

**West Midlands Police and Crime Panel**

**Monday 20 March 2023 at 14:00 hours**

**Birmingham Council House, Committee Rooms 3 and 4, Victoria Square, Birmingham, B1 1BB**

This meeting will be livestreamed on [https://www.youtube.com/channel/UCT2kT7ZRPFCXq6\\_5dnVnYlw](https://www.youtube.com/channel/UCT2kT7ZRPFCXq6_5dnVnYlw)

More information about the Panel, including meeting papers and reports, can be found at [www.westmidlandspcp.org.uk](http://www.westmidlandspcp.org.uk)

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**AGENDA**

| Supporting Document | Item     | Topic  | Approximate time |
|---------------------|----------|--|------------------|
|                     | <b>1</b> | <b>NOTICE OF RECORDING</b><br>This meeting will be webcast for live or subsequent broadcast and members of the press/public may record the meeting. The whole of the meeting will be filmed except where there are confidential or exempt items.   | <b>14:00</b>     |
|                     | <b>2</b> | <b>APOLOGIES</b>   |                  |
|                     | <b>3</b> | <b>DECLARATIONS OF INTEREST (IF ANY)</b><br>Members are reminded they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this meeting.<br><br>If a disclosable pecuniary interest is declared a Member must not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.<br><br>If other registerable interests are declared a Member may speak on the matter only if members of the public are allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.<br><br>If it is a 'sensitive interest', Members do not have to disclose the nature of the interest, just that they have an interest.<br><br>Information on the Local Government Association's Model Councillor Code of Conduct is set out via <a href="http://bit.ly/3WtGQnN">http://bit.ly/3WtGQnN</a> . This includes, at Appendix 1, a flowchart which provides a simple guide to declaring interests at meetings. |                  |

| Supporting Document | Item | Topic   | Approximate time |
|---------------------|------|---|------------------|
| Attached            | 4    | <b>MINUTES</b><br>To confirm the Minutes of the meeting held on 6 February 2023.  | <b>14:05</b>     |
| Attached            | 5    | <b>POLICE AND CRIME PANEL ACTION TRACKER</b><br>To consider the progress of actions arising from previous Panel meetings.   |                  |
|                     | 6    | <b>PUBLIC QUESTION TIME</b><br>To receive questions from members of the public notified to the Panel in advance of the meeting.<br><br>Any member of the public who lives, works, or studies in the West Midlands (other than police officers and police staff) can ask a question at the meeting about the Panel's role and responsibilities. Questions must be submitted in writing 4 days before the meeting to <a href="mailto:wmpcp@birmingham.gov.uk">wmpcp@birmingham.gov.uk</a> | <b>14:10</b>     |
| Attached            | 7    | <b>INDEPENDENT PANEL MEMBERS DISCRETIONARY ALLOWANCE</b><br><br>Report of the Panel Lead Officer setting out a proposal to introduce a discretionary allowance for independent panel members  | <b>14:40</b>     |
| Attached            | 8    | <b>POLICE AND CRIME PLAN – PROGRESS AND PERFORMANCE</b><br><br>Report of the Police and Crime Commissioner to outline progress towards key objectives within the Police and Crime Plan.   | <b>14:55</b>     |
| Attached            | 9    | <b>PUBLIC CONFIDENCE INQUIRY: FAIRNESS AND BELONGING</b><br><br>Report of the Police and Crime Commissioner to understand how the Commissioner is providing oversight of the Fairness and Belonging Strategy including how the Commissioner is supporting progress towards achieving a more representative police force for the community it services, and how the Commissioner is providing oversight of Stop and Search to meet the Police and Crime Plan objectives.                 | <b>15:30</b>     |
| Attached            | 10   | <b>PUBLIC CONFIDENCE INQUIRY: WHAT DOES THE DATA TELL US?</b><br><br>Report of the Police and Crime Commissioner to understand how the Commissioner analyses local public confidence data and how this information is used in his oversight of the Chief Constable and the delivery of the Police and Crime Plan.   | <b>16:05</b>     |
| Attached            | 11   | <b>WEST MIDLANDS POLICE AND CRIME PANEL BUDGET 2022/23 AND EXPENDITURE 2023/24</b><br><br>Report of the Panel Lead Officer.   | <b>16:25</b>     |

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| <b>Supporting Document</b> | <b>Item</b> | <b>Topic</b>   | <b>Approximate time</b> |
|----------------------------|-------------|--|-------------------------|
| <b>Attached</b>            | <b>12</b>   | <b>ANNUAL REPORT OF COMPLAINT HANDLING</b><br><br>Report of the Panel Lead Officer.  | <b>16:35</b>            |
| <b>Attached</b>            | <b>13</b>   | <b>POLICE AND CRIME COMMISSIONER KEY DECISIONS</b><br><br>Key decisions published by the Police and Crime Commissioner since the last Panel meeting can be viewed on the PCC webpage:<br><a href="https://www.westmidlands-pcc.gov.uk/decisions/">https://www.westmidlands-pcc.gov.uk/decisions/</a> | <b>16:45</b>            |
|                            | <b>14</b>   | <b>URGENT BUSINESS</b><br><br>To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chairman are matters of urgency.   | <b>16:55</b>            |

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## **MINUTES OF THE MEETING OF THE WEST MIDLANDS POLICE AND CRIME PANEL HELD ON 6 FEBRUARY 2023 AT 14:00 HOURS – SOLIHULL COUNCIL CHAMBER**

### **PRESENT: -**

Cllr Alex Aitken – Birmingham City Council  
Cllr Paul Bradley – Dudley Metropolitan Borough Council  
Cllr Alan Feeney – Solihull Metropolitan Borough Council  
Cllr Zahir Hussain – Sandwell Metropolitan Council  
Cllr Abdul S Khan – Coventry City Council  
Cllr Danny Millard – Sandwell Metropolitan Council  
Cllr Gareth Moore – Birmingham City Council  
Cllr Waheed Rasab – Walsall Metropolitan Borough Council  
Cllr Zee Russell – Wolverhampton City Council  
Cllr Suky Samra – Walsall Metropolitan Borough Council  
Cllr Kath Scott – Birmingham City Council  
Kristina Murphy – Independent Member  
Lionel Walker – Independent Member

### **ALSO PRESENT: -**

Cllr Nicky Brennan – West Midlands Victims Commissioner  
Simon Foster – West Midlands Police and Crime Commissioner  
Alethea Fuller – Deputy Chief Executive, OPCC  
Jonathan Jardine – Chief Executive, OPCC  
Mark Kenyon – Chief Finance Officer, OPCC  
Brendan Warner-Southwell - Policing and Prevention Policy Manager, OPCC  
Sarah Fradgley – Panel Scrutiny Officer, BCC  
Kevin O’Keefe – Chief Executive, Dudley MBC (Online)  
Amelia Wiltshire – Overview and Scrutiny Manager, BCC

### **702 NOTICE OF RECORDING**

The Chair announced that the meeting would be livestreamed and recorded for subsequent broadcast via the Wolverhampton Council’s meeting portal and that members of the press and public may record and take photographs except where there were confidential or exempt items.

### **703 APOLOGIES**

Apologies for non-attendance were received on behalf of Councillor Akhtar (Coventry), Councillor Jaspal (Wolverhampton), Councillor Razzaq (Dudley) and Councillor Seaman (Coventry).

### **704 DECLARATIONS OF INTEREST**

None declared.

## 705 MINUTES OF LAST MEETING

### RESOLVED: -

That the minutes of the meeting held on 9 January 2023 be confirmed as a correct record.

## 706 ACTION TRACKER

The Panel Officer undertook to liaise directly with the OPCC to secure responses to two outstanding actions for the next panel meeting.

### RESOLVED: -

**That the updated action tracker be noted.**

## 707 PUBLIC QUESTION TIME

No public questions were submitted.

## 708 INDEPENDENT PANEL MEMBER RECRUITMENT

Introducing the report, the Chair thanked Lionel Walker for his service on the Panel since 2012. He noted that Mr Walker planned to attend the next meeting.

Members considered the report of the Panel Lead Officer setting out the process and timetable for recruiting to fill the upcoming independent member vacancy before the beginning of the next Municipal Year and recommended the Panel consider reviewing the Independent Member allowances to include a discretionary allowance

The Chair put it to the meeting that this recruitment provided an opportunity for the panel to look for two independent members. He noted there was unanimous agreement.

Volunteers were sought to join the selection panel and the Panel Office undertook to liaise directly with the volunteers on arrangements.

### RESOLVED: -

- i. **That the Panel proceed with the recruitment of an independent panel member in line with the process and timetable set out in the report.**
- ii. **That Cllrs Suky Samra, Paul Bradley, Alan Feeney, Zahir Hussain, and Zee Russell form the selection panel to shortlist and interview candidates.**
- iii. **That the Lead Panel Officer present a report to a future meeting to enable the Panel to review the Co-optee (Independent Member) Allowances to include a Discretionary Allowance**
- iv. **That the Panel agree to appointing a third independent panel member, subject to agreement by the Secretary of State.**

## 709 POLICE AND CRIME COMMISSIONER KEY DECISIONS AND UPDATE

The Panel noted its responsibility under Schedule 5 of the Police Reform and Social Responsibility Act 2011 to review the Police and Crime Commissioner's proposed policing precept.

The Police and Crime Commissioner and Chief Finance Officer, OPCC presented the revenue budget 2023/24, capital programme 2023/2024-2026/2027 and the precept proposal for 2023/24 of £202.55 per annum for a Band D property, an increase of £15.

During the debate the following points were made: -

- Revenue saving of £28.1m had to found as the 2023/24 Funding Settlement plus additional £13.2m precept income did not maintain the required baseline budget. The budget remained under pressure with rising costs and inflation. A budget gap was also forecast for 2024/25.
- Over 60% of the budget was ringfenced to police officer pay and the force to maintain a police officer headcount of 7909 under the National Uplift Programme. Savings were therefore restricted to other areas. A Priority Based Budget review had identified £9.9m savings and the OPCC undertook to keep the panel updated with the ongoing PBB exercise. It was explained that the process assessed the risk to police services of savings from police staff vacancies. The meeting commented on the potential for warranted officers to backfill police staff roles that was at odds with the rationale of the Uplift Programme.
- The Reserves Strategy maintained a £12m General Reserve for emergency purposes. Other reserves were for specific purposes, so only the Budget Reserve could be called upon. Assurances were given that reserve levels were at a manageable position, but work was required on future budgets to avoid reliance on reserves.
- The Estates Strategy and operating model were under review. The budget included £5m revenue savings in line with the current Estates Strategy. Any further changes would have an impact on the revenue budget and capital receipts.
- It was clarified that short-term borrowing of £7m had been a one-off decision this year to finance investment in crucial capital assets. Assurance was given that this was a commonly used approach. There were borrowing costs, although preferential interest rates had been secured.
- The decision to freeze PSCO recruitment taken in July was to mitigate against a projected £10m energy cost increase. The PCC acknowledged the contribution of PCSOs and confirmed the 2023/24 budget assumed full establishment of PCSOs capacity in line with the Police and Crime Plan.
- The OPCC undertook to include in future budget reports details of all grant income receipts including grants received for undertaking specific purposes, or best estimates at the time reports are published.
- The PCC advised that he had not conducted an impact assessment of the ability of public to pay the additional £15 precept a year, however Council Tax benefit will mitigate the costs for the most vulnerable.

The Panel then voted unanimously on the following.

**RESOLVED: -**

- i. **That the Panel supports the Police and Crime Commissioner's proposed precept of £202.55 for 2023/24, an increase of £15 per annum for a Band D Property; and**
- ii. **That the Commissioner be requested to include in future budget reports details of all grant income received, including those ringfenced for specific purposes.**

## 710 COMMUNITY POLICING

The Police and Crime Commissioner presented his report updating the Panel on progress towards achieving his Police and Crime Plan pledge to rebuild community policing. He highlighted the 60% progress towards appointing 450 additional neighbourhood officers, his commitment to maintaining PSCOs, the wider role communities played, and the focus of the Chief Constable to implement a neighbourhood based operating model.

The Commissioner also summarised his oversight of West Midlands Police to deliver a safe and secure road network. He also referred members to the work of the West Midlands Community Safety Partnership and the range of community safety activities undertaken across the region.

### Road safety

The Panel asked for more recent bus and train crime yearly comparison data covering 2022 and 2023 and for a breakdown of the data of speeding offences passed to the Central Ticket Office to determine the location of offences captured (motorways or smaller road network).

The PCC explained it was the responsibility of the local authority to finance and install average speeding camera, and enforcement was subject to agreement between WMP and individual local authorities. The meeting discussed the potential transfer of moving vehicle enforcement powers to local authorities and the focus on developing a joined-up approach and consistent enforcement regime. The meeting also discussed the potential for devolution of revenue income relating to speed enforcement, and the potential risks of displacing traffic and speeding problems.

Members discussed the current formula associated with dividing seizures under the Police Property Act and Proceeds of Crime Act between WMP, The Treasury, The Courts Service, and the Crown Prosecution Service, and noted the time factor and other complexities that came into play. It was noted that the WMP budget assumed £800k per annum. The OPCC had allocated £400K of Proceeds of Crime Act income to the Healthy Communities Fund small grants scheme for community organisations.

### Community safety

The meeting discussed community safety work including the operational policing response to tackle serious youth violence, the range of initiatives of the Violence Reduction Partnership and acknowledged the role played by local community organisations to facilitate community engagement and community cohesion and improve communication with neighbourhood policing teams.

### Community policing

The PCC undertook to make immediate inquiries into reports that WMP responses to licensing applications generated in its licensing and planning team did not reflect the views of local neighbourhood officers.

The PCC acknowledged the pause in PCSO recruitment, and that the internal recruitment to police officer posts through the non-degree entry process had impacted on the number of serving PCSOs. He emphasised his commitment to restore the establishment of 464 PCSOs and the availability in the budget.

**RESOLVED: -**

- i. That the Commissioner be requested to provide more recent bus and train crime yearly comparison data covering 2022 and 2023;**
- ii. The Commissioner be requested to provide a breakdown of the data on speeding offences passed to the Central Ticket Office to show the location of offences captured on motorways and the smaller road network; and**
- iii. That the Commissioner be requested to update the Panel on his undertaking to make immediate inquiries into a report that police responses to licensing applications did not reflect the views of local neighbourhood officers.**

**711 SUPPORTING VICTIMS – PUBLIC CONFIDENCE INQUIRY THEME**

Councillor Nicky Brennan, West Midlands Victims Commissioner introduced the report setting out how the OPCC was working with the force to understand the needs of victims and to amplify the voice of victims.

The meeting noted the key findings of the Victims Commissioner's recent cost of living survey of domestic abuse victims and support services and the seven recommendations presented to the Home Secretary. She highlighted improvements to the collection of feedback from victims, including expanding the use of SMS surveys and the establishment of a Victims Voice Task and Finish Group.

The PCC provided oversight of the WMP compliance with the Victims Code soon to be enacted under the Victims Bill and explained how he held the force to account for progress around the objectives and measures in the management of rape and serious sexual offences.

The Victims Commissioner reported that an examination of the uptake of the Victims Right to Review found it was rarely utilised and the PCC has recommended to the Ministry of Justice the need for further publicity to victims.

The meeting discussed the PCC's commissioning of victim support services and educational programmes funded through the Victims Fund allocation, together with funding secured for Independent Domestic Violence and Independent Sexual Violence advocates. Members noted the focus on commissioning services from 'By and For Organisations' where directors and CEOs possessed lived experiences. The PCC emphasised that services were free to victims and accessible regardless of whether they had reported the crime to the police or not.

The PCC explained that service providers were subject to scrutiny on compliance with their SLA and expected to supply data on outcomes. The Victims Commissioner undertook to provide additional information on the number of people helped by commissioned services including Victims Support, and details of the type of help given to victims and outcomes. The Panel also asked for a gender breakdown of victims of domestic violence.

Drawing the debate to a close, the Victims Commissioner announced the launch of the PCC's <https://noexcuseforabuse.info> website providing the public with information about support available to victims and details of campaigns.

