

Please ask for: Ashley Banks
Telephone Number: 0121 626 6060
wmpcc@west-midlands.pnn.police.uk



State of Policing – The Annual Assessment of Policing in England and Wales 2020

Response from Simon Foster, West Midlands Police and Crime Commissioner

Introduction

Thank you for the opportunity to respond to the Annual Assessment of Policing in England and Wales 2020.

There is much in the Assessment that I would recognise and support. Your analyses of the issues arising from failing national technology projects, under resourcing of mental health services, and the consequences for the criminal justice system arising from ill-advised, misconceived and poor decision making by successive governments over the past decade, are all well made. I also agree that the “stop-start” of annual funding cycles are unfit for purpose and they have damaged medium-term planning and preventative activity.

However, there are a number of areas where the Assessment is incomplete, or where I would respectfully suggest the analyses, and that of HMICFRS generally, could be improved.

Resources

The financial cuts imposed on public services after 2010 did not fall evenly, either in policing or in the public sector more widely. West Midlands Police lost approximately 2,200 officers, but notwithstanding the Uplift we will only get 1,200 back. Thus, while some forces will be larger than they have ever been, West Midlands Police will have a thousand or so less officers than it had in 2010. This is not the product of local decision making, as government has cynically and inaccurately suggested, but a deliberate policy that disadvantaged forces more reliant on police grant. At no point does the Assessment, or any of its predecessors, adequately address this reality. Neither has HMICFRS reflected on the implications of the failure to implement the police funding formula, which has cost West Midlands Police tens of millions of pounds a year.

Despite this, HMICFRS has inspected West Midlands Police year after year as if it is directly comparable to forces with far lower crime, far less vulnerability, far less threat, and far less deprivation, but whose funding per head of population is greater than that allocated to West Midlands Police. In this sense, the inspection regime is essentially flawed and suggests either a lack of appreciation of the impact of this reality and/or an unwillingness to factor it in, have regard to it and reflect on the reality of the circumstances in which different forces find themselves.

Similarly, local authorities in more deprived, urban areas, saw much greater cuts to funding than those serving more affluent areas. It is no surprise then that forces like West Midlands Police were faced with a more challenging environment than forces in less disadvantaged areas. Again, the inspection regime fails to address these systemic factors in reaching its judgements. The net effect of this approach is that the inspection regime simply perpetuates and reflects this inequitable state of affairs rather than acknowledging and challenging it.

Targets

The government is reintroducing “league tables” for police performance. In addition to the national policing priorities, there will be comparative data published for call handling, aspects of the police response to VAWG and diversity of recruitment, as well as criminal justice system “scorecards”. There is abundant evidence that performance regimes of this sort are prone to “gaming”, irrational and perverse behaviour, unintended consequences and sub-optimal outcomes. Yet this development is not reflected in your assessment.

Predicting demand

The Assessment continues to suggest that Force Management Statements offer the means to objectively assess and predict demand, yet offers little or no self-reflection on the limitations and weaknesses of this approach. Some demand for police services is driven as a consequence of changes by others over which policing has no control, such as the CPS DG6 guidance, or changed approaches to crime recording – both of which have had significant resource implications. Much police demand is driven by police activity; the more resources policing has, the more demand it will find, be able to respond to and the more work it will be able to do – a phenomenon particularly pronounced in relation to serious and organised crime, but applicable across policing as a whole.

Demand prediction also fails to acknowledge that policing demand is the product of societal expectations, however defined, and these can change at some pace. What is the demand on policing arising from changed expectations concerning disproportionality and structural racism as it presents in society, or the changed expectations on policing arising from Sarah Everard’s murder, and the wider recognition of violence against women and girls?

More generally, Force Management Statements were introduced as a mechanism to assess whether forces had the necessary resources to meet the demand they face, and will face, however defined. There appears to be only a dim glimmer of willingness from HMICFRS to highlight those FMSs that demonstrate where such under-capacity exists.

