May 2012 found no evidence of widespread corruption in the police, these reports have nevertheless made recommendations for improving police integrity and ensuring consistency in standards of professional behaviour across forces.

The Committee is right to say at paragraph 127 of its report that honesty, integrity and transparency should always be part of the police's DNA. The Government also agrees that it is important to have a consistent and rigorous approach to standards. That is why the Home Secretary announced a series of measures to improve police integrity in February, including the publication of national registers of gifts and hospitality, interests and second jobs, and a further strengthening of the IPCC's powers and capabilities.

In England and Wales we are fortunate to enjoy a model of policing by consent, in which unarmed officers are able to deal with and respond to incidents. They do not need to resort to use of force because they are seen as an extension of the public. It is essential that we preserve this model of policing. The Government will therefore

continue to work closely with the police and other partners in planning the implementation of the integrity measures, which will make a significant contribution to the ongoing programme of police reforms and the further professionalisation of policing.

At the heart of these reforms is the creation of the College of Policing, the world's first police professional body. It is for all parts of the police workforce - police officers and police staff alike - and has five core areas of responsibility:

- i. setting standards of professional practice;
- ii. accrediting training providers and setting learning and development outcomes;
- iii. identifying, developing and promoting good practice based on evidence;
- iv. supporting police forces and other organisations to work together to protect the public and prevent crime; and
- v. identifying, developing and promoting ethics, values and standards of integrity.

The College will enable officers, staff and volunteers to do their jobs most effectively and efficiently by setting standards, improving training and equipping officers with the skills they need. In doing so, it will enable the police to build on their significant achievements to date – continuing to reduce crime and deliver savings.

The College's independence will allow it to focus on the needs of the police so that it can deliver the things the police need to function successfully. It represents a great opportunity to build on the Government's achievements to date in cutting unnecessary bureaucracy and removing targets to help the police get on with their work.

It is already making a difference to leadership and standards in the police. For example, it is taking forward some of the integrity measures announced by the Home Secretary, including a Code of Ethics and improved vetting procedures. It is also taking forward work to develop the skills threshold and an annual reporting system for the police as part of the vital modernisation of pay and conditions, enabling a link between skills and pay. In addition, the College is establishing stronger links with universities as part of a three-year programme of work to build more evidence around what works in reducing crime, in conjunction with the Economic and Social Research Council.

The College has a powerful mandate to set standards. To deliver successfully against its five objectives, the College will need to secure a more consistent approach in some areas of policing. The provisions in the Anti-Social Behaviour, Crime and Policing Bill ('the Bill') will help deliver this aspiration.

This Government also wants to attract the very best candidates into policing – people who have the right skills and expertise to forge a force fit for the 21<sup>st</sup> century. By opening up the police to a wider pool of talent, forces will be able to bring in people with diverse backgrounds and new perspectives. Combined with the strong leaders already working in forces, and the improved nurturing of internal talent through the College, we will have a police force that is even better at fighting crime.

Currently, the College is a company limited by guarantee owned by the Home Secretary. It has existed in this form since 1 October 2012 and became operational on 1 December 2012. The Government is using the Bill to provide the College with the powers it needs to establish itself as an effective professional body. We will work with the College to explore its longer-term ambition of securing a Royal Charter.

The following sections deal with the Committee’s comments in more detail.

## **THE COLLEGE OF POLICING**

**The Committee’s recommendations in paragraphs 19 to 23 concern the financial sustainability of the College, membership and the Board. In particular, the Committee states that the British policing “brand” must be developed by the College but considers it unlikely that it would be able to sustain its operations without a membership scheme. Regarding the Board, the Committee believes that representation should be more proportional to the number of officers at each rank and include the Metropolitan Police Commissioner. In addition, while the Committee welcomes the appointment of Professor Shirley Pearce to Chair of the College, it recommends that she is able to reappoint the Board and have the discretion to appoint additional members.**

The Government believes that the College should be less reliant on central government for the majority of its income in the future. To achieve this goal, the College will need to seek new opportunities to raise income and take steps to reduce its cost base.