**RESOLVED: -**

- i. That the information presented to the Panel be noted;**



- ii. **The PCC be requested to provide the Panel with data on the number of victims helped through PCC commissioned victim services (independent providers and Victims Support), the type of support provided, and outcomes attained so that the Panel can understand impact that has been achieved; and**
- iii. **The PCC be requested to provide the gender breakdown of domestic abuse victims.**

**712 PANEL WORK PROGRAMME 2022/2023**

**RESOLVED: -**

That the Panel work programme be received and noted

The meeting ended at 16:46 hours

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CHAIR

**West Midlands Police and Crime Panel – Action Tracker - March 2023**

**1. Outstanding Actions 2022-2023**

| Minute/<br>Action<br>No. | Meeting<br>Date | Action   | Update/ Notes  |
|--------------------------|-----------------|--|--|
| 620                      | Nov<br>2021     | The OPCC to feedback on communications and publicity plans in relation to the Fairness and Belonging Plan and Recruitment.   | Programmed for 20 March 2023   |
| 693 ii                   | Jan<br>2023     | The Police and Crime Commissioner report back actions to address the findings from the recent WMP Employee Survey relating to staff morale, engagement, and culture.   | To be programmed - PCC waiting for WMP response before reporting to PCP. |
| 698ii                    | Jan<br>2023     | The Violence Reduction Partnership to share the academic evaluation programme that reviewed some VRP projects and the percentage of West Midland schools engaging with the Partnership   |  |
| 698iii                   | Jan<br>2023     | The OPCC to report back on the community engagement by local CSPs, and Violence Reduction Boards structure.  | To be programmed - Alethea Fuller collating info with Heads of CSPs      |
| 710iii                   | Feb<br>2023     | Collaboration between WMP Licensing and Planning Dept and Neighbourhood police – PCC undertook to make immediate inquiries into a report that police responses to licensing applications did not reflect the views of local neighbourhood officers.  |  |
| 711ii                    | Feb<br>2023     | Data on victims helped and impact – Panel asked for data on the number of victims helped through PCC commissioned services (independent providers and Victims Support), the type of support provided, and outcomes attained so that the Panel can understand impact that has been achieved.<br><br>The Panel requested the gender breakdown of domestic abuse victims. |  |

## 2. Completed Actions 2022-2023

| <i>Minute/<br/>Action No.</i> | <i>Meeting<br/>Date</i> | <i>Action</i>  | <i>Update/ Notes</i>  |
|-------------------------------|-------------------------|--|---|
| 629                           | Jan 2022                | <i>Cllr Brennan, West Midlands Victims' Commissioner be invited to report back on improving victim satisfaction survey response rates and her examination of local Victims' Right to Review provisions.</i>  | <i>Programmed for 6 Feb 2023</i>  |
| 630                           | Jan 2022                | <i>The PCC compares the budgets of the most similar forces and reports this information to the panel when setting the budget.</i>  | <i>This data will inform the panel budget debate January/ February 2023</i> |
| 676ii                         | Oct 2022                | <i>The Commissioner provide a full breakdown of where Safer Streets phases 1, 2, and 3 funding has been allocated across the region.</i>   | <i>10 March 2023 - Report sent to members</i>                               |
| 694ii                         | Jan 2023                | <i>The PCC to report to 6 February 2023 the impact of his partnership working and processes to address his police and crime plan commitments on road safety and speeding.</i>  |   |
| 695ii                         | Jan 2023                | <i>Specific information requested for 6 Feb Budget / Precept report:</i><br><ul style="list-style-type: none"> <li>- <i>The implications of options for balancing the 23/34 budget and achieving savings of £28.1 million on the delivery of the police and crime plan priorities.</i></li> <li>- <i>More information on the priority-based budgeting exercise to understand how it was being conducted and the implications on any areas of the budget that may be cut.</i></li> <li>- <i>More information on the cost and benefits of the current Estate Strategy spending.</i></li> <li>- <i>A full explanation and breakdown as to why costs had risen so sharply.</i></li> <li>- <i>The implications for reserves of budget decisions.</i></li> </ul> | <i>Programmed for 6 Feb 2023</i>  |
| 672ii                         | Oct 2022                | <i>Public Confidence in Policing Scrutiny Inquiry – Programming six-monthly progress reports tracking progress of recommendations.</i>   | <i>Programmed for 20 March 2023, and six-monthly thereafter</i>             |
| 672iii                        | Oct 2022                | <i>Four key themes arising from the Public Confidence in Policing Scrutiny Inquiry recommendations – to enable panel to examine progress in greater detail, further reports be programmed on:</i><br><i>Understanding public confidence locally</i><br><i>Force accessibility</i><br><i>Victims of crime</i><br><i>Progress and outputs from the Fairness and Belonging Plan.</i>  | <i>Items scheduled on Panel work programme</i>                              |
| 673ii                         | Oct 2022                | <i>A copy of the PCC's Estates Strategy November 2021 report be circulated to Members for information.</i>   | <i>Report sent to members</i>   |
| 674                           | Oct 2022                | <i>Volunteers sought to join the Panel Budget Sub-Group (minimum of 3 Panel Members)</i>   | <i>Sub-group membership finalised (Hussain, Feeney, Jaspal, Murphy)</i>     |
| 676 iii                       | Oct 2022                | <i>The Commissioner to arrange Violence Reduction Partnership briefing so members can understand the impact it has made.</i>   | <i>Presented 9 Jan 2023</i>   |
| 687 iii a                     | Nov 2022                | <i>The Police and Crime Commissioner provide the panel with a breakdown of how the total headcount of police officers and staff are currently distributed across West Midlands Police Force.</i>   | <i>Information provided to Panel Members</i>                                |

| <i>Minute/<br/>Action No.</i> | <i>Meeting<br/>Date</i> | <i>Action</i>   | <i>Update/ Notes</i>   |
|-------------------------------|-------------------------|---|--|
| 687 iii b                     | Nov<br>2022             | <i>The Police and Crime Commissioner provide a summary of the package of support provided to student police officers.</i>   | <i>Information provided to Panel Members</i>                                       |
| 687 iii d                     | Nov<br>2022             | <i>The Police and Crime Commissioner provide the Panel with data on resignation rates across the Force.</i>   | <i>Information provided to Panel Members</i>                                       |
| 687 iii c                     | Nov<br>2022             | <i>The Police and Crime Commissioner report back on the findings from the recent police officer and staff survey to enable the Panel to understand the current picture of officer and staff morale.</i> | <i>Information provided to Panel Members. Further item added to work programme</i> |
|                               | Jan<br>2023             | <i>OPCC to circulate Home Office report comparing police force grant allocations.</i>   | <i>Information sent to Panel members</i>   |
| 710i                          | Feb<br>2023             | Bus and train crime yearly comparison data - Panel asked for more recent covering 2022 and 2023.  | Information supplied to Panel member   |
| 710ii                         | Feb<br>2023             | Offences passed to the Central Ticket Office (April 20-Feb 22) Panel asked for a breakdown of the number of offences occurring on motorways and the smaller road network.                               | 10 March 2023 - Report sent to members   |

## Report to the West Midlands Police and Crime Panel – Co-opted Member Allowances

**Date: 20 March 2023**

Report of: Kevin O’Keefe, Chief Executive Dudley MBC, Lead Officer of the West Midlands Police and Crime Panel

Report author: Amelia Wiltshire, Overview and Scrutiny Manager, Birmingham City Council

Email: [amelia.wiltshire@birmingham.gov.uk](mailto:amelia.wiltshire@birmingham.gov.uk)

Phone: 07825 979253

### 1 Purpose

1.1 This report sets out a proposal to introduce a discretionary allowance for co-opted (independent) members from 2023-2024.

### 2 Recommendation

#### 2.1 That the Panel

**2.1.1 Agrees to introduce a discretionary allowance for co-opted members from 2023-24; and**

**2.1.2 Approves the proposed annual discretionary allowance of £920 per annum for each co-opted Member**

### 3 Background

3.1 As per the [Home Office guidance on Police and Crime Panels](#), the Panel is required to have a minimum of two co-opted independent members. On 6 February, the Panel agreed to increase the number of independent members from two to three. A selection process is now underway to recruit two new co-opted members following the resignation of one of the current independent members. The Panel also agreed to a review of Co-opted Member allowance to consider introducing a discretionary allowance.

3.2 Following a decision by the Panel on 21 January 2013, co-opted members do not currently receive any discretionary allowance to cover additional expenditure relating to their Panel work outside of the agreed expenses for travel, subsistence, and childcare. This is in line with the [members allowances scheme for the Host Authority, Birmingham City Council](#).

- 3.3 The Panel's Arrangements, agreed with the Home Office in July 2013, stated that the annual costs associated with the operation, organisation and administration of the Panel shall be offset by the Home Office grant to be managed by the Host Authority (the Host authority is Birmingham City Council). Co-opted member allowances fall under the agree scope of this grant.
- 3.4 Of the 41 Police and Crime Panels in England and Wales, 32 have provided information to Panel on their current member allowances. This highlighted that at least half of all Panels (51.2% of total panels) paid a discretionary allowance to their independent members, and at least 29.2% of all panels paid a discretionary allowance plus travel expenses.
- 3.5 In England, the average discretionary allowance (which includes travel expenses) is £1,406.38; the average discretionary allowance where travel expenses can additionally be claimed is £846.63. All Panels in Wales have the same arrangement – a daily attendance rate of £210 plus travel and subsistence. Given there are six Panel meetings per year, this is a projected minimum allowance of £1,860 plus travel and subsistence per member.

#### **4 Proposed Co-opted Member Allowance**

- 4.1 The proposed new allowance for each co-opted independent member will be £920 each per annum. Under the terms of the Home Office Grant Agreement, Member Expenses calculated at £920 per member may be claimed. Following the agreement of the Panel to appoint an additional member as part of the current selection process, this will be an indicative total of £2,160 for 2023-24. For example, £920 x3 co-opted members =£2,160.
- 4.2 The maximum Home Office grant available for the West Midlands Police and Crime Panel in 2022-23 has been £66,180. The grant claim is £62,246.30 for 2022-23. Therefore, there is capacity in the grant budget to accommodate the introduction of this allowance.
- 4.3 This proposed allowance will be administered on a similar basis to other co-optee payments covered by Birmingham City Council's Independent Remuneration Panel. An annual payment of £920 will be paid quarterly in arrears. All expenses including travel and carers expenses will be covered by this payment.

#### **5 Finance Implications**

- 5.1 The Home Office grant for the Police and Crime Panel will support its administration and activities including discretionary allowances. The introduction of a new discretionary allowance will increase the projected expenditure for 2023-24 and future years. However, this remains within the overall Police and Crime Panel grant allocation. A Grant Agreement is in place between Birmingham City Council and the Home Office to administer this grant.

- 5.2 The discretionary allowance will be managed in line with the existing arrangements for other co-optee payments covered by Birmingham City Council's Independent Remuneration Panel.

## **6 Legal Implications**

- 6.1 A Police and Crime Panel must be maintained to carry out scrutiny functions and responsibilities as set out in the Police Reform and Social Responsibility Act 2011.
- 6.2 A Grant Agreement between Birmingham City Council (Host Authority) and the Secretary of State for the Home Department sets out the legally binding terms and conditions which apply to providing the grant and to maintain a Police and Crime Panel.

## **7 Equalities Implications**

- 7.1 The Panel has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:
- 7.1.1 eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  - 7.1.2 advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - 7.1.3 foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 7.2 The introduction of a new discretionary allowance indicates a commitment from the Panel to diversity and inclusion. The discretionary allowance may encourage new and different members to get involved, and whose insight and experience will enhance the quality of the Panel's work across all communities of the West Midlands.

## **8 Background Papers**

- Police and Social Responsibility Act 2011
- Home Office Guidance for Police and Crime Panels
- Grant agreement between Secretary of State for the Home Department and Birmingham City Council for the Police and Crime Panel Grant for the 2022/23 financial year.

## Report to the West Midlands Police and Crime Panel

### Police and Crime Plan – Progress and Performance

**Date: 20 March 2023**

Report of: Jonathan Jardine, Chief Executive, West Midlands Police and Crime Commissioner

Report author: Jonathan Jardine, Chief Executive, West Midlands Police and Crime Commissioner

#### **1 Purpose**

- 1.1 To brief the Police and Crime Panel on progress against the objectives in the West Midlands Police and Crime Plan, 2021-2025

#### **2 Report**

- 2.1 The West Midlands Police and Crime Plan 2021-2025 (“the Plan”) was agreed by the Police and Crime Commissioner on 1 November 2021. It is [here](#).
- 2.2 The Plan comprises 6 sections:
  - 2.2.1 West Midlands Police
  - 2.2.2 Police collaboration
  - 2.2.3 Working in partnership locally
  - 2.2.4 Civic leadership and campaigning for change
  - 2.2.5 Good governance, transparency, equality and public engagement
  - 2.2.6 Funding, grants, resources, police precept and financial planning
- 2.3 Each section includes further commitments. This report offers highlights of progress against each.
- 2.4 Performance against the Police and Crime Plan, including the National Policing and Crime Performance Measures, is reported to the Strategic Policing and Crime Board, most recently on 28 February 2023:
  - 2.4.1 West Midlands Police performance report: [SPCB-28.02.23-Agenda-Item-7-Performance-Report.pdf \(westmidlands-pcc.gov.uk\)](#)



- 2.4.2 National Policing Priorities – Statement by the Police and Crime Commissioner: [SPCB-28.02.23-Agenda-Item-7-Performance-Report-PCC-Statement.pdf \(westmidlands-pcc.gov.uk\)](#)
- 2.4.3 Police and Crime Plan Scorecard [SPCB-28.02.23-Agenda-Item-7-Appendix-A-PCP-Scorecard-Updated.pdf \(westmidlands-pcc.gov.uk\)](#)

## **WEST MIDLANDS POLICE**

### **2.5 *Rebuilding community policing***

- 2.5.1 Additional officers deployed to community policing currently stand at +256 compared to the 2021 baseline. Special Constable numbers have been maintained despite significant numbers of SCs applying to become paid Officers. PCSO numbers have dipped due to a vacancy freeze and applications from PCSOs to become warranted officers, but the budget allocation to maintain the establishment remains in place.
- 2.5.2 Since appointment, Chief Constable Craig Guildford has started a programme to reform the Force's operating model, bringing Response and Investigation functions into seven Neighbourhood Policing Areas. This will give local commanders more access to resources that will support local policing. There will be a training programme in support of the operating model change to give more officers the skills to undertake local investigations. The most recent public report is here: [SPCB-24.01.23-Agenda-Item-6-Rebuilding-Community-Policing.pdf \(westmidlands-pcc.gov.uk\)](#)
- 2.5.3 Ensuring effective support to people experiencing mental health crisis who come into contact with the police is receiving national attention, including agreements with health bodies and additional funding: [Letter to chief constables and police and crime commissioners \(accessible\) - GOV.UK \(www.gov.uk\)](#)

### **2.6 *Preventing and reducing crime***

- 2.6.1 The Ending Male Violence Against Women and Girls Alliance has been established to co-ordinate an effective multi-agency response. The number of Independent Domestic Violence Advocates (IDVAs) and Independent Sexual Violence Advisers (ISVAs) has risen to 66 and 21 respectively. Use and enforcement of civil powers and bail conditions has increased, and reporting against this objective will commence soon. Commissioning of new domestic abuse programmes is underway.
- 2.6.2 WMP is implementing the findings from Operation Soteria and other recommendations relating to Rape and Serious Sexual Offences, safeguarding and domestic abuse. Further developing the collective governance of safeguarding is a priority for 2023-24.

- 2.6.3 The PCC is the Senior Responsible Owner for the West Midlands Combating Drugs and Alcohol Partnership established following the publication of the national *Harm to Hope* strategy. Disruption of County Lines drugs networks continues to increase. Pre- and post-arrest diversion schemes for low level offences remain in place. Naloxone is now in use across WMP Response teams. The most recent public report is here: [SPCB-28.02.23-Agenda-Item-5-Preventing-and-Reducing-Crime-Substance-Misuse.pdf](https://www.westmidlands-pcc.gov.uk/SPCB-28.02.23-Agenda-Item-5-Preventing-and-Reducing-Crime-Substance-Misuse.pdf) (westmidlands-pcc.gov.uk)
- 2.6.4 The Safe Space projects remain in place although funding remains tight. Improved engagement between WMP and local authority Planning and Licensing functions remains a priority.
- 2.6.5 WMP is reporting over 90% attendance at burglaries. While levels of burglary, robbery and theft compare well to the 2019 baseline, Theft of Motor Vehicles is both higher than similar areas and above trend. WMP established a dedicated taskforce in 2022 and this remains a tactical priority. Despite significant enforcement activity, the trend remains. Publication of data regarding thefts is underway in order both to prompt action by manufacturers but also encourage the public to take further steps to protect their vehicles.
- 2.6.6 A local partnership to address fraud is in place. The Office is working nationally to influence the forthcoming fraud strategy.

## 2.7 ***Increased confidence in West Midlands Police***

- 2.7.1 432 Black, Asian and Minority Ethnic officers had joined West Midlands Police by January 2023, some 248 behind baseline. On current trajectory, approximately 800-850 will have joined by April 2025.
- 2.7.2 The Police Cadets scheme continues to progress well.
- 2.7.3 Like for like Crime Survey for England and Wales confidence data has yet to be published. Local satisfaction-with-service data remains generally positive.
- 2.7.4 The OPCC has secured Karl George Race Equality Code accreditation. Equality Analysis is built into the operating model change programme.
- 2.7.5 Oversight of Stop and Search, and Use of Force, continues to develop. Recent oversight, scrutiny and policy review led to significantly less use of strip search in custody without any impact on criminal justice outcomes or the safety of officers and staff.
- 2.7.6 Crime Data Integrity performance remains good.
- 2.7.7 WMP no longer has a vetting backlog. Following national reports and recommendations, WMP launched Operation Santos to improve ethics and integrity in the organisation. WMP and the OPCC are participating in the national Police National Database “wash” of police officers and staff.
- 2.7.8 Over 85% of 999 calls are answered within 10 seconds, a significant improvement from performance in 2022. A continuing programme of

improvement and capacity uplift remains in place. 30 police officers have been temporarily deployed to Contact and an increase of 64 police staff is planned. Most recent data indicated 46% of 101 calls were answered within 3 minutes. Improvement remains a significant priority.