It is not suggested that forces – and their Police and Crime Commissioners – should ignore the resource requirements associated with strategic priority setting. Instead, HMICFRS needs to recognise that Force Management Statements are an incomplete methodology for understanding Force level priority setting.

Operational independence

In the Annual Assessment, it is asserted that, “Regrettably, that unequivocal legal commitment to operational independence [of Chief Constables] is not always respected [by Police and Crime Commissioners]. In too many respects, the boundary of operational independence has been put under undue pressure, and sometimes it has been crossed.”

It is not clear if there are, or are not, specific case studies in mind – although if there are, they are not disclosed, which renders the assertion less than compelling. In any event, the commentary in the Assessment is insufficient to be presented as a generalisable conclusion that PCCs present a risk to operational independence. If it is believed that there have been instances where a PCC has crossed the operational independence boundary, an option available would have been to notify either the relevant Monitoring Officer or perhaps the Police and Crime Panel. It might be that course of action has been taken. If not, although it is acknowledged there is no statutory obligation to do so, it is not

clear why a decision would have been taken not to do so, but instead have utilised the Annual Assessment of policing to make a mere general assertion.

As an aside, the Assessment has not considered that there are instances where policing has sought to thwart the statutory functions of PCCs to set strategic direction or hold a Chief Constable to account. Similarly, one might argue that there are instances where operational independence has been defined so broadly as to fetter the democratic legitimacy and mandate that a PCC holds. Given that the role of HMICFRS is to assess the performance of police forces – as opposed to PCCs – this might be a future matter for consideration and inspection.

Governance of the collaborative response to fraud

Fraud as a topic does not appear in the Assessment, but the commitment to this issue is reflected in the “Time to Choose” Review and the follow up published in 2021.

However, HMICFRS has not addressed the incompleteness of the governance arrangements associated with this area of police collaboration. The police response to fraud is a collaboration between territorial police forces, the City of London police, the National Crime Agency, the National Economic Crime Centre and the Home Office.

Despite this, no collaboration agreement exists that sets out the mutual expectations, service levels and obligations that each of the parties should expect from the others. The status of taskings is not always clear. Responsibilities overlap and are confused. HMICFRS should be recommending the creation of a collaboration agreement like that which exists for counter-terrorism policing, making clear the roles and responsibilities of all participants, including local policing bodies and their equivalents.

Crime Data Integrity and Additional Verifiable Information

The desire to see crime recorded accurately is universally accepted. However, the Assessment fails to offer self-reflection on the issues that have arisen from the approach to crime recording required by HMICFRS and the HOCs. The HMICFRS Assessment continues to make a crude assertion that there is an automatic correlation between compliance with prevailing crime recording standards, improved outcomes for victims and better value for taxpayers.

HMICFRS could reflect on whether this is the case. Compliance has created significant additional resource requirements for forces, potentially taking capacity away from preventing and responding to crime, and allocating it to measuring crime. Changed recording practices have led to significant increases in the recorded levels of some offences – notably those involving violence without injury, and stalking and harassment – when the number of reported victims has, in some cases, been falling.

The presumption that incidents should be recorded as crimes as a prelude to investigation rather than the reverse is driving counterintuitive outcomes, such as like-for-like police recorded crime exceeding that self-reported in the telephone Crime Survey for England and Wales this year, for the first time ever.

It is driving down outcome rates, potentially irrecoverably, creating a sense that policing is not responding to criminality when a more accurate picture might be that crimes are being recorded that were never likely to be detected. This is in turn skewing the demand assessment for investigation

teams. The Additional Verifiable Information standard for “decriming” an incident has become so onerous that there is little profit in investing the necessary level of resource to get a crime taken “off the books,” even where a reasonable observer would consider it to be the appropriate course of action.

Simon Foster

West Midlands Police and Crime Commissioner

A handwritten signature in black ink, appearing to read 'Simon Foster'. The signature is stylized and cursive, with a large 'S' at the beginning and a horizontal line across the middle.