As the Committee will be aware, most professional bodies are financed through membership fees. Membership fees are often paid in return for a licence to practice as a member of that profession. Alex Marshall was clear in his evidence to the Committee that the College has no current plans to introduce a similar compulsory membership scheme. However, he was also clear that the College is considering other types of membership, including voluntary membership for police officers and staff and associate membership for other individuals. The College is currently consulting on membership as part of its Strategic Intent, which was published on 24 September 2013. As a body independent of Government, the issue of membership

should be a matter on which the College Board, working closely with police partners, should decide.

As part of the College's ambition to generate the majority of its income from sources outside central government, it will develop a strong commercial strategy which will seek to broaden business opportunities in both new and existing markets in the UK and overseas. This may include delivering training internationally, accreditation and standard setting, intellectual property and corporate and discretionary memberships. Any work undertaken will enhance the positive national and international reputation already enjoyed by the College.

The Government does not recognise the Committee's view that approximately £400m less was spent on policing institutions following the transition from the National Policing Improvement Agency (NPIA) to the NCA and the College. There was in fact a total saving of over £150m from NPIA resource budgets over the period to 2014/15. These savings were aligned with necessary budget reductions for the Home Office in the Spending Review announced in October 2010. The College was funded from within the NPIA budgets, and there was also a transfer of functions to be delivered by the NCA. Following the announcement of Spending Round 2013, the Home Office will be working with the College to look at its funding position for 2015/16 as part of wider planning.

Although the Government disagrees with the Committee's position on representation on the Board of the College, it will be important for the College to keep this issue under review and ensure that the Board continues to effectively reflect a wide range of police ranks. The College is a company limited by guarantee under the Companies Act 2006. Its Directors therefore have a legal duty to act in the best interests of the company. Directors are not appointed to the Board to represent the views of a particular constituency within policing.

The Government agrees that it was regrettable that the Chair of the College was unable to play a role in the appointment of Board members. However, in the absence of a Chair, the Government needed to press ahead with the appointment of the College's Directors. To wait until February 2013 before beginning the appointment process could have damaged the College's reputation irreparably.

The Government recognises that it will be important for the College to develop a strong working relationship with the Metropolitan Police, as well as with other policing partners. The College has already been in discussions with the Metropolitan Police. However, it would not be appropriate to offer the Commissioner – or any other officer from the Metropolitan Police – a seat on the Board solely to help strengthen that relationship.



## MORALE

**With regard to the Committee's comments on police pay, pensions and morale in paragraphs 31, 34 and 35, the Government does not underestimate the strength of feeling amongst police officers at this time. In particular, the Committee recommends that Chief Constables' Council and the Minister for Policing, Criminal Justice and Victims should publish a list of actions they intend to take to address the issue of police morale. The Committee also recommends that a clear link be made between police pay and skills by the College, in collaboration with the Police Remuneration Review Body, and that any new entry requirements for police recruits are matched with a commensurate increase in starting pay.**

The Government set out a clear rationale for commissioning an independent review of police officer and staff pay and conditions of service, which was led by Tom Winsor. The Government acknowledges that implementing Tom Winsor's recommendations means that the police are currently going through a period of significant change and that this is affecting police morale. However, the Government inherited the toughest fiscal challenge in living memory. All areas of the public sector, including the police, have a role to play in addressing this challenge. The Government therefore remains committed to the review's principles and objectives, in particular to modernising management practices and to developing the vital link between pay and professional skills.

Developing a link between pay and skills is an essential part of both modernising pay and conditions and the Government's wider programme of police reform. Tom Winsor's review recommended the introduction of a link between pay and skills in the form of skills thresholds and linking pay progression to satisfactory annual reporting. The College will take forward the work to develop the skills threshold, to be implemented from 2016, and the annual reporting system, which for some ranks is expected to be agreed by 2014/15.

Tom Winsor's review made two recommendations relating to the starting salary for new police officers:

- i. New applicants should have a level three qualification, a police qualification or experience as a Police Community Support Officer (PCSO) or special constable in order to be appointed to a police force;
- ii. There should be a new pay scale for constables. Although the new pay scale would have a lower starting salary of between £19,000 and £21,000, it would be shorter so officers would progress to the top of the pay scale more quickly.