## **2.8 *Supporting the workforce, organisational change and new technology***

- 2.8.1 The operating model change programme is supported by activity to ensure the welfare of officers and staff.
- 2.8.2 Operation Santos includes annual Integrity Health Checks, training in courageous frontline leadership and management, and a renewed commitment to personal development reviews.
- 2.8.3 Backlogs in training and accreditation are being addressed.
- 2.8.4 The new operating model and the financial challenge facing West Midlands Police will have implications for the police estate, notably custody facilities. The commitment to a new police station in the centre of Dudley remains. There are no plans to change the number of front desks.
- 2.8.5 WMP has developed an Environmental Strategy to address becoming “net zero” by 2035.
- 2.8.6 Programmes to further develop and secure greater benefits realisation from the investment in new technology remains. New mobile briefing applications are in trials and development.

## **WORKING IN PARTNERSHIP LOCALLY**

### **2.9 *An efficient and effective criminal justice system***

- 2.9.1 The PCC continues to chair the Local Criminal Justice Board (LCJB). A national review of LCJBs is expected soon. The “Offender to Rehab”, “New Chance”, “Divert” and “Arrest Referral Services” continue to offer alternatives to custody and criminal justice sanctions.
- 2.9.2 The bid to support development of a Problem Solving Court for Female Offenders was successful. A Peer Hearing pilot is also in development.
- 2.9.3 The “Second Chances Charter” was launched in January, supporting businesses to give employment to ex-offenders.
- 2.9.4 Work to make police custody “trauma informed” continues, and will be adapted to the new WMP operating model.

### **2.10 *Supporting Victims and Witnesses***

- 2.10.1 After many years of real terms decline in Ministry of Justice funding for services for victims, central grants have increased to over £6m. The Victims Commission, chaired by the Victims Commissioner, remains an important forum for developing and supporting victim services. A report on victim services was presented to the Police and Crime Panel at its meeting on 6 February 2023.

2.10.2 Reform of Domestic Homicide Reviews provides an opportunity to better ensure learning and collective action from these tragic cases.

## 2.11 ***Improving Community Safety***

2.11.1 The West Midlands Community Safety Partnership, chaired by the PCC, remains the primary convening forum to co-ordinate community safety activity across the Force area. A report on the work of the WMCSPP was presented to Police and Crime Panel in February. Work is underway to bring the various strands of work under the broader CSP umbrella, such as serious youth violence, ending male violence against women and girls, combating drugs and preventing fraud.

2.11.2 A national review of CSPs, focused on anti-social behaviour, is expected shortly.

## 2.12 ***Reducing Violence***

2.12.1 Though core national funding will step down significantly in FY2023-24, the West Midlands Violence Reduction Partnership (VRP), chaired by the PCC, continues to support and co-ordinate a wide ranging programme of projects and activity to address serious youth violence. The challenge remains significant; the West Midlands has the highest rate of U25 admissions for knife injuries in England and Wales. The work of the Violence Reduction Partnership was reported to the Police and Crime Panel at its meeting on 9 January 2023.

2.12.2 The VRP's Joint Strategic Needs Assessment will be published shortly, and will guide investment and commissioning decisions. The introduction of the Serious Violence Duty in January 2023 provides an important opportunity to support a more effective system-wide approach to addressing violence. The Offensive Weapon Homicide Review pilot is expected to launch in 2023, along with the piloting of Serious Violence Reduction Orders. The West Midlands is a pilot area for both initiatives. The Community Initiatives to Reduce Violence (CIRV) project, which offers intensive support and focused deterrence to young people and families at risk of becoming involved in serious violence, will become operational in 2023.

## 2.13 ***Working Together for Children and Young People***

2.13.1 Following events in Solihull and elsewhere, the OPCC is working with Directors of Children's Services and representatives from Integrated Care Boards to agree an effective and proportionate approach to oversight and assurance as relating to local safeguarding arrangements. Bespoke arrangements are in place to ensure the delivery of a comprehensive action plan in response to findings and recommendations from the various reports and inspections in Solihull.

## 2.14 ***Supporting a friendly, safe and secure Commonwealth Games***

2.14.1 The policing operation Commonwealth Games was a success, with no significant issues identified while being significantly under budget. A preliminary report on the Games was published in late 2022 ([SPCB-22.11.22-Agenda-Item-5-Initial-review-of-Birmingham-2022-Commonwealth-Games.pdf \(westmidlands-pcc.gov.uk\)](#)) with a further, closing report to follow shortly.

## 2.15 ***Safer Travel***

2.15.1 The PCC has assumed the chair of a refreshed West Midlands Road Safety Partnership, and stronger governance arrangements for the Safer Travel Partnership with West Midlands Combined Authority, British Transport Police and the British Transport Police Authority are in place. A report on Safer Travel was presented to the Police and Crime Panel at its meeting on 6 February 2023.

## 2.16 ***Preparing for emergencies and critical incidents***

2.16.1 An OPCC major incident plan is in place. The PCC participated in a major incident exercise in 2022 along with other PCCs from the region and chief officers. A summit with the governing bodies of the other bluelight services is in development. A further desktop exercise on major incident response testing OPCC staff will take place in 2023.

## 2.17 ***Airport Policing***

2.17.1 The policing agreement with Birmingham Airport has been renegotiated following the return to normal passenger numbers.

## **POLICE COLLABORATION**

### 2.18 ***Strategic Policing Requirement***

2.18.1 The PCC has considered reports on the Strategic Policing Requirement “have regard” duty annually at his Strategic Policing and Crime Board (the 2022 report is here: [SPCB-25.01.22-Agenda-Item-8-Strategic-Policing-Requirement.pdf \(westmidlands-pcc.gov.uk\)](#)). The Strategic Policing Requirement was refreshed in February 2023 with additional guidance and the inclusion of Violence Against Women and Girls as a national threat. The publication of the latest report on the SPR “have regard” duty has been delayed to incorporate the changes arising from the revised SPR. The report will also include assurance information regarding the lessons and recommendations arising from the Manchester Arena Attack Inquiry.

### 2.19 ***Counter Terrorism***

2.19.1 The PCC continues to chair the National Counter Terrorism Collaboration Agreement Strategic Board. Activity in 2023 will include the consideration of the forthcoming “Protect Duty”, reviews of CONTEST and Prevent, terrorist offender management, and the response to Hostile State Actors.

2.19.2 Reform of the Special Branch function, including change funding flows, was successfully achieved in 2022-23. The PCC has provided oversight of the use of “Schedule 7” detention powers.

## 2.20 ***Serious and Organised Crime***

2.20.1 West Midlands Regional Organised Crime Unit is undergoing significant change, adapting to the new WMP operating model, new National Crime Agency tasking arrangements, and the implementation of a new ROCU operating model. The four regional PCCs continue to provide governance and oversight via the Regional Governance Group chaired by the Staffordshire PCC. The PCC has committed to retaining the existing approach to the Asset Recovery Incentivisation Scheme.

## 2.21 ***Bilateral Collaboration***

2.21.1 The West Midlands and Staffordshire PCCs have agreed significant investment in the Firearms and Explosives Licensing collaboration to reduce backlogs, wait times, and comply with more rigorous regulation of firearms licensing. A national review of firearms licensing fees is underway, and it remains the PCC’s objective to secure full cost recovery for policing activity associated with the firearms licensing function.

## 2.22 ***Regional collaboration***

2.22.1 In response to recommendations from the new Chief Constable, the PCC has agreed to seek an pursue an alternative approach to the provision of academic support to the training of degree holding, degree apprentice and non-degree police entry routes. A national project to develop a new “fourth entry route” into policing, one that does not lead to an undergraduate qualification, is underway.

## 2.23 ***National Ballistics Intelligence Service***

2.23.1 The PCC continues to provide proportionate oversight to the hosted NABIS police collaboration. The most recent NABIS annual report is here: [SPCB-24.01.23-Agenda-Item-7-NABIS-Annual-Report.pdf](https://www.westmidlands-pcc.gov.uk/24.01.23-Agenda-Item-7-NABIS-Annual-Report.pdf) ([westmidlands-pcc.gov.uk](https://www.westmidlands-pcc.gov.uk))

## 2.24 ***Civic leadership and campaigning for change***

2.24.1 The consultation on the national police funding formula is a key priority in 2023. Retaining income from speeding enforcement was part of the PCC’s submission to the Trailblazer Devolution Deal process, the outcome of which should be known soon. The PCC has worked closely with WMP, WMCA and local authorities to agree a strategic, collaborative approach to the transfer of moving vehicle enforcement powers.

2.24.2 The Levelling Up and Regeneration Bill is currently receiving consideration from peers. The PCC continues to advocate for the preservation of a

separate police governance function, and resist attempts to subsume this statutory role into the WMCA.

2.24.3 Other areas of activity will be reported at the meeting.

## **GOOD GOVERNANCE**

- 2.25 The OPCC remains a Real Living Wage employer, with minimal differentials in pay for women and Black, Asian and other Minority Ethnic staff. The OPCC has received Karl George Race Code accreditation. A comprehensive training programme addressing trauma, diversity and inclusion, and male violence is in place for all staff, along with bespoke learning and development plans for everyone.
- 2.26 Consultation and engagement with individuals with lived experience remains in place. The Youth Commissioner programme continues, contributing to many aspects of WMP and OPCC activity.

## **FUNDING, GRANTS, RESOURCES, POLICE PRECEPT AND FINANCIAL PLANNING**

- 2.27 The funding position of West Midlands Police remains a significant challenge. Cost and wage inflation have created a requirement to save £28m in 2023-24. Despite this, WMP was able to make significant savings in 2022-23 to flatten the savings target for the coming year. The OPCC and WMP have consistently received unqualified opinions from our external auditors, and our financial planning is consistently rated positively by HMICFRS. WMP's funding settlement for 2023-24 was the fourth worst in England and Wales, and included a *de facto* requirement to increase precept by the maximum possible without a referendum.
- 2.28 The PCC is engaged in the governance and oversight of the current changes to the WMP operating model, seeking assurance regarding benefits realisation, organisational health, decision milestones, equality impact, and identification and mitigation of key risks and dependencies.

Jonathan Jardine

Chief Executive, West Midlands Police and Crime Commissioner

March 2023

## **Report to the West Midlands Police and Crime Panel – Fairness and Belonging Plan**

### **Date:**

Report of: Simon Foster, Police and Crime Commissioner

Report author: Alethea Fuller, Deputy Chief Executive

### **1 Purpose**

The purpose of this report is to provide members of the Police and Crime Panel with an understanding of how the Commissioner is providing oversight of the Fairness and Belonging Strategy, including how the Commissioner is supporting progress towards achieving a more representative police force of the community it serves. In addition, it will show how the Commissioner is providing oversight of Stop and Search to meet the Police and Crime Plan objectives.

### **2 Recommendations**

2.1 Member of the Panel are asked to note;

- The progress being made by the OPCC against the activity in the Fairness and Belonging Strategy and the Police and Crime Plan
- The development of the Fairness and Belonging Engagement Plan – which will target communities to inform, understand, engage and seek solutions to the strands of work within the Strategy
- Progress towards achieving the objectives in this plan will be monitored within the delivery plan for the main Police and Crime Plan for the West Midlands.

### **3 Finance Implications**

3.1 Resources to carry out this work have been built into the budget of the OPCC for 2023/24.

### **4 Legal Implications**

The Police Reform and Social Responsibility Act 2011 states that Police and Crime Commissioner (PCC) is the voice of the people and hold the police to account. They are responsible for the totality of policing.



PCCs aim to cut crime and deliver an effective and efficient police service within their police force area. They are elected by the public to hold Chief Constables and the force to account, making the police answerable to the communities they serve.

## 5 Equalities Implications

- 5.1 Disparities are often most evident in the areas that are most closely related to our work. The West Midlands is one of the most diverse areas in the country. The PCC recognises the importance of diversity, which brings with it differences in experiences, perspectives, thoughts and delivery and we build the foundation of equalities at the centre of all the work that we do. We focus work on young people through the Youth Assembly and [Youth Commissioners](#), work with business and within communities and localities as well with the Faith Alliance. The impact of a decade of austerity has exacerbated inequalities, and further stretched those vital preventative public services. This makes place based, local working even more important.
- 5.2 The diversity in the make-up of our staff team across the OPCC and the VRP, currently stands at 30%, as we truly believe that the staff team should reflect the wider make-up of the communities in which we are working.
- 5.3 One of our core values is Equality, Diversity and Inclusion (EDI) and our work focusses on fairness and belonging. We have focussed on the processes and systems of our own organisation and the work of West Midlands Police.
- 5.4 We are now;
- in the process of developing a brave and trusting space to discuss challenges and our aspirations as we work towards becoming an anti-racist organisation
  - delivering anti-racist training practice for all our staff
  - in the process of co-producing a long-term approach to EDI for the whole organisation
  - Incorporating training and the development of equality impact assessments in all of our work.

## 6 Appendices

- 6.1 Appendix 1; Fairness and Belonging – 40 years of Race Reports



Appendix 1\_ F&B  
narrative piece\_40 ye



20 March 2023

## Fairness & Belonging – the work of the Police and Crime Commissioner and West Midlands Police

Alethea Fuller, Deputy Chief Executive

### Purpose of the Report

1. The purpose of this report is to update members of the Police and Crime Panel on the progress of the work taking place within the office of the Police and Crime Commissioner and West Midlands Police, in response to the Fairness and Belonging Plan. This report is for discussion, endorsement and information.

### Background

2. The Fairness and Belonging strategy is a programme of work to ensure that West Midlands Police is as inclusive, diverse and as fair an organisation as possible. Work has taken place since the launch of the Plan in July 2020 to ensure that it is an overarching one that covers disproportionality across a wide range of areas. It covers the work of WMP, but also the work of the Office of the Police and Crime Commissioner and partners. The Police and Crime Commissioner Simon Foster, has committed to this work and states in his [Police and Crime Plan 2021-2025](#) *'I will build on the Fairness and Belonging Programme, which launched in 2020. It takes a broad, end to end approach to every part of policing which can be an issue, including a review of previous reports and enquiries. The programme needs to become more outward facing, engaging the public and key stakeholders in both promoting and shaping the work that is underway.'*
3. At the time of the launch of the Plan, a significant worldwide movement was developing in response to the murder of George Floyd on May 25 2020 in Minnesota, USA. This was a stark reminder that racism, discrimination and racial inequality are a reality, both in the UK and abroad. In July 2020, the then Prime Minister Boris Johnson announced his intention in the Sunday Telegraph newspaper to establish a cross-Government commission into racial inequality. This announcement came in the wake of the Black Lives Matter protests following the murder of George Floyd by police, which forced a conversation into the treatment of Black people within the criminal justice system. It was these same events that inspired the development of the Fairness and Belonging Plan between West Midlands Police and the Police and Crime Commissioner.
4. A report was taken to the Strategic Police and Crime Board on June 16 2021, entitled [Stop and Search and Use of Force](#) which showed that police powers were used disproportionately against black and Asian communities and it also set out the work that is being done to address this; there were mass protests taking place across the country and the world in response to the killing of George Floyd, and the Chief Constable gave an [apology to the black community for historic wrongs](#); as well as the recognition of the overwhelming need to build greater trust and confidence within the policing of under-represented groups.

5. A number of commitments were made at that time; a key one was to ensure that WMP recruits 1,000 out of 2800 new under-represented police officers by 2023, in order to make the force look more like the communities it serves.
6. The Plan consisted of 11 strands of work, not all of them owned by West Midlands Police, which shows that racial discrimination and disproportionality is systemic across organisations and that we all need to respond to make change. The Plan is about action and the activities set out are being achieved by working within existing forums, people and partners working across boundaries. There is also new activity which seeks to address the areas in which community involvement is key to its success.
7. The aims and objectives of the Plan are to:
  - Build trusted relationships with the Black community and increase their confidence leading to improved perceptions of legitimacy
  - Ensure that police powers are used fairly towards Black people in the West Midlands
  - Create an environment where Black colleagues feel a sense of belonging and are comfortable to be themselves at work and are able to perform at their best
  - Ensure that our leaders actively lead inclusion and role model inclusive behaviours
  - Be more reflective of the Black community we serve by improving the fairness of recruitment, retention and promotion and drive fair representation at all levels
  - Ensure decisions are driven by reviews, data and analysis
  - Increase proportionate representation in the Black community
8. The 11 strands of work that have now been incorporated into the Fairness and Belonging Strategy are:
  - Learning from our people and our history
  - Recruitment and fair representation
  - Training and cultural competence
  - Promotion, progression and retention
  - Treating our people fairly, management, leadership, complaints and misconduct
  - Equitable service delivery
  - Exercise of police powers
  - Fairness and the Criminal Justice System
  - Data, analysis and the understanding that drives action
  - Engagement to ensure we listen, learn and act
  - Engagement with local, regional and national partners
9. The PCC holds West Midlands Police to account for delivery of the Fairness and Belonging agenda in a number of ways; monthly meetings with the Chief Constable where he receives the up to date position regarding recruitment, retention and progression through the uplift in police officers, he is also represented by Assistant PCC Tom McNeil, who is the lead for the disproportionality portfolio and attends the Fairness and Belonging Strategy Governance Board; staff of the OPCC also attend different boards linked to different areas of work.

### **The Fairness and Belonging Work**

10. The focus of the Fairness and Belonging work is to increase trust and confidence within the Black community. It is essential that we listen and respond to the frustrations voiced by Black communities and the work includes many new initiatives, such as involving communities in police training and setting specific recruitment aims for under-represented police officers. We are working in partnership to deliver this work with

the outcome of building stronger links with black communities and the police, as well as other statutory partners.

11. The National Police Chiefs Council [Police Race Action Plan](#) seeks to improve policing for black people, acknowledging a 'collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racial stereotyping.' The work set out in the Fairness and Belonging Strategy reflects the priorities set out within the Plan.

The work is challenging and the next section of the report presents a snapshot of some the highlights of the work we are doing or is being done in partnership.

12. The OPCC's starting point for the work in the Plan was a look back at the previous reports that had been written on the back of serious moments in time and was the first strand called 'Looking Back at our History'. The intention was to look at the reports and recommendations at key points in time to see what had and had not been done, what the key messages had been and how much progress had been made. The Scarman report was commissioned by the UK Government following the 1981 Brixton riots; the Macpherson report came about more than 4 years after Stephen Lawrence was murdered by a group of white youths, when the then Home Secretary announced the establishment of an inquiry into his death; the Lammy report is the product of an independent review established to make recommendations for improvements with the ultimate aim of reducing the proportion of under-represented offenders in the criminal justice system; and the Denman Review was a review of race discrimination in the Crown Prosecution Service, commissioned in January 2000. The review is attached at Appendix 1.

13. All reports have the same overarching themes, spanning 40 years and key themes include:

- Race as a key ministerial priority; it is the fundamental issue in all reports and continues to be so today
- Ethnic minority recruitment;
- Training of police officers is present in all reports;
- Policing methods, and the emphasis on community policing;
- Handling of disorder;
- Education and awareness
- HMIC scrutiny and oversight in policing (proposed in Macpherson to raise standards in policing; bringing in the wider community to ensure scrutiny and foster trust);
- Police complaints;
- Stop and search powers which is endemic in each report and highlights the major issues that impede trust in police;
- The major and continuing issue of policing of gangs; and
- The black experience of the criminal justice system and rehabilitation.

14. The OPCC has completed the learning from the key reports set out above, and emerging key themes for discussion across the reports. The reports all have recommendations that have been published and our review has considered how effectively they have been implemented.

15. Baroness Lawrence summed up her frustration with poor recommendation implementation in her evidence to the Parliamentary Joint Committee on Human Rights on the 6 July 2020;

*'We have had so many reports, and every time we have a report, they go back to the beginning again and keep repeating the same thing. I am not sure how many more lessons the Government need to learn. It is not just the Government of today but the Government of the Labour Party. How many more lessons do we all need to learn? The lessons are there already for us to implement. Until we start doing that, we will keep coming back in a year or two years repeating the same thing over and over again.'*

16. Baroness Lawrence's frustration is palpable, perhaps more so considering the unique position she speaks from. The handling of the Metropolitan Police's investigation into the racist murder of her son, Stephen Lawrence was subject to an inquiry, some recommendations from which are still unimplemented. The Macpherson report's 'institutional racism' label is one that agencies are still, 21 years later, still struggling to operationalise and deal effectively with.

## **Some Highlights**

### **Stop and Search**

17. The West Midlands Office of the Police and Crime Commissioner holds a bi-annual Stop and Search/Use of Force Commission, currently chaired by Assistant Police and Crime Commissioner Tom McNeil. West Midlands Police (WMP) are heavily engaged on this agenda and consequently the Commission is attended by senior officers who are extremely eager to provide nuanced data and have really open conversations around how they use their powers. At each Commission we have a stop and search performance update on the agenda, as well as a use of force performance update, both delivered by WMP leads for stop and search and use of force respectively. We also have agenda items based on emerging themes or concerns, for example at the last Commission we had an agenda item dedicated to updating the Commission on the introduction of the Serious Violence Reduction Order pilot in the West Midlands, and at March's Commission we will discuss the wider force rollout of the Section 163 (traffic stops) pilot.

18. Within the stop and search performance update item, we consistently discuss issues including, but not exclusive to: disproportionality, Section 60s, positive outcome rates, body-worn video compliance and strip searches. Not only is it an opportunity for the Office of the Police and Crime Commissioner to have high-level oversight of the use of WMP's powers, but in attendance at the Commission is also our stop and search school trainers, and our scrutiny panel chairs.

### **Scrutiny panels**

19. Across the West Midlands we have 10 scrutiny panels; one for each local authority area, except for Birmingham which has 4. The scrutiny panels are made up of independent community members, and chaired by a panel member voted for by the group. Although they are independently chaired, the OPCC oversees the scrutiny panels as a whole, provides them with strategic direction and support, and each panel

is attended by one member of OPCC staff; as well as a WMP officer who provides the data. Each of these panels welcomes any member of the public aged above 14 who lives, or works, in that local authority area to join, and each panel meets every two months.

20. The scrutiny panels' remit is to provide feedback on WMP's use of stop and search, as well as use of force, through scrutinising both the records and corresponding body-worn video footage. Panel members give their feedback on whether or not they thought the action was reasonable, fair and proportionate. The panels also look at local statistics for the previous two months regarding the age, ethnicity, and gender of the people stopped and searched; the positive outcome and find rates; and the number of people stopped and searched more than once.
21. We also have a custody scrutiny panel; whose remit is to scrutinise the use of force and the use of strip search in custody. The panel have recently conducted a deep dive on juvenile strip searches with a focus on appropriate adult presence.
22. The OPCC convenes a bi-annual Chairs meeting for each of the scrutiny panel Chairs to come together to share best practice, share learnings; and raise any challenges or concerns they are experiencing with their panel. This forum is designed to empower the Chairs to ensure that their panels are providing the police with robust and effective scrutiny. We also use this as an opportunity to have a deep dive into Section 60 use, as it is a power that can cause significant public concern and monitoring of its use is a commitment in the Police and Crime Plan.
23. We also convene working groups and briefing sessions with scrutiny chairs to ensure that community oversight and feedback is consistently recorded. Within the last 6 months for example we have held a briefing session for all scrutiny panel chairs to attend with one of WMP's taser managers to be briefed on the updated taser Strategic Threat and Risk Assessment and we have held the first Serious Violence Reduction Order working group.

#### **Attendance at Fairness and Effective Use of Police Powers (FEUPP) and Silver Command**

24. PCC representatives attend both WMP's quarterly FEUPP board meeting and bi-monthly Silver stop and search/use of force meeting, which are two of WMP's internal oversight boards. Representation at this level is key as it provides an opportunity to challenge and influence policy and procedure as they are being developed, to ensure the commitments and priorities of the Police and Crime Plan are honoured. For example, when the Home Office announced on the 16th May 2021 that all Section 60 restrictions were to be relaxed, WMP were having discussions about how they would respond to this. It was at one of the FEUPP boards that it was suggested it would be appropriate to reduce the authorisation seniority down from Assistant Chief Constable (ACC). It was flagged by the OPCC in that meeting that this would be in direct opposition to the commitments in the Police and Crime Plan and would be a huge cause for concern. Without this being raised, and subsequent conversations that followed as a result, we may have seen a decrease in authorisation levels. In the West Midlands ACC authorisation is still required for a Section 60.

25. The OPCC has also influenced Silver meetings by ensuring Police and Crime Plan priorities are being reported routinely to ensure our oversight. For example, now at the Silver meeting the stop and search inspectors from each Neighbourhood Policing Unit report back on, amongst other statistics; their number of repeat stop and searches; juvenile strip searches; and the proportion of searches that have happened in impact areas. Due to participation in these meetings and raising concerns about juvenile strip searches that occur as a result of a stop and search (under PACE Code A), WMP policy has been changed so that now the authorisation of a Chief Inspector will be needed before a juvenile strip search under PACE Code A is carried out.
26. A Regional Disproportionality Committee has been set up working across the West Midlands including our regional OPCC partners West Mercia, Staffordshire and Warwickshire. The Committee is currently chaired by the DCEX of the OPCC and there are a number of key areas of work taking place including:
- A deep dive into disparity in the youth justice system across the West Midlands
  - Anti-racist practice training across the criminal justice agencies on the Committee
  - Development of a lived experience panel that can be used across the agencies on the Committee
  - Deep dives into stop and search, out of court disposals, reoffending and enforcement
  - Looking at representation in the Criminal Justice System and what agencies are doing to respond to this issue.
27. We are also part of the West Midlands Combined Authority Race Equalities Taskforce, leading on the criminal justices strand. It has a vision to ensure that in the West Midlands, ethnic background is an asset not an obstacle in having a fair start, a decent job and a flourishing life. The focus is on improving equality of opportunity, looking at the extent to which different ethnic groups (including White groups) experience different social and economic outcomes. The Taskforce is developing policy solutions in areas which the WMCA has roles and responsibilities in delivering, enabling and influencing, including jobs and the economy; education and skills; transport and connectivity; housing and homelessness; health and wellbeing; and is directly linking into the existing work in progress within the Criminal Justice System under the leadership of the Police and Crime Commissioner.
28. The PCC is responsible for ensuring there is an Independent Custody Visiting (ICV) scheme in place across the West Midlands, through which volunteer members of the public attend police custody centres unannounced, to inspect conditions, ensure that detainees are being treated in accordance with their right, observe, comment and report on the treatment and welfare of people held in police custody. This monitoring must focus on discriminatory practices, and where found, hold police forces to account effectively to ensure those practices are stopped. It was originally introduced in response to one of Lord Scarman's recommendations. We will work with custody visitors to increase their role within the process, however there is still work to do to ensure that ICV's better represent the demographics of the people detained in police custody. It is important that custody visiting practices are inclusive and can be responsive to the diverse needs of detainees who come from many different racial backgrounds. We are currently in the process of recruiting a Safer Detention Officer

whose responsibility it will be to ensure that the ICV service that we provide in the West Midlands is fit for purpose.

29. ICV's have the ability to influence change; the most noted example is that the Police and Criminal Evidence Act 1984 codes of practice now includes an entitlement for women and girls in police custody to be proactively offered menstrual products. This was a result of repeated concerns from custody visitors about the lack of menstrual products for detainees who have periods. This led to the ICV Association running a national campaign on detainees' access to menstrual care, which resulted in a change in practice. Another example is investigations into the growing number of strip-searches of Black children in police custody; women having access to female staff; and detainees with family overseas being able to make international calls. This is a process to look at further. We need to ensure consistency across the scheme and ensure that ICV's feel able to identify, challenge and raise issues of concern.
30. We recognise that engagement is key to the success of the work taking place, with the recognition of the importance of delivering public services in a way that is responsive to the needs of communities. The PCC has a statutory duty to engage; the role of the PCC is to work with other services to ensure the safety of the community and deliver effective criminal justice. This involves listening to people and taking their views on the issues that affect them in their community, as well as hearing the good practice and ideas for improvement. Engaging the black community, and securing their involvement and understanding of the developing work, is critical. The OPCC is therefore working on the Fairness and Belonging Engagement Plan, to be delivered in partnership with West Midlands Police.
31. This programme is not about asking what the problem is, that question has been asked many times; this is about solutions. We want to work with communities to understand how we make change to challenge behaviours and increase trust and confidence. This will be led by APCC Tom McNeil who is keen to engage, challenge and find solutions. A well-informed community is much more likely to have increased trust and confidence in the police and to be supportive of measures and initiatives which seek to reduce crime and anti-social behaviour. Equally, by giving the public and stakeholders a genuine opportunity to shape and influence policing and community safety priorities, service delivery can only improve.
32. The Engagement strategy will be underpinned by the following principles:
  - The OPCC will work in partnership with WMP, identifying areas for targeted engagement
  - We will employ a range of consultation methods to include face to face meetings, workshops, an online information and feedback site on the PCC website to ensure written contributions can be made; focus groups and other ways to be identified.
  - The OPCC will also work in partnership with local authority colleagues such as the Heads of Community Safety, recognising that they too have consultation responsibilities and structures and forums that we may be able to utilise.
  - This programme will lead to a plan of activity, working with communities to deliver solutions.



33. Areas up for discussion include; better use of police powers, protecting young people, working together to make our communities feel safer, improving our community engagement structures, a police service that better represents and understands its communities, increasing the number of police officer recruits from under-represented communities, ensuring communities are a part of police learning and development, and holding the police to account for what they do, and supporting community scrutiny of local policing – among others. We will use this engagement mechanism to build ongoing scrutiny process by feeding back to the community at an event in September 2023, and quarterly meetings with the community on an on-going basis to update on progress.
34. The PCC is committed to leading by example by making the OPCC an anti-racist organisation. The Equality Act 2010 and the public sector equality duty are also fundamental to the work of the PCC. We have introduced wider use of Equality Impact Assessments within the OPCC and also by West Midlands Police to inform decision-making and project development.
35. Our own recruitment processes within the OPCC including the appointment of Board members, recruitment of volunteers and other contractors are designed to attract and appoint a diverse range of people reflecting the West Midlands. 33% of staff within the OPCC are from ethnic minority backgrounds.
36. We are also continuing an organisation wide anti-racist training programme that addresses how to deal with issues relating to racism and how to develop and promote anti-racist practice. In addition to that, all staff within the OPCC have undergone training around trauma informed practice and becoming a trauma informed organisation. This is part of an ongoing core training offer that also includes safeguarding, ending male violence and we are also developing a coaching and mentoring offer for all staff.
37. In December 2021, the OPCC received the [Karl George Race Code](#) accreditation. This accreditation is significant in that it evidences the work that we have been doing to create transformational, sustainable and lasting change, in order to achieve a competitive and truly diverse board and organisational senior leadership team. This involved external scrutiny of our structures, governance and accountability processes, and outcomes and we continue to scrutinise our policies on an ongoing basis.

### **Recruitment and fair representation Recruitment and Outreach**

38. The aim of West Midlands Police is to increase Black, Asian and Minority Ethnic officers within WMP therefore they are offering a variety of initiatives across attraction, retention and progression to help achieve this aim. The original target was 1000 officers of 2800 officers that were allocated to West Midlands as part of Uplift.
39. Since January 2018, the Force representation of Ethnic Minority Groups has risen year on year with a proportionate total increase of over 37% in the five-year period.