The first recommendation was agreed by the Police Advisory Board of England and Wales (PABEW) and the Home Secretary then agreed its implementation.

Regarding the second recommendation, the Home Secretary agreed to amend the starting salary to between £19,000 and £22,000 following the findings of the Police Arbitration Tribunal (PAT). Chief constables have the discretion to vary the starting salary within this range, and those officers with relevant skills or experience as a special constable or PSCO will be placed at the higher starting rate.

The issues of entry requirements and starting salary have been investigated thoroughly by Tom Winsor and relevant changes have been made in conjunction with key policing partners following consultation through PABEW and negotiation through the Police Negotiating Board. Agreement was not reached on the new pay scale and starting salary for constables. However, this has been introduced following consideration by the independent PAT. It is important to note that applications to the police remain high and that where recruitment has taken place in recent years, each post has been significantly oversubscribed. Although the Committee also recommends Government action on police morale, it is clear that being a police officer remains an attractive career. Police officers will continue to be paid more than other emergency service workers and have access to one of the best pension schemes available. This means that existing and future police officers can have confidence that they will be rewarded well for doing a difficult but fulfilling job, and it would be inappropriate to make further changes in these areas until the impact of Tom Winsor's recommendations can be assessed.

As with pay restraint, the Government has implemented pension reform across the public services. Again, reform has been driven by the clear intention to put public service pensions on an affordable and sustainable footing that is fair to both public servants and taxpayers. In introducing these reforms, the Government has committed to protecting not only accrued pension benefits, but also protecting those who are nearest to retirement from pension reforms.

It is for the Government to ensure that any policies affecting the police are considered carefully in consultation with police partners and to ensure that any changes are communicated effectively. That is why the Home Secretary and the Minister for Policing, Criminal Justice and Victims regularly meet with the staff associations and trade unions representing police officers and staff, and visit police forces across the country. These opportunities allow Ministers to hear first-hand about the concerns of police officers and staff, as well as seeing examples of the considerable successes that the police achieve every day.

The Government does not agree with the Committee's recommendation that the Minister for Policing, Criminal Justice and Victims and the Chief Constable's Council should publish a list of the actions that they are going to take to address the issue of police morale over the course of a year. The Government will continue to maintain strong relationships with police staff associations, and continue to listen to the concerns of officers and staff as the police workforce is modernised in line with Tom

Winsor's recommendations. The Government will also continue to acknowledge the ongoing hard work of police officers and staff across the country, which has resulted in crime falling by more than 10% under this Government.

The Government agrees that there should be a clear link between pay and skills but does not agree that the Committee's recommendation is the best way to explore this link.

## **STANDARDS AND ETHICS**

**The Government notes the Committee's observations at paragraph 37 of its report that, in addition to setting standards, there is potential for the College to build on the professional independence of officers to follow the best course of action.**

The Standards of Professional Behaviour set out in the Police (Conduct) Regulations reflect the expectations that the police and the public have of how police officers should behave. The standards do not restrict police officers' discretion; rather they define the parameters of conduct within which that discretion should be exercised.

**The Government is grateful for the Committee's support for the police integrity programme at paragraphs 38, 41 and 72 to 74, particularly around transparency, misconduct and vetting, and notes its concerns at paragraph 39 that little detail appears to have been forthcoming.**

### Transparency

The College is leading work to put in place the register of chief officer interests. The decision on who will host these registers will be taken once their format has been approved. The recommendation that, in addition to this, police forces should publish the details of misconduct hearings on their websites to further increase transparency and accountability is welcomed, and PCCs and chief constables are encouraged to make this happen. The 'struck-off' list currently in preparation will complement this with a centralised public register of those dismissed for misconduct, as is the case in other professions.

The Government has been clear that it is not the role of central government to establish and maintain a national register of interests for PCCs, but it has set an expectation of high standards of transparency. The Specified Information Order requires PCCs to publish a register of interests, including every pecuniary interest or other paid interest, budgets, contracts and tenders, senior salaries, expenses and key decisions. In order to further support the public in holding PCCs to account, the Home Office is working to enable PCCs to publish key elements of the information required by legislation on the national Police.uk website.

### Misconduct

The Government does not agree that it is fair or practical to introduce a system of fines for misconduct that falls short of criminality. There is already a system in place to allow elements of previously accrued police pension to be forfeited where an officer is convicted of a criminal offence committed in connection with their service as a member of a police force. If a police officer is found guilty of such an offence then, regardless of the fact they have left the force, forfeiture of their pension already is, and will continue to be, an option for PCCs to consider.

However, the Government does, given the importance of policing, agree that some form of sanction is appropriate for those who retire or resign to avoid dismissal for misconduct that falls short of criminality. That is why the Home Secretary announced that misconduct hearings would be taken to a conclusion even where an officer has resigned or retired, and their name placed on a list against which police forces and other relevant employers can check when recruiting.

### Vetting

The Government agrees that ordinarily it will not be appropriate for someone to rejoin the police when they have previously been dismissed from the police for disciplinary reasons. The College is in the process of establishing a stronger and more consistent system of vetting for police officers, which chief constables and PCCs will have to consider when making decisions about recruitment and promotion. Part of recruitment vetting will entail checking that a candidate has not been dismissed for misconduct, or would have been dismissed had they not resigned or retired.

**The Government notes the Committee's comments and concerns regarding various ongoing investigations at paragraphs 48, 53, 55 to 57, 61, 63 and 65 to 67, which mainly relate to their speed, cost and rigour as well as the role of the IPCC and HMIC.**

### Operation Alice

Given that the Crown Prosecution Service (CPS) has yet to reach a charging decision in this case, it would be inappropriate to provide the Committee with a substantive response at this time.

### Hillsborough

The IPCC and Operation Resolve investigations have made good progress in the initial stages of the Hillsborough investigation. The IPCC's investigative work is ongoing with a focus on the matters that are a priority for the inquest, in particular the amendments to statements.

As the Committee acknowledges, the IPCC has regularly updated the families and stakeholders on the progress of the investigation and, in particular, significant matters such as the identification of additional altered statements and the recovery of West Midlands Police policy files. The IPCC has also received the names of more than 2,000 police officers from more than 30 police forces who had some role either in events on the day or the subsequent investigations. Interviews with officers whose accounts were amended are ongoing. These are joint interviews being run by both investigations.

Operation Resolve is working in co-ordination with the IPCC. The team is now almost fully staffed and has taken up residence alongside the IPCC in Renaissance House.

The IPCC and Operation Resolve investigation teams are working to Lord Justice Goldring in support of the inquest process, undertaking the evidence collection and disclosure on his behalf, to his direction. Lord Justice Goldring has stated that the new inquests will commence by no later than 31 March 2014.

#### Cleveland

Keith Bristow will continue to lead both Operation Sacristy and Operation Pallial should they continue past December 2013. Given Keith Bristow's involvement to date, the complex nature of both enquiries, and the significant progress that has been made, it would not be appropriate, nor would it be in the best interests of either operation for leadership to be handed over to the IPCC at this stage. The misconduct elements of Operation Sacristy, progressed on behalf of Cleveland Police Authority and the IPCC, have been completed. The investigation into criminal matters is ongoing. Operation Pallial is not a police conduct investigation. The IPCC is responsible for overseeing the system for handling complaints made against police forces in England and Wales. The terms of reference of the review/investigation into recent allegations of historic child abuse in North Wales are not within the remit of the IPCC. If any evidence or suggestion of misconduct is found, this will be reported to the Chief Constable and will be a matter for him, in liaison with the IPCC.

### Undercover investigations

As Chief Constable Creedon said when he gave evidence to the Committee on 16 July, he is satisfied with the progress his team are making with Operation Herne as a whole and with the specific allegations relating to the family and friends of Stephen Lawrence. In addition, his team has passed a file in respect of one former Special Demonstration Squad (SDS) officer to the CPS for a charging decision.