Representation across all staff types has increased over the last 12 months, as shown in Table 2 below.

| Ethnic Minority Group % |               |               |               |               |               |               |
|-------------------------|---------------|---------------|---------------|---------------|---------------|---------------|
| Staff Type              | Dec-22        | Jan-22        | Jan-21        | Jan-20        | Jan-19        | Jan-18        |
| Police Officer          | 13.70%        | 12.90%        | 11.90%        | 11.00%        | 10.50%        | 9.60%         |
| Police Staff            | 17.70%        | 17.10%        | 16.00%        | 15.30%        | 13.70%        | 13.10%        |
| PCSO                    | 11.70%        | 11.10%        | 12.20%        | 13.60%        | 13.70%        | 12.60%        |
| Specials                | 29.20%        | 27.20%        | 30.00%        | 29.10%        | 27.00%        | 27.20%        |
| <b>Force Total</b>      | <b>15.30%</b> | <b>14.60%</b> | <b>13.70%</b> | <b>12.90%</b> | <b>11.90%</b> | <b>11.10%</b> |

Table 2 - Ethnic Minority Group % per month

40. Table 3 shows that within the Police Officer overall position, all ranks except Chief Superintendent have increased representation over the period. The Inspector rank is the only rank that has shown a reduction over the last 12 months. This is due to leavers from that rank and the absence of a promotion process (at this rank) this year due to the Commonwealth Games.

| Ethnic Minority Group %     |              |              |              |              |              |             |
|-----------------------------|--------------|--------------|--------------|--------------|--------------|-------------|
| Rank                        | Dec-22       | Jan-22       | Jan-21       | Jan-20       | Jan-19       | Jan-18      |
| Chief Officer               | 25.0%        | 20.0%        | 16.7%        | 0.0%         | 0.0%         | 0.0%        |
| Chief Superintendent        | 4.2%         | 3.8%         | 0.0%         | 5.0%         | 9.1%         | 10.5%       |
| Superintendent              | 6.5%         | 8.9%         | 7.4%         | 2.8%         | 0.0%         | 0.0%        |
| Chief Inspector             | 19.7%        | 14.9%        | 8.3%         | 10.4%        | 5.5%         | 6.5%        |
| Inspector                   | 11.9%        | 13.2%        | 11.0%        | 12.2%        | 10.9%        | 8.9%        |
| Sergeant                    | 12.1%        | 11.9%        | 11.8%        | 11.3%        | 11.1%        | 10.0%       |
| Constable                   | 14.1%        | 13.1%        | 12.1%        | 11.0%        | 10.5%        | 9.6%        |
| <b>Police Officer Total</b> | <b>13.7%</b> | <b>12.9%</b> | <b>11.9%</b> | <b>11.0%</b> | <b>10.5%</b> | <b>9.6%</b> |

Table 3 - Ethnic Minority Group % per rank (Police Officers)

41. Within the staff overall position representation has increased across all grades over the period apart from Chief Officer which has reduced, although it is a very small population. Table 4 illustrates the largest increase in representation can be seen at Band-B and Band-M grades with Band-B increasing by 8.2% and Band-M increasing by 7.2%.

| Ethnic Minority Group % |        |        |        |        |        |        |
|-------------------------|--------|--------|--------|--------|--------|--------|
| Grade                   | Dec-22 | Jan-22 | Jan-21 | Jan-20 | Jan-19 | Jan-18 |
| Chief Officer           | 20.0%  | 16.7%  | 16.7%  | 0.0%   | 33.3%  | 50.0%  |
| M-Band                  | 11.2%  | 12.2%  | 10.4%  | 11.2%  | 5.6%   | 4.0%   |
| Band-E                  | 15.3%  | 13.9%  | 13.9%  | 12.8%  | 13.2%  | 10.3%  |
| Band-D                  | 15.8%  | 14.6%  | 13.6%  | 13.0%  | 10.5%  | 9.4%   |

|                        |              |              |              |              |              |              |
|------------------------|--------------|--------------|--------------|--------------|--------------|--------------|
| <b>Band-C</b>          | 18.2%        | 17.8%        | 17.2%        | 15.9%        | 14.2%        | 14.0%        |
| <b>Band-B</b>          | 25.6%        | 27.5%        | 21.7%        | 21.3%        | 20.5%        | 17.4%        |
| <b>Band-A</b>          | 19.4%        | 15.3%        | 13.5%        | 13.8%        | 14.9%        | 13.6%        |
| <b>Local Agreement</b> | 5.0%         | 8.0%         | 8.0%         | 9.1%         | 4.8%         | 4.8%         |
| <b>Total</b>           | <b>17.7%</b> | <b>17.1%</b> | <b>16.0%</b> | <b>15.3%</b> | <b>13.7%</b> | <b>13.1%</b> |

Table 4 - Ethnic Minority Group % per grade (Police Staff + OPCC)

42. The breakdown of the portfolios within the Force by ethnicity and sex shows that the Executive Team and Enabling Services Directorates have the highest proportion of ethnic minority colleagues. Across the operational portfolios Local Policing has the highest level of ethnicity representation, whilst the Crime portfolio has the highest proportion of females, as illustrated in Table 5 below.

| Portfolio                         | Ethnic Minority Groups | Female       |
|-----------------------------------|------------------------|--------------|
| Operations Portfolio              | 13.6%                  | 36.3%        |
| Crime Portfolio                   | 14.9%                  | 51.7%        |
| Local Policing Portfolio          | 16.3%                  | 38.8%        |
| Security Portfolio                | 13.0%                  | 40.7%        |
| Commercial Services Directorate   | 19.8%                  | 50.6%        |
| People & Organisation Directorate | 20.0%                  | 61.6%        |
| Other                             | 14.9%                  | 45.2%        |
| DCC Portfolio                     | 19.0%                  | 57.3%        |
| Executive + OPCC                  | 22.2%                  | 55.6%        |
| <b>Grand Total</b>                | <b>15.2%</b>           | <b>44.0%</b> |

Table 5 - Ethnic Minority Group % by Portfolio + OPCC

43. Reflecting the higher representation levels in the Local Policing portfolio the Neighbourhood Policing role has the highest proportion of Officers from an ethnic minority background amongst the selected specialist roles, detailed in Table 6. Similarly, the proportion of Detective/Investigatory roles undertaken is high and mirrors the high representation levels in the Crime and Security portfolios. Both Firearms and Traffic/Motorway Officer roles are under-represented by females and Officers with an ethnic minority background.

44. Work is underway to expedite Officers into these two areas from both the PCDA and DHEP student entry routes through talent identification and the new Professional Policing Degree (PPD) entry route which offers an Operations career pathway. An investigative career pathway is also offered through the PPD entry route to provide additional resource for complex crime areas in the future.

| Role             | Ethnic Minority Groups | Female |
|------------------|------------------------|--------|
| Response Officer | 14.0%                  | 33.5%  |

|   |       |       |
|---|-------|-------|
| Neighbourhood Policing Officer              | 19.4% | 36.5% |
| Firearms Officer                            | 11.0% | 2.6%  |
| Detective Constable / Investigation Officer | 15.0% | 45.7% |
| Force Support Officer                       | 11.8% | 23.1% |
| Force Traffic / Motorway Officer            | 10.9% | 14.9% |
| Surveillance Officer                        | 24.6% | 14.0% |

*Table 6 - Ethnic Minority Group % by role*

## **Digital attraction**

45. The digital attraction strategy focuses on attracting a more diverse pool of candidates, specifically focusing on ethnic minorities and females. The approach has been underpinned by targeted social media campaigns such as 'ad smart' which allows us to engage underrepresented groups on different social media platforms, through demographic data and geofencing. This includes YouTube, Spotify, Facebook and Instagram.
46. The relationship between policing and young black people is often strained and policing is rarely considered a positive career choice. Over the course of a year, WMP have partnered with a series of creators and influencers on social media to listen to how young black people feel about policing and to involve them in conversations about how to change policing for the future. The intent is also to showcase career paths and a range of opportunities to get involved with policing. From street interviews to panel sessions, from podcasts to music chat, the project aims to reach young Gen Z black people who currently don't follow WMP on social media or have any involvement. This is an attempt to try things differently, to reach out to young black people whose experiences and inherited views of policing can be far from positive. This project reaches out to the young black community on the channels and accounts that they follow and trust in order to start a conversation, show that we are listening and involve them in shaping the solution of how to change policing for the future.
47. WMP recruitment team are working closely with student associations at local colleges and universities to help build relationships with underrepresented groups. Recent recruitment from Professional Policing Degree (PPD) holders during a recent campaign has provided successful assessments from 20% ethnic minorities and 80% females.

## **Widening Representation and qualifications**

48. The Police Constable Degree Apprenticeship (PCDA) requires Level 3 qualifications worth 64 UCAS points plus Level 2 Maths and English qualifications. We appreciate that not everyone has the educational requirements to join as a police officer so WMP has investigated initiatives to widen representation both with our University delivery partner (Staffordshire) and local training providers.

49. For those without Level 2 Maths or English qualifications, we signpost candidates to a local training provider who can offer fully funded qualifications via distance learning. This is useful particularly for those who may have English as a Second Language (ESOL) qualifications which are not recognised by the Education and Skills Funding Agency (ESFA) for an apprenticeship or those who may already be in employment where attending college in person is not practical.
50. For those holding Level 3 qualifications, but have less than the required 64 points, Staffordshire University offer WMP 30 places on their Step-Up programme which is designed to quickly bridge the academic gap to prepare for a degree level programme. This is delivered by Staffordshire University via distance learning, so is accessible from the WMP region.
51. By offering Recognition of Prior Experiential Learning (RPEL), we are opening opportunities to current police staff and external candidates previous military experience, utilising their skills and experience to be accredited against academic equivalency by delivering a piece of written work which is assessed by the University. RPEL is a recent introduction with the aim of widening participation and results are in early stages, but this is a good alternative opportunity for those to gain the required eligibility criteria to apply via the PCDA entry route.

### **Discovery Sessions**

52. Discovery Sessions have been offered to candidates prior to making a police application. This provides an opportunity for candidates to ask questions and understand more of the role of a student police officer. Whilst these are available to all interested candidates, there is a view to hold specific discovery sessions for underrepresented groups to discuss concerns and worries they may have about a career in policing. This opportunity will help dispel myths and break down barriers. Support from the outreach team and staff associations can provide reassurance, guidance and encouragement. Applicants from underrepresented groups (ethnic minority candidates, females, those who declare they have a disability and those who identify as LGBTQ+) are offered pre-assessment group workshops which covers an outline of the Police Officer Online Assessment Centre and Competency Values Framework (CVF). The workshops are developed to build confidence in individuals and engage them through their recruitment journey. Following the workshop, all candidates are offered further one to one support.
53. To ensure fairness and consistency in recruitment processes, all staff involved in the recruitment process will undertake diversity and inclusion training to ensure they understand protected characteristics. We aim to have diverse assessment panels in interviews and actively encourage our staff networks to be involved in recruitment processes, as assessors or quality assurers. The Police Officer Online Assessment Centre is assessed by College of Policing assessors and any adverse impact is monitored closely.

### **Retention**

54. WMP has a number of family friendly policies in operation which provide colleagues the opportunity to balance their work and home life, increasing satisfaction, engagement and retention. The flexible working policy allows officers and staff to apply to work flexibly to accommodate their personal circumstances, such as childcare, caring requirements and family commitments, requests are supported within operational requirements. Other family friendly policies include the provision of enhanced maternity and adoption support leave, along with a supportive special leave policy to facilitate time off in a range of circumstances. They are making a number of improvements to their family friendly policies, including specific support around baby loss and additional support for colleagues going through a journey to adopt. They also have a Force Wellbeing strategy which serves to create an environment that invests in, values, and improves the health and wellbeing of our people. Within this offering is a comprehensive clinical service, including access to an Occupational Health advisory, Physiotherapy and Counselling Services along with a responsive Employee Assistance Programme (EAP) which is available 24/7. There is significant focus on trauma support for colleagues who are exposed to traumatic incidents and its aim is to build resilience, along with a holistic wellbeing offer of proactive and engaging campaigns for colleagues to access.
55. WMP also have a retention interview scheme whereby if an individual submits their resignation, support will be offered in an effort to retain the member of staff and to ensure the full range of support is available.
56. The Future Supers programme, delivered in conjunction with the Police Superintendent Association is for Inspectors and Chief Inspectors from underrepresented groups who will be ready for promotion in the next 12 to 18 months and would benefit from support to assist them on their career path to the next ranks. In 2021, WMP supported 22 candidates through the programme who were all from a Black, Asian or minority ethnic background. Five of these have been promoted since being on the programme. In 2022, we are currently supporting 34 candidates through the programme, from all underrepresented groups.
57. WMP partner with Red Snapper Group (RSG) to deliver 50 places per year for external exam mentoring, for those who are from under-represented groups looking to move to the Sergeant or Inspector rank or take the National Investigators Exam (NIE) to become a Detective. This is specific one to one mentoring and revision support over a period of six months.
58. Women in Policing forums were created in 2020 to provide a dedicated and passionate response to promotions and development for our female officers. The ambition is to assist female police officers and staff to have the confidence in progressing in their role, to develop and support the individual in becoming our future senior leaders.
59. WMP are currently reviewing the promotions processes to make improvements. As part of this review they will introduce more diverse assessment panels and ensure all assessors attend diversity and inclusion training. They will also introduce the best practice of benchmarking their assessments to ensure consistency in assessment and assessors.

## **Training and cultural competence**

60. 2022 has seen the rollout of the 'Moral Courage' learning programme which feeds directly from the Belonging section of the WMP Leadership Framework. The content meets the competencies of Inclusive Leadership, Building Trust and Engagement. The Moral Courage Programme will ultimately be available for the whole organisation and is being rolled out in a phased approach:
- Stage 1: Mandatory Blended Learning Programme for ALL First Line Leaders (Launched May, will be complete by November 2022)
  - Stage 2: Moral Courage XXL for Senior Leaders delivered July 2022
  - Stage 3: Online package available for all employees complete by December 2022
61. Content will be delivered across three topic areas relevant to the current needs around creating the right team environment, behaving as a role model, and the skills required to lead inclusively and challenge behaviours contrary to this. The programme is being evaluated and has longer term behaviour driven activities following the programme itself including a schedule of guided reflection. The Passport to Management training has also been refreshed this year. This is delivered to all newly promoted First Line Leaders and includes a subject matter expert led session titled Championing Fairness. This ensures all our First Line Leaders have the necessary skills to lead fairly and increase belonging within the Force.

## **Learning from our History**

62. WMP is currently developing a new program to upskill officers' understanding of the relationship between communities and the police. This program was initially developed from the work of a now retired police officer who completed a Masters degree dissertation on the impact of history when interacting with Black communities. Her initial pilot consisted of training on Black history and police officer behaviours. This has now moved on to be a Fairness and Belonging priority and there are three distinct products which are being developed using the support of an internal stakeholder group and the Diversity and Inclusion Community reference group. The products will be:
- Student officer training
  - new police staff training and
  - experienced police officer training.

## **Treating our people fairly, management, leadership, complaints and misconduct**

63. In order to understand disproportionality in processes, it is important that data is accurate at source. Professional Standards Department data is captured and in the last twelve months all PSD staff have undergone refresher training on the use of data input which is starting to provide much richer data to inform our approach. PSD now have a monthly performance meeting and disproportionality data across all functions is examined. This data is examined with the staff stakeholder engagement group and the PSD Independent Advisory group on a bi-monthly basis. Where disproportionality is seen, extra scrutiny is put in place such as IAG deep dives, providing independent reviews of the decision making and evaluation of the data to improve processes.

64. The vetting team continue to use the specialist knowledge of subject matter experts, the positive action team and the diversity team when considering their decisions to ensure they make decisions with relevant cultural competence. All cases of discrimination are highlighted. Matters of discrimination are flagged and are subject to mandatory referral to the IOPC providing further independent oversight. The introduction of ongoing departmental learning through scrutiny panels (PSD Appropriate Authorities) and proceeding debriefs at the conclusion of identified cases to enhance learning, identify opportunities, reflect on decision making and share with appropriate persons.
65. A review of the staff on the misconduct cadre identified a requirement for this cadre to be more diverse, as a result this has been expanded to enhance representation by introducing Chief Inspector/Police Staff equivalent to deliver on misconduct meetings, while ensuring appropriate and fair contributions and delivery take place by cadre individuals, to enhance timeliness of proceedings. Investment in ongoing professional development training days/sessions are being delivered to invest in knowledge and understanding of the important role performed and expected.
66. WMP have worked with the OPCC to transition the Fairness and Belonging Plan into the Fairness and Belonging Strategy and we have identified specific actions in the Police Race Action Plan which we will work together to progress. We are linking our actions under the Police Race Action Plan to the Race Equality Taskforce recently established by the West Midlands Combined Authority. WMP and OPCC represent Criminal Justice as a policy strand as part of the Taskforce. The work of the Diversity and Inclusion department places strong emphasis on compliance with the Public Sector Equality Duty under the Equality Act 2010. The Fairness and Belonging Strategy has a strategic objective to 'Build capability and resource to undertake routine Equality Assessments demonstrating due regard to the Equality Act 2010'. To achieve this, we have pledged to develop a culture of using Equality Assessments and created deliverables to develop a new easy-to-use Equality assessment form, toolkit, online portal for sharing best practice, investment in staff capability and a requirement for all new projects and policies to include equality assessments. WMP have also worked collaboratively with Professor Sharma from the University of Leicester to develop bespoke equality assessment training. To date, we have trained over 108 police officers and staff with many more training sessions booked.
67. The Diversity and Inclusion department are also designing a compliance framework. A police sergeant has been recruited to support this work to ensure our service users, whether that's a victim, witness or suspect are treated in line with expectations of the Equality Act 2010. The Diversity and Inclusion department members will develop mechanisms to assess whether our staff are acting accordingly or whether training is needed.
68. The new Fairness and Belonging strategy has a section which specifically looks at the Partnership strand of the work. There is now an emphasis to work with partners to better understand the causes of disparities where we collaborate. The Police Race Action plan is a national program jointly developed by the College of Policing and the National Police Chiefs Council. This plan has a number of actions for every force to



address. WMP is fully committed to delivering this plan and have already been identified as an 'Ice-breaker' force. This means we will actively champion our work to other forces highlighting best practice and our ambitions to succeed. WMP will recruit a manager who will be dedicated to deliver the plan and ensure timely updates both locally and nationally.

### **Public engagement on Fairness and Belonging**

69. The Diversity and Inclusion department have a strong relationship with Corporate Communications and have supported the Social Media Influencer pilot which is progressive work to help understand the perceptions of young black people through a variety of social media engagement. Regular meetings and contact with Engagement and Consultation Officers (ECOs) positioned within every NPU take place. Recently, they have supported the roll out of the Police Race Action Plan. They were briefed about the plan and asked to engage with community groups, key individual networks and independent advisory groups on this. The ECOs have been very supportive and regular meetings will continue to ensure they're up to date with the Diversity and Inclusion work. By utilising the networks already in place, the Diversity and Inclusion department will have ready 12 access to community police advocates and messages can be tailored appropriately to the locations and communities. The Diversity and Inclusion department has access to several community reference groups including the African Caribbean Community reference group who act as a critical friend for the specific work being completed on race. They will be a very important community group for advice and guidance on the Police Race Action Plan. WMP are also working in partnership with the OPCC on the Fairness and Belonging Action Plan.
70. The work above highlights a snapshot of the work taking place across the OPCC and WMP in relation to Fairness and Belonging.



# **Report to the West Midlands Police and Crime Panel Public Confidence Inquiry Theme: What does the Data Tell Us?**

**20 March 2023**

**Report of: Police and Crime Commissioner**

**Report author: Mark Kenyon, Chief Finance Officer**

## **1 Purpose**

- 1.1 To provide information to the Panel with their public confidence inquiry theme in relation to the data that is available and used by the Police and Crime Commissioner to hold West Midlands Police to account. This report also comments on the Police and Crime Plan objective to work with WMP to measure and analyse public confidence and satisfaction.

## **2 Background**

- 2.1 The Commissioner holds WMP to account through regular reports to the Strategic Policing and Crime Board (SPCB) on the delivery of areas of the police and crime plan. This includes particular sections of the plan and the reports include relevant data to support the performance in the area. In addition, the SPCB receives regular performance reports on the measures included in the police and crime plan. Also, the Commissioner receives specific briefings and reports on progress on particular areas of the police and crime plan. All this information provides an indication of the public's confidence in West Midlands Police.
- 2.2 Detailed in the following sections is data that is held across specific themes.

## **3 Rebuilding Community Policing**

- 3.1 The Commissioner's police and crime plan includes a target of 450 additional neighbourhood police officer to improve safety and security in the region by rebuilding community policing. We know that neighbourhood officers develop a deep understanding of the issues that can affect people's day to day lives, so that they can effectively prevent and tackle crime. At February 2023 the number of new neighbourhood officers was 256. Therefore the 450 target is well on its way to be achieved.

3.2 A report to the Strategic Policing and Crime Board in January 2023 available through the link below provides more detail on rebuilding community policing. The report provides commentary on community policing and data around the Change in Crime harm in each Impact Area from September 2021 to November 2022.

<https://www.westmidlands-pcc.gov.uk/wp-content/uploads/2023/01/SPCB-24.01.23-Agenda-Item-6-Rebuilding-Community-Policing.pdf?x62558>

#### 4 Ability to Contact the Force and the Citizens Charter

4.1 A report to the Strategic Policing and Crime Board in September 2022 on access to police services across WMP included important data in relation to the ability of the public to contact the Force. The report also provided information on the Citizens Charter.

4.2 The Citizens Charter was developed in partnership between the OPCC and WMP 2020. The Charter essentially outlines the standards that WMP intends to uphold whenever and wherever it deals with citizens. It acts as a guide both for employees and citizens, letting employees know what is expected of them, and informs citizens what to expect from WMP. The Charter replaces the former 'Contact Counts' handbook produced by WMP in 2014.

4.3 Further details on the Citizens Charter is available through WMP's website.

[Citizens Charter | West Midlands Police \(west-midlands.police.uk\)](https://www.west-midlands.police.uk)

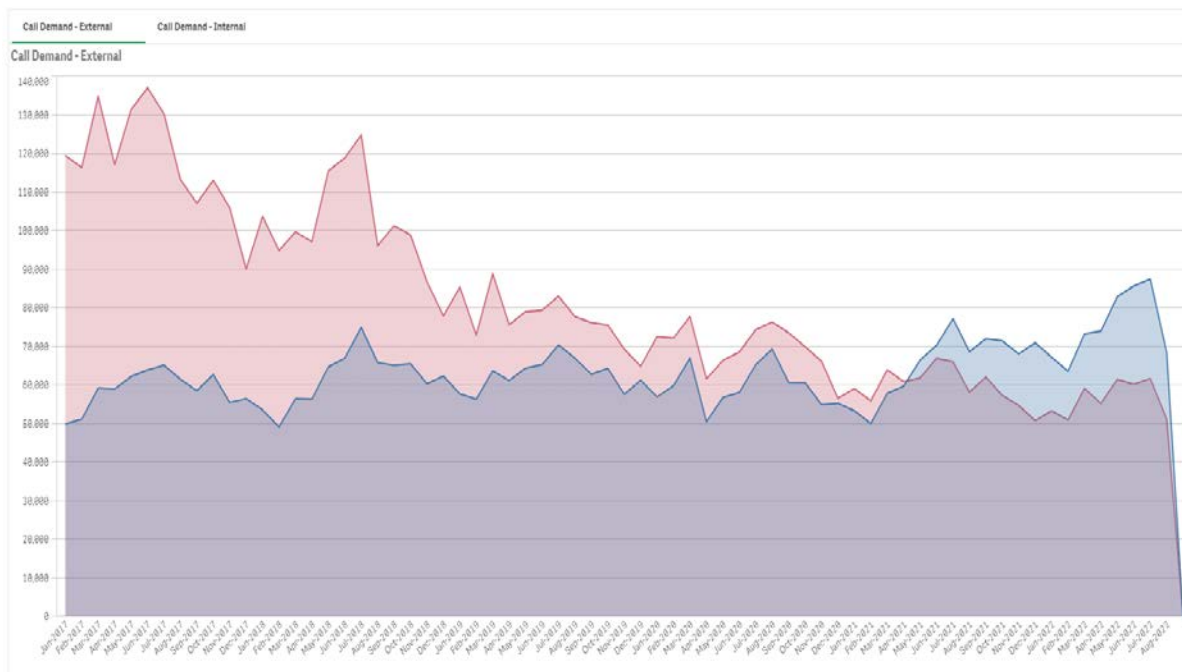
4.4 In addition to quantitative measures WMP measures 'how' it is performing against its promises in the Charter through SMS surveys sent to citizens that are dealt with by Force Contact, Force Response and Initial Investigations. The surveys ask a number of questions to measure satisfaction with the quality of the interaction they had with WMP. Feedback at July 2022 is shown in the table below by percentage of responses.



## Performance Data – Force Contact

- 4.5 The report to SPCB in September 2022 provided detailed data on the performance of Force contact. This included data on a rolling 12 month total from August 2021 to July 22, where data is taken from national data (<https://www.police.uk/your-area/police-scotland/performance/999-data-performance>). The Citizens Charter states that WMP will answer 999 calls within 10 seconds which is a national target and 101 calls with 3 minutes.
- 4.6 In relation to 999 calls, during the 12-month period to July 2022, WMP received 885,504 emergency calls for service. The nationally published data provided by BT regularly records WMP as receiving the 3<sup>rd</sup> highest volume of calls just behind Police Scotland. During this period the volumes of calls to the emergency number has surpassed the volumes to the non-emergency number, see chart below.

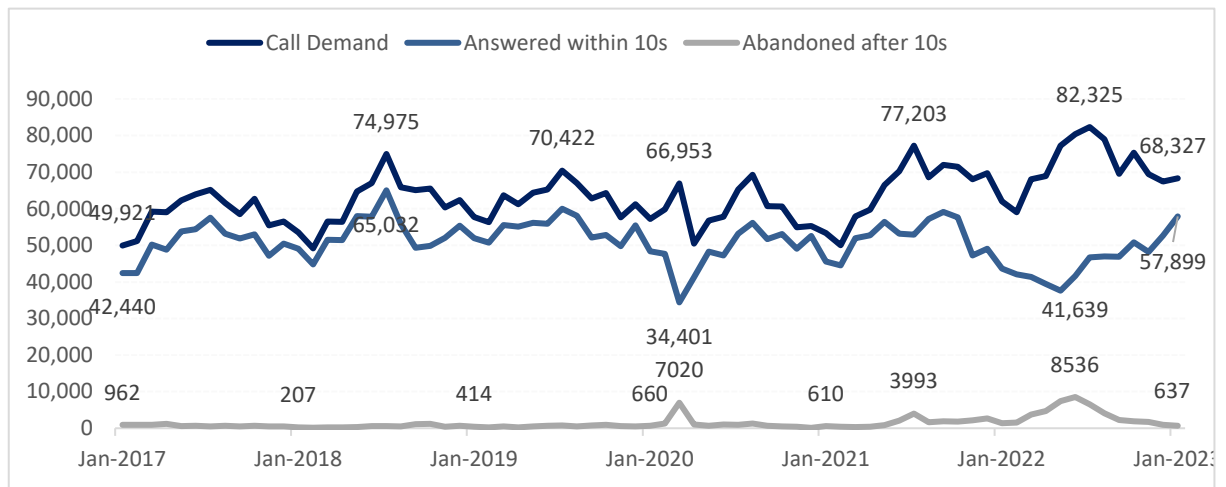
### Blue line emergency/Red line non-emergency



- 4.7 During this period WMP answered 66% of all calls to the emergency number within the SLA of 10 seconds. The national range for July 2022 was between 87% - 39%.
- 4.8 WMP have implemented an improvement plan across Force contact to increase the performance of the service. The report to panel in January 2023 provided high level detail in relation to the improvement plan. The chart below shows the number of emergency calls answered within 10 seconds and the overall call demand since January 2017 by month this does not include calls relating to the ambulance service. This shows the percentage of calls answered within 10 seconds has improved considerably since May 2022, with 85% of calls answered within 10 seconds in January 2023. Further information on the performance of

the 999 service is detailed in a table below. A significant reason for the increase in performance is more staffing resources allocated to Force contact.

### 999 Emergency Calls WMP January 2017 to January 2023



### 999 Emergency Calls WMP April 2022 to January 2023

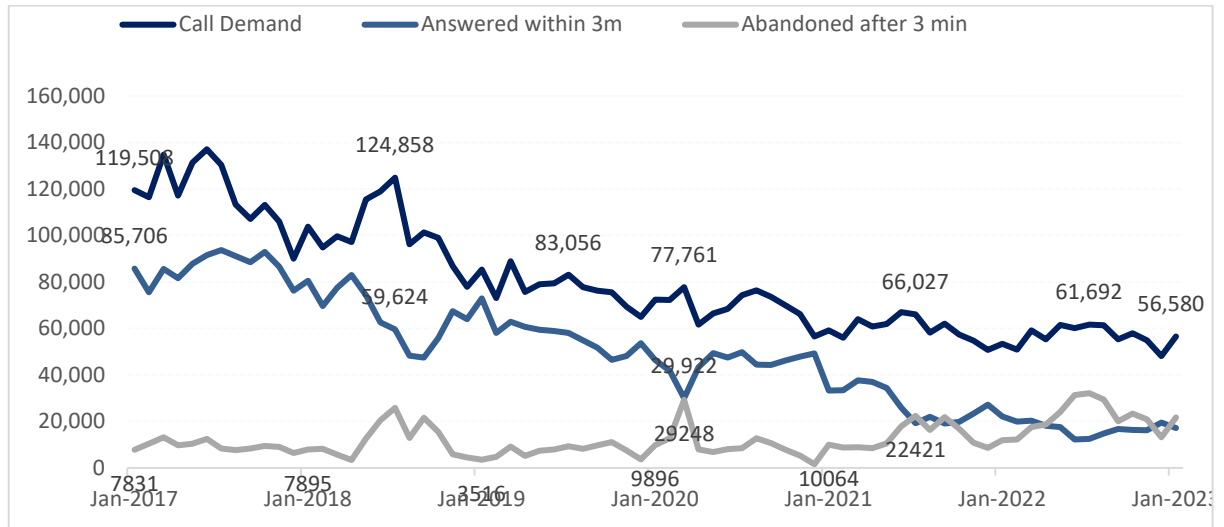
| Month        | Call Demand    | Calls Answered | Answered within 10s | Within SLA   | Abandoned     | % Abandoned |
|--------------|----------------|----------------|---------------------|--------------|---------------|-------------|
| Jan-2023     | 68,327         | 67,467         | 57,899              | 84.7%        | 860           | 1.3%        |
| Dec-2022     | 67,423         | 66,260         | 52,615              | 78.0%        | 1,163         | 1.7%        |
| Nov-2022     | 69,420         | 67,427         | 48,201              | 69.4%        | 1,993         | 2.9%        |
| Oct-2022     | 75,343         | 73,103         | 50,841              | 67.5%        | 2,240         | 3.0%        |
| Sep-2022     | 69,562         | 67,006         | 46,851              | 67.4%        | 2,556         | 3.7%        |
| Aug-2022     | 79,029         | 74,566         | 46,975              | 59.4%        | 4,463         | 5.6%        |
| Jul-2022     | 82,325         | 75,430         | 46,705              | 56.7%        | 6,895         | 8.4%        |
| Jun-2022     | 80,403         | 71,498         | 41,639              | 51.8%        | 8,905         | 11.1%       |
| May-2022     | 77,239         | 69,464         | 37,597              | 48.7%        | 7,775         | 10.1%       |
| Apr-2022     | 68,909         | 63,946         | 39,444              | 57.2%        | 4,963         | 7.2%        |
| <b>Total</b> | <b>737,980</b> | <b>696,167</b> | <b>468,767</b>      | <b>63.5%</b> | <b>41,813</b> | <b>5.7%</b> |

4.9 The report to SPCB in September 2022 detailed the performance of WMP’s 101 service. During the 12 months to July 2022, WMP received 685,157 non-emergency calls through the 101 service. During this period WMP answered 34% of all calls to non-emergency within the SLA of 3 minutes. During the 12 months 44% of non-emergency calls were abandoned 32% after SLA, the majority of these at peak times.

4.10 The demand on non-emergency changes significantly during week to weekend with weekdays being busier. Between 10:00-16:00 demand is at its highest on non-emergency. SLA performance is poorest between 17:00-21:00 when it is below 20% as staff are prioritised to emergency demand. The chart below shows the number of 101 calls answered within 3 minutes and the overall call

demand since January 2017. This shows the percentage of calls answered within 3 minutes has worsened over the years. Performance since April 2022 by month is detailed further in the table below.

### 101 Emergency Calls WMP January 2017 to January 2023



### 101 Calls WMP April 2022 to January 2023

| Month    | Call Demand | Calls Answered | Answered within 3m | Total Abandoned | Abandoned after 3 min | Within SLA |
|----------|-------------|----------------|--------------------|-----------------|-----------------------|------------|
| Jan-2023 | 56,580      | 27,704         | 17,230             | 28,876          | 21,652                | 30.5%      |
| Dec-2022 | 48,104      | 29,505         | 19,561             | 18,599          | 13,227                | 40.7%      |
| Nov-2022 | 54,945      | 26,456         | 16,170             | 28,489          | 20,874                | 29.4%      |
| Oct-2022 | 57,963      | 26,450         | 16,335             | 31,513          | 23,342                | 28.2%      |
| Sep-2022 | 55,351      | 27,324         | 16,683             | 28,027          | 20,061                | 30.1%      |
| Aug-2022 | 61,404      | 22,176         | 14,805             | 39,228          | 29,429                | 24.1%      |
| Jul-2022 | 61,692      | 19,768         | 12,484             | 41,924          | 32,152                | 20.2%      |
| Jun-2022 | 60,195      | 19,697         | 12,239             | 40,498          | 31,365                | 20.3%      |
| May-2022 | 61,511      | 28,870         | 17,529             | 32,641          | 24,058                | 28.5%      |
| Apr-2022 | 55,240      | 29,292         | 18,121             | 25,948          | 18,651                | 32.8%      |
| Total    | 572,985     | 257,242        | 161,157            | 315,743         | 234,811               | 28.1%      |

4.11 The Commissioner will continue to hold WMP to account in the delivery of the Force contact improvement plan to ensure the performance across all areas is increased.

## 5 A Representative Force

5.1 The Commissioner's police and crime plan commits to continuing to increase the number of police officers from under represented groups by 1,000 by 2025. This is to cover the period starting from the commencement of the police officer uplift programme. As at January 2023 the number of police officers appointed from

under represented groups was 451. The Commissioner will continue to work with WMP on the delivery of the 1,000 target.

## **6 Responding to Incidents**

6.1 A report to SPCB in November 2022 detailed WMP's performance in relation to responding to incidents. Please see link below.

<https://www.westmidlands-pcc.gov.uk/wp-content/uploads/2022/11/SPCB-22.11.22-Agenda-Item-8-Responding-to-Incidents.pdf?x62558>

6.2 The current performance of West Midlands Police is below the performance target across priority call classification. The report provides an analysis of the position. In addition, the report details victims satisfaction data collected. This shows since February 2021 WMP have received 4,379 survey responses with 75% of respondents providing feedback against P1 incidents. Over this period, 81% have given a response of over 8 out of 10 in terms of being satisfied with the time taken to help giving a mean of 8.59 out of 10. The corresponding mean for P2 incidents is 8.28 out of 10.

## **7 Measuring & Improving Satisfaction**

7.1 There is no local data for the national measure since before the pandemic hit, however the previous Crime Survey for England and Wales sample showed West Midlands to be below the national average for perceptions that police do a good job. Please see the link below for the Crime Survey England and Wales.

[Crime Survey for England and Wales \(CSEW\) estimates of personal and household crime, anti-social behaviour, and public perceptions, by police force area, year ending September 2022 - Office for National Statistics](#)

7.2 Following the pilot of an SMS survey in late 2020 the citizen satisfaction project has embedded the SMS survey into Force Contact and Force Response as detailed already in this report since February 2021, giving an increased voice to the public about the service they have received. The survey obtains real time service satisfaction from the public across a much wider range of police involvement that our previous surveys have been able to. Information from SMS surveys is segmented against multiple factors, including incident type, caller demographics, location, day of the week, time of the day and down to team and individual level in order to gain insight, learn, develop and reward. The survey is reviewed regularly to learn further and make any necessary adjustments and explore long term impacts.