In respect of informing the families of the 42 deceased children whose identities were used by the SDS, Chief Constable Creedon explained to the Committee the well-established 'Neither Confirm Nor Deny' policy and the compelling operational reasons not to inform families. As the Metropolitan Police Commissioner said on 16 July, "there are criminals behind bars and at large today who would have no qualms in doing serious harm if they discovered a former close confidant had been working for the police".

In respect of Stephen Lawrence, as the Home Secretary said in her statement to the House of Commons on 24 June, "the Lawrence family... experienced an unspeakable tragedy, their pain was compounded by the many years in which justice was not done, and these latest allegations – still coming 20 years after Stephen's murder – only add to their suffering."

The Committee has subsequently taken evidence from both Mark Ellison QC and from Chief Constable Creedon, who are leading the two inquiries into these allegations. They both confirmed that their work is progressing satisfactorily, that they are liaising closely with one another and that they anticipate concluding their work by the end of the year. When the Home Secretary gave evidence to the Committee on 16 July, she said that if Mr Ellison feels he is not able to get to the bottom of the allegations and that a public inquiry is necessary, then there will be a judge-led public inquiry.

In respect of the recording of the conversation between Duwayne Brooks and officers from the Metropolitan Police's Racial and Violent Crime Task Force, the then Head of the Task Force, Deputy Assistant Commissioner John Grieve, has confirmed publicly that he authorised that recording. The recording of that and other conversations remains the subject of Operation Polly, an investigation by the Metropolitan Police's Directorate of Professional Standards.

### Operation Elveden

Given that this is still an ongoing police investigation it would be inappropriate to provide the Committee with a substantive response at this time.

### Gaming the crime statistics

Crime is falling and the independent Crime Survey for England and Wales shows that the public's experience of crime is at its lowest level since records began. That said, the Government agrees that we must record crime properly in order to maintain public trust in policing and ensure victims of crime get the best possible service. Importantly, the Office for National Statistics has recognised that the quality of crime recording by the police remains amongst the best in the world and HMIC's 2012 inspection on crime data quality, 'The Crime Scene', found that crime recording was, at a national level, compliant with the National Crime Recording Standard. However, given the concerns highlighted by events in Kent, HMIC will conduct a further all-forces review of crime recording integrity later this financial year.

The Government agrees with the Committee that the IPCC's capacity to deal with the most serious cases needs to be increased. That is why the Home Secretary announced on 12 February the intention to transfer resources from police forces to the IPCC, to equip it with the capacity and capability to deal with all serious and sensitive cases involving the police. If the IPCC has more resources to do more independent investigations then police forces and chief constables should be doing fewer of these.

Regarding historical and exceptionally large-scale investigations, HMIC has a remit to inspect forces for current efficiency and effectiveness. Should historical investigations uncover or indicate the existence of current failings, the Home Secretary can make an assessment of whether there is a need for HMIC to conduct an inspection and she can commission them to do so under section 54 of the Police Act 1996. HMIC's budget is planned to enable the Inspectorate to fulfil its legislative duties, although the Home Office does retain the ability to provide extra funding should it be required. The Government also keeps the IPCC's resources under continuous review and a system is already in place to ensure that where the IPCC needs additional resources to investigate a particularly serious case the Home Office will consider the IPCC's request.

### **The Committee's recommendations regarding hospitality at paragraphs 88 to 89 are noted, including the need for a public register.**

The College is establishing the criteria and the design for a register of chief officers' gifts and hospitality. The register will be available online, to enhance transparency and accountability to the public.

For a police officer to receive free treatment in a private hospital or convalescent home is clearly not appropriate. A publicly-available register of gifts and hospitality makes visible any, gift, gratuity or hospitality offered and received. Such additional accountability to the public will therefore act as a significant deterrent to anyone considering accepting an offer of this sort. Guidance on standards of professional

behaviour already makes clear that such conduct is unacceptable, and that any officer who witnesses or becomes aware of such behaviour is obliged to report it.