7.3 At February 2023 WMP have received 14,139 completed surveys (approx. completion rate 10%) over the last 12 months, the results showed 67% of respondents giving an 8 out of 10 score or higher to the question focusing on whether WMP helped with their issue.

- 7.4 SMS Survey responses provide information on demographic data including protected characteristics. In terms of ethnicity, 75.4% of respondents were White and 20.3%, 12.4% were Asian, 4.7% were Black and 3.1% were Mixed (3.1% preferred not to say and 1.2% were 'Other').
- 7.5 The SMS Survey Results indicated that some of the key areas where this is low satisfaction include:
- Force Contact – Time Taken to deal with call
  - ASB Incidents – expectation for support in non-policing matters
  - Delays in receiving a crime reference number
  - Frustration with being signposted elsewhere – e.g. concerning issues that the police can't deal with such as abandoned vehicles.
- 7.6 Domestic abuse – victim satisfaction survey – Domestic Abuse isn't surveyed through SMS Survey because of the risks associated so a separate survey was introduced for victims of Domestic Abuse who were identified as safe to deal with via telephone (T3 Pilot). Respondents were asked how happy they were overall with the service and the % of respondents that rated the service a score of 8 or more was around 69% compared to only around 43% of non-DA victims. It was found that 30% of DA Victims would have preferred face to face visits compared to 22% of non-DA victims.
- 7.7 A pilot is currently underway to understand satisfaction with service surveying people after they have been subject of a stop and search. A quick response (QR) code is used to capture feedback of individuals subject to stop & search which individuals take away to fill in; this has also been trialled in a similar format in Custody. In the first two months 98 responses have been recorded from people who have been subject of a stop and search, which is approximately 2% of all stop and search undertaken in this period. 80% of respondents stated they felt the police officer acted fairly and 82% said the reasons for search were explained.
- 7.8 Victims in impact areas are surveyed in relation to the service they receive from WMP. The survey is conducted via WMNow, WMP Facebook & Twitter and QR codes on posters. Based on 4,551 responses, when asked 'how do you rate your local police?' - approximately 30% of respondents said good/very good; 28% said poor/very poor; 29.7% said neither good nor poor and 7.4% said they don't know. There is a perception that police are not interested in tackling low level crime and the visibility of policing is a key driver of satisfaction / dissatisfaction.

## **8 Continuing to Measure and Analyse Public Confidence and Satisfaction**



- 8.1 The Commissioner will continue to hold the Force to account for areas detailed in this report. This includes SMS surveys when contact is made with WMP for services.
- 8.2 In addition, the OPCC will continue to work with West Midlands Police in capturing the public voice and in understanding what matters to our communities and how we can improve their experience.
- 8.3 The difficulty historically has been in reaching all communities of the West Midlands for their views on policing. The OPCC would like WMP to:
- a) Develop a public attitudes survey which can be used to measure confidence locally.
  - b) Consider what options there are for commissioning research organisations in obtaining a sample of respondents who a representative of the West Midlands.
- 8.4 We are also considering what co-commissioning options there may be, whether through joint surveys with CSPs or a joint policing and ASB on public transport survey with the WMCA.
- 8.5 Once the survey has been developed, we will also reach out to partner organisations in order to increase the response rates from those who are more marginalised and also from those recipients of commissioned services.
- 8.6 As detailed in this report WMP have identified some key drivers of low satisfaction across Force Contact and Force response. Changes in the Forces operating model and specific improvement plans will help improve performance in these areas.

## **9 Recommendations**

- 9.1 The panel are asked to the note the content of this report.

## **10 Finance Implications**

- 10.1 None directly arising from this report.

## **11 Legal Implications**

- 11.1 None directly arising from this report.

## **12 Equalities Implications**

- 12.1 None directly arising from this report.

# Report to the West Midlands Police and Crime Panel - West Midlands Police and Crime Panel Expenditure 2022/23 and Budget 2023-24

Date: 20 March 2023

Report of: Kevin O'Keefe, Chief Executive Dudley MBC, Lead Officer of the  
West Midlands Police and Crime Panel

Report author: Amelia Wiltshire, Overview and Scrutiny Manager, Birmingham City  
Council

Email: [amelia.wiltshire@birmingham.gov.uk](mailto:amelia.wiltshire@birmingham.gov.uk)

Phone: 07825 979253

## 1 Purpose

1.1 The West Midlands Police and Crime Panel accepted a grant from the Home Office to meet the costs of the Panel for the year 2022-23. This paper reports on costs for 2022-23 and sets out the forecast budget for 2023-24.

## 2 Recommendation

2.1 **The Panel is asked to note the expenditure for 2022-23 and to make any comments in relation to the forecast for 2023-24.**

## 3 Background

3.1 In establishing Police and Crime Panels, the Home Office agreed that a limited grant would be provided to each Local Authority acting as the Host Authority (in providing the administrative support and management and maintaining the Police and Crime Panel). In the West Midlands, this is Birmingham City Council.

3.2 The Panel's Arrangements, agreed with the Home Office in July 2013, stated that:

*The annual costs associated with the operation, organisation and administration of the Panel shall be offset by the Home Office grant to be managed by the Host Authority. All of the relevant costs incurred by the Host Authority in connection with the work of the Panel shall be met from the funding allocated by the Home Office unless the Authorities agree otherwise. The Host Authority shall monitor all expenditure incurred and make provision for an annual report.*

## **4 Home Office Grant and Expenditure 2022-23**

- 4.1 The maximum amount which can be claimed from the Home Office in the financial year 2022-23 is £66,180.
- 4.2 Appendix 1 outlines a total expenditure of £62,246.30 in the financial year, 2022-23, and provides a breakdown of this expenditure. Birmingham City Council is submitting a claim for this expenditure.

## **5 Home Office Grant and Proposed Expenditure 2023/24**

- 5.1 Notification of the Home Office grant for 2023/24 has not yet been received but is expected to be in line with previous years.
- 5.2 The proposed forecast expenditure for 2023/24 is outlined in Appendix 2.

## **6 Transparency**

- 6.1 Under the Home Office grant agreement, Police and Crime Panel's must "publish, as a minimum on their website, details of all their expenditure (or, where that is not possible, on the Host Authority's website)." This was introduced in 2016, and details are published on the website at: <http://www.westmidlandspcp.org.uk/info/1/committee/5/panel-funding-expenditure>

## **7 Ongoing Home Office Funding**

- 7.1 No commitment has been made for future years at this stage.

## **8 Finance Implications**

- 8.1 The administration and activities the West Midlands Police and Crime Panel is funded solely through an annual Home Office Grant. This grant is renewed on an annual basis but there is no commitment beyond 2023-24 at this stage.
- 8.2 The Home Office grant will be managed in accordance with Birmingham City Council's financial regulations, and in line with the grant agreement. Expenses relating to Members are managed in line with [Birmingham City Council's Member Expenses Scheme](#).

## **9 Legal Implications**

- 9.1 A Police and Crime Panel must be maintained to carry out scrutiny functions and responsibilities as set out in the [Police Reform and Social Responsibility Act 2011](#).
- 9.2 A Grant Agreement between Birmingham City Council (Host Authority) and the Secretary of State for the Home Department sets out the legally binding terms and conditions which apply to providing the grant and its use to maintain a Police and Crime Panel.

## **10 Equalities Implications**

10.1 The Panel has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:

10.1.1 eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;

10.1.2 advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

10.1.3 foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

10.2 There are no specific equalities implications arising from this report

## **11 Appendices**

11.1 Appendix 1 – Home Office Grant and Expenditure 2022-23

11.2 Appendix 2 – Home Office Grant and Expenditure 2023-24

## **12 Background Information**

- Police and Social Responsibility Act 2011
- Grant agreement between Secretary of State for the Home Department and Birmingham City Council for the Police and Crime Panel Grant for the 2022-23 financial year.

Item 11 Appendix 1 WMPCP Budget and Expenditure 20 Mar 2023

| Budget Category                | Spend (£)   |
|--------------------------------|---|
| Panel administration (1)       | 62,213.90   |
| Member Expenses (2)            | £32.40  |
| Panel Meeting Expenses (3)     | These expenses have been included as part of panel administration |
| Allowances (4)                 | 0   |
| <b>Total Home Office Claim</b> | <b>62,246.30</b>  |

**Notes on expenditure 2022/23:**

- (1) Panel Administration - Costs for panel administration include officer time and website maintenance. Some Panels have appointed a full-time officer to support the Panel; within Birmingham a number of officers have some involvement in the Panel, but none work on it full time. Support costs associated with the WMPCP website ([westmidlandspcp.org.uk](http://westmidlandspcp.org.uk)) is also supported by the grant.
- (2) Member Expenses - Members of the Panel can claim expenses in line with [Birmingham City Council's member expenses scheme](#), for travel, subsistence and childcare.
- (3) Panel Meeting Expenses - The grant also covers the cost of meeting rooms, refreshments, printing, and postage.
- (4) Allowances - In January 2013 the Panel agreed that Members would not use the Home Office grant to draw allowances for members of the Panel. A separate report on this Panel meeting agenda, reviews the future remuneration in respect of the co-opted independent panel members.

Item 11 Appendix 2 WMPCP Budget and Expenditure 20 Mar 2023

| <b>Budget Category</b>     | <b>Forecast spend (£)</b> |
|----------------------------|---------------------------|
| Panel administration (1)   | £50,000                   |
| Member Expenses (2)        | £2,000                    |
| Panel Meeting Expenses (3) | £4,000                    |
| Allowances (4)             | £2,160                    |
| Contingency (5)            | £8,020                    |
| <b>Total</b>               | <b>£66,180</b>            |

**Notes on proposed expenditure 2023-24**

- (1) Panel administration - Costs for panel administration include officer time and website maintenance. Some Panels have appointed a full-time officer to support the Panel; within Birmingham a number of officers have some involvement in the Panel, but none work on it full time. Support costs associated with the WMPCP website ([westmidlandspcp.org.uk](http://westmidlandspcp.org.uk)) is also supported by the grant.
- (2) Member Expenses - Members of the Panel can claim expenses in line with [Birmingham City Council's member expenses scheme](#), for travel, subsistence and childcare.
- (3) Panel Meeting Expenses - The grant also covers the cost of meeting rooms, refreshments, printing, and postage.
- (4) Allowances - The Panel is considering a review of allowances with a recommendation that £920 is paid to each independent panel member. On 6 February 2023, the Panel agreed to apply to the Secretary of State to appoint a total of three independent members, therefore an indicative total of £2,160 for allowances has been included on the 2023/24 budget table.
- (5) Contingency - Contingency funding is available for other expenses, including conferences, training, and development.

# Report to the West Midlands Police and Crime Panel – Police and Crime Panel Annual Complaints Monitoring – April 2022 – February 2023

Date: 20 March 2023

Report of: Kevin O’Keefe, Chief Executive Dudley MBC, Lead Officer of the  
West Midlands Police and Crime Panel

Report author: Amelia Wiltshire, Overview and Scrutiny Manager, Birmingham City  
Council

Email: amelia.wiltshire@birmingham.gov.uk

Phone: 07825 979253

## 1 Purpose

- 1.1 This report provides the West Midlands Police and Crime Panel with an update on the handling of complaints made against the West Midlands Police and Crime Commissioner (PCC). This report covers the period April 2022 – February 2023.

## 2 Recommendation

- 2.1 **That the information contained in the report be noted.**

## 3 Background

- 3.1 The Panel has a statutory responsibility under the [Elected Local Policing Bodies \(Complaints and Misconduct\) Regulations 2012](#) for handling complaints against the Police and Crime Commissioner. The Panel is responsible for recording and referring complaints alleging criminal conduct to the Independent Office for Police Conduct. Complaints regarding non-criminal behaviour are resolved by the Panel through an informal resolution process
- 3.2 In October 2012 the Panel approved its complaints procedure based on the Regulations and, following further guidance from the Home Office, agreed in January 2013 to delegate all complaint handling, recording of decisions and the brokering of informal resolutions to the Birmingham City Council Monitoring Officer. Birmingham City Council’s Scrutiny team supports the Monitoring Officer in this function.
- 3.3 In September 2013 the Panel updated its protocols for handling complaints to include the option to establish a Complaints Sub-Committee of Members of the Police and Crime Panel in cases where the Monitoring Officer deemed it the most appropriate method to resolve a complaint.

- 3.4 The Panel also agreed to an annual complaint monitoring report to update Members on the complaints that have been dealt with by the Monitoring Officer on its behalf. This report advises members on the number of complaints received and provides a summary of any actions taken. Details of the complaint, complainant and case files will remain confidential.

#### **4 The Panel's Complaints Procedure and Outcomes**

- 4.1 A copy of the Panel's Complaints procedure is attached as Appendix 1. The Panel's complaints procedure and an online complaint form is also available on the Panel website [www.westmidlandspcp.org.uk](http://www.westmidlandspcp.org.uk)
- 4.2 Each recorded non-criminal complaint against the PCC is subject to an 'informal resolution' process described in the Panel's complaints procedure. However, the regulations permit the Monitoring Officer to 'dis-apply' the informal resolution process, should the complaint fall into a number of categories outlined in the Regulations.
- 4.3 The remit of the Panel complaints procedure is limited to the personal conduct of the PCC. Whilst the PCC must monitor all complaints made about the West Midlands Police, and handle complaints against the Chief Constable, he has no remit or legal authority to act as an advocate for individuals, investigate individual cases or direct the Chief Constable on how to manage or respond to an individual complaint. Therefore, complaints about the PCC's failure to act in police complaints will generally not be recorded under the Panel's procedure.
- 4.4 The [Policing and Crime Act 2017](#) enhanced the role for PCCs in police complaints. There were no changes to the Panel's remit which continues to handle complaints about the conduct of PCC under the existing framework of [The Elected Local Policing Bodies \(Complaints and Misconduct\) Regulations 2012](#).
- 4.5 As such, it should be noted that the Panel has no remit to consider complaints about the PCC review of police complaints introduced under the Police and Crime Act 2017.
- 4.6 The Panel website and guidance makes it clear that the Panel cannot look at police complaints. However, the office continues to receive a number of police complaints and redirects these complainants to the West Midlands Police Professional Standards Department.

#### **5 Complaints about Panel Members**

- 5.1 In the absence of any provision or guidance regarding who should handle a complaint made against the Panel itself, it should be noted that each elected Panel Member is subject to their respective appointing Authority's Codes of Conduct. The two independent members of the Panel have adopted the Code of Conduct of the host authority (Birmingham).



## **6 Summary of Complaints Received April 2022 – February 2023**

6.1 Three complaints were received during the reporting period, and the actions taken by the Monitoring Officer are summarised below

- Complaint 1: not recorded /no further action on the grounds that the Panel is unable to resolve the matter without formal investigation. The complainant was referred to the Information Commissioner's Office as the appropriate body to consider the matter.
- Complaint 2: not recorded/ no further action on the grounds that the Panel is unable to consider a complaint relating to the handling or outcome of a police complaint review.
- Complaint 3: Not recorded/ no further action on the grounds that the matter does not relate to the personal conduct of the Commissioner.

## **7 Finance Implications**

7.1 The cost of administration of the Panel's Complaints Procedure are met by the Home Office Grant.

## **8 Legal Implications**

8.1 The Panel has a statutory responsibility under the [Elected Local Policing Bodies \(Complaints and Misconduct\) Regulations 2012](#) for handling complaints against the Police and Crime Commissioner

## **9 Equalities Implications**

9.1 The Panel has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2 There are no equalities implications arising from this report.

## **10 Appendices**

10.1 Appendix 1 – West Midlands Police and Crime Panel Complaints Procedure

## **11 Background Papers**

Report and Minutes from Police and Crime Panel 30 September 2013

Report and Minutes from Police and Crime Panel 19 January 2015

## **West Midlands Police and Crime Panel Complaints and Misconduct Procedure**

### **1.0 Introduction**

1.1 This procedure has been developed to ensure compliance with the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 (“the Regulations”) issued under the Police Reform and Social Responsibility Act 2011 (“the Act”). It set out the process and responsibilities for dealing with complaints about the conduct of the West Midlands Police and Crime Commissioner (PCC) and Deputy Police and Crime Commissioner (DPCC). Nothing in this procedure overrules the provisions of those Regulations.

### **2.0 Role of Panel under the Regulations**

2.1 The West Midlands Police and Crime Panel (“the Panel”) has a statutory responsibility under the Regulations for handling complaints regarding the non-criminal behaviour of the PCC and DPCC, and for informally resolving such complaints. In addition, the Panel is responsible for recording and referring Serious Complaints and Conduct Matters to the Independent Office for Police Conduct (IOPC) and dealing with any such complaints the IOPC refers back to the Panel.

2.2 There are separate procedures for complaints about operational policing matters, complaints about the Chief Constable and other police officers, and complaints about the PCC’s staff, Assistant PCCs and the Non-Executive Strategic Policing and Crime Board Members which are not covered in the Regulations and so are beyond the remit of the Panel. Further clarification on the remit of the Panel’s complaints procedure is set out in paragraph 5 below.