**The Government welcomes the Committee's support for the Bill and the College contained in paragraphs 82 to 86. The Government also notes the Committee's concerns regarding the guidelines issued by the Association of Chief Police Officers (ACPO) and the need for a strong mandate for the College.**

ACPO's business areas are now the responsibility of the College and are overseen by the College's Professional Committee. Alex Marshall, Chief Executive of the College, and Sir Hugh Orde, President of ACPO, have written to all chief constables to confirm this change. Business area leads form the core of the Professional Committee, chaired by the Chief Executive, and work co-operatively with both the College and Chief Constables' Council in the interests of the police and the public. Guidelines are then published and promoted by the College.

The Government is grateful for the Committee's support for the provisions in the Bill, which will provide the College with a strong mandate to set standards. Subject to Parliament, the provisions will give the College the option of preparing police regulations or issuing codes of practice to help set those standards.

The Bill gives the College the power to prepare regulations on:

- ranks held by police officers and special constables;
- the qualifications required for appointment to and promotion within police forces and the special constabulary;
- the period of probation for police officers and special constables;
- the maintenance of personal records of members of police forces and the special constabulary;
- police training;
- the qualifications for deployment to perform particular tasks; and
- police practice and procedure.

The Home Secretary will continue to make any regulations prepared by the College in Parliament. As a result, she will have a power of veto over the regulations the College prepares. She will be able to veto those regulations if she considers that they:

- would impair the efficiency or effectiveness of the police;



- would be unlawful; or
- would not be fit for purpose for some other reason.

The regulations would of course be binding on chief officers.

The Bill gives the College the power to issue statutory codes of practice. Chief constables will need to “have regard” to any such documents issued by the College. The Home Secretary will lay codes before Parliament and the College must seek her approval to issue a code. The College is currently consulting on its draft Code of Ethics.

The Bill also gives the College the power to issue guidance regarding the qualifications, experience and training for police staff and for staff employed by third parties who have frequent contact with the public. Chief constables and PCCs will need to “have regard” to any such guidance.

Regarding professional standards, these are set out in the Police (Conduct) Regulations and apply to chief officers as well as other police officers. Breaches of these standards can lead to disciplinary action. What action to take is a matter for chief constables or PCCs.

**The Government agrees with the Committee’s observation at paragraphs 96 to 97 that the College’s relationship with universities is of crucial importance.**

## **DIVERSITY AND STAGE 2 TRANSFER PROCESS**

**The Government accepts the Committee’s view at paragraph 100 that the police need to review black and minority ethnic (BME) workforce data to ensure that forces are as representative as possible across their ranks and departments.**

The Home Office collects data from forces on the number of police officer functions, by gender and ethnicity (white, all minority ethnic, and not stated). The overall figures are published within the supplementary tables to the police workforce publication, however the breakdowns (gender and ethnicity) are not published. The College will continue to develop and use this quality data to work with forces to improve representation in specialist departments.

**The Government agrees with the Committee at paragraph 108 that diversity in policing is absolutely necessary to cut crime in a modern, diverse society. As the Committee noted, workforce statistics show that BME officers are under-represented in the police and especially so at senior ranks.**

In late 2012 the Minister for Policing, Criminal Justice and Victims and the College had discussions about proposals designed to improve progression of BME officers to

senior ranks based on advice from a range of partners in policing. The proposals focused on:

- improved mentoring and stronger networks for BME officers;
- extension of positive action programmes for under-represented groups;
- more transparent promotion processes to the chief inspector, superintendent, chief superintendent and chief officer ranks; and
- more proactive use of Home Office collected data to identify where forces are doing well.

The College formed a high-level group to look into these proposals in early 2013. This is a key priority for the College, and it will continue to develop a programme of work in this area.

Regarding the Committee's concerns about progress on BME representation, noted in paragraph 109, the Government believes that the police have worked hard to respond to the challenges of the Macpherson Report in 1999 and there has been significant progress: satisfaction and confidence figures for BME communities are much improved; the police officer workforce is more representative than ever before; and the police approach to hate crime is unrivalled anywhere in the world. The Government is clear, though, that there is still much more to be done.

Latest figures for the police workforce to 31 March 2013 show BME officers account for 5% of total officer strength. The proportion of BME officers at the more senior ranks of chief inspector and above was 3.8%, compared with 5.4% of constables.

The Committee referred to Kent Police as having become significantly less diverse since the departure of its former Chief Constable Mike Fuller. However, BME representation in Kent Police is virtually unchanged from 2010 to 2013, at 3.1% of total officer numbers in the force. This compares with a local BME population of 6.9% according to Census 2011 data. The forces that the Committee noted had fewer than 1% BME officers (Dyfed-Powys, North Wales, Humberside) serve areas with very low local BME populations, with the first two of these in the top 10 performing forces in relation to how reflective they are of local communities.

The Chief Executive of the College and chief constables have agreed to an extension of the deadline for expressions of interest from BME officers to the Senior Police National Assessment Centre (PNAC), which for successful candidates leads to the Strategic Command Course (SCC). The Chief Executive has confirmed he will speak with the chief constable of any BME candidate who nominates herself/himself in this extended period. He has also confirmed that the College will work towards having a new process in place next year to ensure greater participation of BME

officers in the senior PNAC and SCC processes for admission to chief officer rank, as part of the wider programme of work.

**The Government agrees with the Committee's comments at paragraph 110 that skills-based selection would help to diversify the police.**

Forces must make much better use of operational requirements in recruitment and promotion exercises to target those individuals who may have specific language skills or cultural understanding that could help the police to cut crime and build greater trust and confidence among all communities. These are occupational requirements that can be lawful under current equalities legislation.

The Government is also working to ensure more proactive use of the positive action provisions of the Equality Act 2010.

The Government welcomes the Metropolitan Police's determination to use its constables' recruitment exercise to 2015 to ensure a more diverse officer workforce. Officials from the Home Office and Government Equalities Office are working with colleagues from the College to support the Metropolitan Police in identifying lawful approaches which will help them achieve their aim of making the Metropolitan Police look much more like the communities it serves.

**With regard to the Committee's comments and concerns at paragraphs 98 and 111 on financial barriers to recruitment, and in particular the cost of the Certificate in Knowledge of Policing, the College does not have a role in setting costs for the Certificate and therefore has no direct responsibility for it.**

Recruitment to the police is managed locally within a national application, assessment and selection framework, in line with national guidance maintained by the College. Individual police forces in England and Wales are therefore responsible for deciding how they run their recruitment and selection processes.

The Government believes that chief officers of police should have the discretion in determining the skills and capabilities that are most needed locally, based on their understanding of the local labour market and what is most needed in their force.

Prospective candidates have a number of avenues for entry to the police. Tom Winsor's review recommended that the entry requirements for all police constables are increased to either a level three qualification, a police qualification (such as the Certificate), or experience as a PCSO, special constable or in a police staff role identified by a chief constable as relevant. This recommendation has been agreed by PABEW and the Home Secretary has agreed to implement it.

Providers of the Certificate are approved by the College and every provider will be annually reviewed and reapproved or discontinued. It is a matter for each provider to set a fee. The Government believes that the market will drive the cost of the

Certificate. Further and Higher Education providers, as well as independent providers, will deliver the course and may offer grants or loans to individual students. Forces may also offer bursaries to prospective candidates.

The Government does not believe that the cost of the Certificate, or other police qualification, should act as a barrier to improving the diversity of the police. Other professions, particularly law and medicine, require people to pay for the cost of their initial training and have a better diversity record than the police.

It is important that forces use equalities legislation, including positive action provisions, to make better progress in terms of recruitment of under-represented groups. However, recruitment is not the only way in which forces can improve equality and diversity. Retention and progression also play a crucial role, particularly in enabling officers and staff to move into more senior and more specialised ranks and roles. Forces should use innovative solutions to increase the diversity of the workforce in the current climate and there are effective positive action programmes being run by the College for more senior BME officers and by individual forces for officers and staff at all levels.

**In paragraph 112, the Committee recommends that the Government should introduce positive action in the police.**

While the Government agrees that a more representative workforce is essential in helping the police to cut crime and build community confidence, it does not agree that a change in the law is currently necessary. Recruitment thresholds or quotas based solely on race or gender are unlawful under current equalities legislation.

The Government believes the police must make more proactive use of the positive action provisions set out in section 158 and 159 of the Equality Act 2010. Evidence suggests the use of these provisions in police recruitment and promotion exercises has been quite limited.

For example, the Government is not aware of any force using the tipping point provisions set out in section 159 of the Act. These allow employers to take account of the gender or ethnicity (or any other protected characteristics where appropriate) of candidates where they are judged to be equally qualified for a particular post as part of any recruitment or selection exercise, where the employers have reasonably identified barriers in the workplace to certain groups, or under-representation. This is clearly the case for BME officers in the police.

Officials from the Home Office and the Government Equalities Office are working with partners, including the College and the Equalities and Human Rights Commission, to prepare bespoke, independent, authoritative guidance from counsel with expertise in equalities legislation for force legal departments on the use of positive action provisions in recruitment and promotion exercises. At the same time

Ministers and the College will be urging chief constables to ensure that such approaches are used to ensure a more diverse workforce. This guidance will be available in autumn this year.

The Government agrees that it is important that BME officers can reach the highest ranks of the police, so that PCCs have BME officers to choose from when appointing chief constables. Since the introduction of PCCs there has been an increase from four to eight currently in the number of women chief constables, so there is no evidence to suggest that PCCs would be unwilling to appoint more diverse candidates.

**The Government recognises the Committee’s point at paragraph 113 that high quality mentoring can have an important role in supporting the career development of high-potential BME officers.**

The College is using chief officers to mentor BME superintendents and chief superintendents on its Realising Potential positive action programme, and chief inspectors on its Releasing Potential programme. The College intends to use these officers to mentor BME colleagues in lower ranks.

It has offered mentoring training to those chief officer members who request it as part of its Executive Development programme, to ensure that the mentoring offer is of high quality. Over 60 volunteers have been recruited to the senior mentoring pool, including chief constables, deputy chief constables and assistant chief constables, and some of the pool members are from a BME background. The College is also running a national BME talent management workshop for forces in the autumn to showcase and promulgate effective work that forces can undertake locally or regionally.

**The Government disagrees with the Committee’s recommendation at paragraph 122 that the College should develop a “points-based” direct entry system.**

The issue of choosing our police leaders is of the highest importance to the future of the police. A career in policing should be a vocation which is attractive to the brightest and the best in our society. For too long a career in the police, which has required no academic qualifications to join, has not been viewed in the same way as other professions such as law, medicine, finance and industry.

The three direct entry schemes will offer the opportunity to widen the talent pool from which we attract our police officers and will bring in people from a diverse range of backgrounds. After rigorous assessments and training direct entrants will be warranted police officers and will carry out the full range of duties that other senior police officers do.

Introducing a points-based system for the direct entry schemes would narrow, rather than broaden, the pool of people eligible to apply. Once in post officers who join via direct entry routes should not be restricted to specialisms but should be fully rounded police leaders able to undertake different roles within police leadership where they will be able to draw on their own diverse experiences to change and improve the culture of policing. It will be for the College to decide, taking into consideration responses to the Government's consultation earlier this year, what qualities will be required of direct entrants and how they will be assessed. Combined with the strong leaders already working in forces, and the improved nurturing of internal talent through the College, we will have a police force that is even better at fighting crime.

**The Government agrees with the Committee at paragraph 121 on the importance of a smooth Stage 2 Transfer process.**

The Government acknowledges the importance of civilian police staff and the vital contribution they make to policing. Work to effect the transfer is progressing, with PCCs having submitted their plans on staff transfers for the Home Secretary's approval. To assist the smooth running of the process, the Home Office set clear principles for transfer plans to be considered against:

- All operational staff should pass to the employ of the chief constable.
- Transfer plans must adhere to the principles of the Policing Protocol.
- Plans must set out a clear division of roles and responsibilities between PCCs and chief constables.

The Government has also been clear that transfers are a matter to be resolved locally between PCCs and chief constables.



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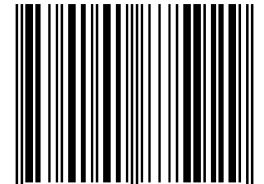
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