### **3.0 Powers Delegated to the Birmingham City Council Monitoring Officer**

3.1 In accordance with the Regulation s28(3), the Panel delegated responsibility for all complaint handling, recording decisions and the brokering of informal resolutions to the Birmingham City Council Monitoring Officer. Birmingham City Council is the Panel’s Host Authority. Any reference within this procedure or the Regulations to ‘the Panel’ should be read as ‘the Monitoring Officer acting on behalf of the Panel’.

3.2 The Monitoring Officer is supported in this function by Birmingham Scrutiny Office.

3.3 In practice it will be the Monitoring Officer who will make formal decisions on complaints under delegation from the Panel, but in exercising that function the Monitoring Officer and Scrutiny Office will work with the Chief Executive of West Midlands Office of the Police and Crime Commissioner to ensure that complaints received are correctly identified as being complaints which are subject to the Regulations, and other complaints (for example complaints about the PCC’s staff or the police force) are redirected as appropriate.

## 4.0 Key Definitions

4.1 The Regulations and the Act contain the following of key definitions:

A **“Complaint”** means a general complaint about the conduct of the PCC (or DPCC), whether or not that conduct is potentially criminal (*s31(1) (a) of the Act*).

**“Conduct”** includes acts, omissions, statements, and decisions (whether actual, alleged or informed) (*Reg. 2 (1)*).

**“Criminal Offence”** means any offence triable in England and Wales (*Reg. 2 (1)*).

A **“Recorded Complaint”** means a complaint that the Panel formally records because it has determined it is a complaint about the conduct of the PCC (or DPCC), and it is the correct Panel to handle it (*Reg.9 (5)*). The Panel will formally record the complaint by entry in the Recorded Complaints and Conduct Matters Register.

A **“Conduct Matter”** means a matter where there is an indication (whether from the circumstances or otherwise) that the PCC (or DPCC) may have committed a criminal offence (*s31 (1)(b) of the Act*), which comes to light other than via a complaint, e.g., a media report or legal proceedings (*See Home Office Guidance Note*).

A **“Serious Complaint”** means a complaint about the conduct of the PCC (or DPCC) which constitutes, involves, or appears to constitute or involve the commission of a criminal offence (*Paragraph 2 (6) Schedule 7 to the Act*). The Panel must notify the Independent Office for Police Conduct (IOPC) of a Serious Complaint.

## 5.0 Clarification on the remit of the Police and Crime Panel complaints procedure

5.1 The Panel handles complaints relating to the personal conduct of the PCC and DPCC in their Office for Policing and Crime capacities primarily, although complaints may extend to their conduct in their private or other public capacities.

## 6.0 Complaints Against West Midlands Police

6.1 West Midlands Police (WMP) is responsible for dealing with most complaints about the force and the conduct of police officers and staff, while the Independent Office for Police Conduct (IOPC) investigates the most serious complaints, incidents, and allegations of misconduct. Both deal with appeals from people who are not satisfied with the way their complaint has been dealt with.

- 6.2 The PCC's role is to ensure efficiency and effectiveness of the force. This includes oversight of the WMP complaints process: how WMP manages complaints, conduct and performance. The PCC role is set out in the Policing Protocol Order 2011 as being to "monitor complaints made against officers and staff [of WMP]"
- 6.3 The PCC fulfils the obligation in paragraph 6.2 through their Strategic Police and Crime Board (SPCB). The SPCB receives regular reports from the Chief Constable on the number of complaints about misconduct and corruption, the police disciplinary processes and outcomes, and the management of conduct matters.
- 6.4 The management of police complaints is an operational matter. Under the Police and Social Responsibility Act 2011 and the Policing Protocol Order 2011, the PCC cannot fetter the operational independence of the Chief Constable. The PCC has no remit to act as an advocate for individuals or to investigate individual cases. The PCC cannot direct the Chief Constable on how to manage an individual complaint.
- 6.5 The Panel therefore cannot consider complaints about the PCC's:
- (i) Intervention or lack of it into complaints against West Midlands Police, its police officers and staff;
  - (ii) failure to act as an advocate for an individual; or
  - (iii) failure to investigate a personal case.

## **7.0 Complaints against the Chief Constable**

- 7.1 The PCC is responsible for handling complaints against the Chief Constable. Such complaints are formally recorded by the PCC and serious allegations are referred to another police force to be investigated.
- 7.2 The Panel is not an appeals body for complaints against WMP or the Chief Constable and has no legal power to handle, investigate or order actions to be taken in such cases. Such complaints fall beyond the Panel's jurisdiction.

## **8.0 Complaints about the merits of a PCC decision or policy**

- 8.1 The Regulations and this complaints procedure do not cover complaints about the merits of a PCC decision, for example where somebody disagrees with a policy the PCC has introduced. Although complaints about whether a decision was taken properly and in accordance with procedures can be considered.
- 8.2 Concerns from the public about a particular policy is something the Panel should be aware of and reflect upon as it scrutinises the PCC's policies. However, these cannot be taken up through this complaint procedure.

## **9.0 Submitting a Complaint**

- 9.1 Complaints about the conduct of the PCC (or DPCC) should be sent in writing to: WMPCP, Scrutiny Office, Council House, Victoria Square, Birmingham, B1 1BB. Or by email: [wmpcp@birmingham.gov.uk](mailto:wmpcp@birmingham.gov.uk)
- 9.2 Complaints cannot be accepted via Twitter, Facebook, or telephone.
- 9.3 A Complaint Form has been developed to assist complainants set out the necessary information. This can be downloaded from the Panel's website [www.westmidlandspcp.co.uk/complaints](http://www.westmidlandspcp.co.uk/complaints) or emailed or posted out on request.
- 9.4 Complainants may wish to arrange for someone to act on their behalf, such as a friend or relative. However, written consent must be provided by the complainant before the Panel can discuss the case with them.
- 9.5 Where the Monitoring Officer considers that a complaint requires further information or detail to properly consider it under the Regulations, the complainant may be asked to provide such additional detail.

## **10.0 Direct complaints to the PCC and preservation of evidence**

- 10.1 The PCC must notify the Monitoring Officer of a complaint made to them no later than the end of the following working day writing via email to [wmpcp@birmingham.gov.uk](mailto:wmpcp@birmingham.gov.uk), and provide details of the steps they have taken to preserve such evidence, including its location and in whose custody it is in.
- 10.2 Where a complaint is made directly to the PCC, they must take all such steps as appear to them to be appropriate for obtaining and preserving evidence in relation to the conduct in question, both initially and from time to time after that. In discharging this duty, the PCC shall take such steps as a reasonable person would consider appropriate in the circumstances to obtain and preserve evidence, and in any event shall comply with any requests of the Panel.

## **11.0 Direct complaints to the Police and Crime Panel Members**

- 11.1 Any complaint addressed to an individual Panel Member should be immediately directed by the recipient to the Monitoring Officer via email to [wmpcp@birmingham.gov.uk](mailto:wmpcp@birmingham.gov.uk), along with any other available information that is relevant to the complaint, in accordance with the Regulations.

## **12.0 Direct complaints to the Police**

- 12.1 Where a complaint is made to the Chief Officer of Police, they have a duty to notify the Monitoring Officer in writing via email to [wmpcp@birmingham.gov.uk](mailto:wmpcp@birmingham.gov.uk).

## **13.0 Direct complaints to the Independent Office for Police Conduct**

14.0 When a complaint is made to the IOPC, it has a duty to notify the Panel to enable a recording decision to be made, unless the IOPC considers there are exceptional circumstances to justify notification not being given.

### **15.0 Triage and Recording of Complaints**

15.1 Upon receipt of a complaint the Monitoring Officer will determine whether it falls within the scope of the Panel's complaints procedures, whether to record it and if recorded, how the Recorded Complaint is to be dealt with under the Regulations.

15.2 If the complaint falls outside the remit of the Panel e.g., is relates to operational policing, the complainant will be advised and given information about the appropriate body to handle the matter.

15.3 Complaints that purport to be a complaint about the PCC but in fact relate to the situations described in sections 6.0 and 7.0 of this procedure will generally not be recorded by the Panel. We will advise the complainant if a decision is made not to record the whole or part of a complaint and take no action upon it giving the ground for this decision. (Regulation 10).

15.4 If the complaint relates to another police force area it will be passed to the relevant police and crime panel (Regulation 9 (2)(b)).

### **16.0 Record of Complaint**

16.1 If the complaint relates to the conduct of the West Midlands PCC (or DPCC), it will be recorded on the West Midlands Recorded Complaints and Conduct Matters Register unless the Monitoring Officer is satisfied that any of the following exceptions apply, (in whole or in part) (Regulation 9 (6)):

- (i) if it has been or is currently being dealt with by criminal proceedings: this will normally be the case where the Police have formally charged the person complained about or information alleging an offence has been laid before a magistrate's court; or
- (ii) the complaint has been withdrawn in accordance with Regulation 16.

16.2 If the Monitoring Officer decides not to record the complaint due to the above and, therefore, to take no action upon it, the complainant will be notified and given the grounds on which that decision was made, whether in relation to whole or part of the complaint (Regulation 10 (2)).

16.3 Where a complaint is recorded, a copy of the record will be sent to the complainant with information about the next steps to be taken in relation to the complaint (Regulation 31 (1) (a)).

16.4 When a complaint is recorded, the person complained against, and the Chief Executive of the Office of West Midlands Police and Crime Commissioner will

also be informed and provided with a record of the complaint (Regulation 31(1) (b)).

16.5 However, the record may be altered to hide the identity of the complainant or any other person. In addition, a record may not be sent if in doing so might prejudice any criminal investigation or pending proceedings or otherwise be contrary to the public interest. The Monitoring Officer will take these decisions and will keep this under review (Regulation 31(2) to (4)).

### **17.0 Notification and Recording of Conduct Matters**

17.1 If an issue arises other than via a complaint, for example through legal proceedings or media report, where there is an indication (whether from the circumstances or otherwise) that the PCC (or DPCC) may have committed a criminal offence in England or Wales or, although committed elsewhere, it is an offence triable in England or Wales, this is referred to as a Conduct Matter.

17.2 A Conduct Matter, therefore, occurs where no formal complaint has been received.

17.3 Where the existence of such a Conduct Matter is brought to the Panel's attention by virtue of either

- (i) the Conduct Matter, or
- (ii) the facts relating to the incident giving rise to the Conduct Matter

forming part of either:-

- (a) civil proceedings being brought; or
- (b) likely to being brought,

against either any PCC (or DPCC), the Panel will record the Conduct Matter, or refer the matter to the Panel responsible (Regulation 11).

17.4 A Conduct Matter must be recorded, and entered onto the Recorded Complaints and Conduct Matters Register, unless the Monitoring Officer is satisfied either of the following exceptions apply (Regulation 12(2)):

- (i) the matter has already been recorded as a complaint under Regulation 9(5); or
- (ii) the matter has been, or is already being, dealt with by means of criminal proceedings against the PCC or DPCC. (This will normally be the case where the Police have formally charged the person with a criminal offence or information alleging an offence has been laid before a magistrate's court).

17.5 If the IOPC becomes aware of a Conduct Matter which has not been recorded by the Panel, then the IOPC may direct the Panel to record the matter (Regulation 12 (3)).

- 17.6** To enable the Panel to discharge its duties under the Regulations, the Panel needs to be informed about any proceedings where the PCC or DPCC is the defendant to or an interested party in legal proceedings.
- 17.7** The PCC, the Chief Executive OPCC, every counsel, solicitor or legal or other advisor instructed or retained by them are therefore required, as soon as reasonably practicable, to notify the Monitoring Officer via email to [wmpcp@birmingham.gov.uk](mailto:wmpcp@birmingham.gov.uk).
- 17.8** Such persons are expected generally to cooperate with the Panel in the discharge of its statutory duties under the Regulations to such extent as is not inconsistent with any legal professional privilege or obligation of confidence.
- 17.9** Accordingly, by no later than the end of the working day following the day on which the investigation, allegation or proceedings (as above) comes to his/her attention, the PCC (DPCC) shall notify the Monitoring Officer in writing via email to [wmpcp@birmingham.gov.uk](mailto:wmpcp@birmingham.gov.uk) of the matter.
- 17.10** This obligation applies to conduct within England and Wales that took place before the PCC was elected to office.

#### **18.0 Conduct Occurring Outside England and Wales**

- 18.1 The PCC (DPCC) has a duty to notify the Panel via the Monitoring Officer of any allegation, investigation or proceedings relating to their conduct outside England or Wales. The Panel can handle the matter in whatever manner (if any) it thinks fit in these circumstances (Regulation 17). This decision will be made by the Monitoring Officer.

#### **19.0 Referral of Recorded Serious Complaints and Recorded Conduct Matters to the Independent Office for Police Conduct**

- 19.1 The Monitoring Officer has authority for filtering complaints and deciding which may amount to criminal conduct as a Serious Complaint and should be referred to the IOPC. The Monitoring Officer may take advice from the IOPC before making a referral.
- 19.2 The Monitoring Officer must refer the following to the IOPC:
- (i) All Recorded Conduct Matters;
  - (ii) All Serious Complaints (i.e., a complaint that constitutes or involves or appears to constitute or involve, the commission of a criminal offence); and
  - (iii) Any Serious Complaint or Recorded Conduct Matter where the IOPC has called it in.
- 19.3** On referring a Recorded Complaint or Conduct Matter to the IOPC, the Panel will notify the complainant (where there is one) and the person complained about of the referral, unless it appears that notification might prejudice a



possible future investigation (Regulation 13(6)). The Monitoring Officer will make this decision.

## **20.0 Call-in by the IOPC**

20.1 The Panel must refer a Recorded Complaint to the IOPC if required to do so (Regulation 13(3) and (4)).

## **21.0 Timescales for Referral to the IOPC**

21.1 Referrals should be made as soon as is practicable, and in any event no later than the end of the day following the day on which it becomes clear to the Panel that the Recorded Complaint or Conduct Matter is one that should be referred to the IOPC or was required to (Regulation 13 (3)). The details in the Register will be made available to the IOPC, together with such other information considered appropriate.

21.2 If this comes to the attention of one of the named Panel Officers at a point when liaison with the Monitoring Officer is not possible i.e., out of office hours or Bank Holidays, then a referral may be made to the IOPC without reference to the Monitoring Officer.

## **22.0 Referral-back from the IOPC**

22.1 Where the IOPC decides it does not need to investigate a Serious Complaint referred to it, it will refer the complaint back to the Panel to resolve in accordance with Part 4 of the Regulations. The IOPC will notify the complainant and the person complained against about this decision (Regulation 14 (2)(a) and (3)).

22.2 Where the IOPC decides that it does not need to investigate a Conduct Matter it will refer the matter back to the Panel to be dealt with in such a manner, if any, as the Panel thinks fit. The IOPC will notify the PCC complained against about this decision (Regulation. 14(2)(b) and (3)).

## **23.0 Circumstances where the Panel does not need to deal with a complaint**

23.1 If the Monitoring Officer considers that a Recorded Complaint (which is not one that otherwise must be referred to the IOPC) falls within the circumstances set out below, then they may decide disapply the Regulations and to handle the Recorded Complaint in whatever manner they think fit (Regulation 15 (2)).

23.2 The types of Recorded Complaint where the Regulations may be disapplied and dealt with in this way are:

- (i) A complaint concerned entirely with the PCC's conduct in relation to a person who was working as a member of the PCC staff at the time when the conduct was supposed to have taken place

- (ii) Where more than twelve months have elapsed since the incident and there is no good reason for the delay, or injustice would be caused by the delay
- (iii) The matter has already been the subject of a complaint
- (iv) The complaint is anonymous
- (v) The complaint is vexatious, oppressive or otherwise an abuse of the procedures for dealing with complaints or
- (vi) The complaint is repetitious.

## **24.0 Repetitious Complaints**

24.1 A repetitious complaint is one which is:

- (i) the same or substantially the same as a previous complaint, or concerns substantially the same conduct as a previous conduct matter, contains no fresh allegations which affect the account of the conduct complained of, no fresh evidence which was not reasonably available at the time the previous complaint; or
- (ii) has already been referred to the IOPC and dealt with appropriately (Regulation 15 (4)).

24.2 The Monitoring Officer will notify the complainant of any decision not to apply the Regulations to a Recorded Complaint or to take no further action in relation to it and provide the grounds for that decision (Regulation 15 (5)).

## **25.0 Habitual or vexatious complaints**

25.1 Where, in the reasonable opinion of the Monitoring Officer, the complaint is either:

- (i) made with either the objective of causing disproportionate or unjustified level of disruption, irritation or distress to either the PCC, the Panel, or the Monitoring Officer; or
- (ii) is a disproportionate, manifestly unjustified, inappropriate or improper use of the complaints process,

The Monitoring Officer can disapply the Regulations and take no further action in accordance with Regulation 15 (3) (e).

## **26.0 The Panel's duties to obtain and preserve evidence**

26.1 When a complaint or conduct matter comes to the attention of the Panel, it is under a duty to ensure all appropriate steps are taken to obtain and preserve evidence in relation to the conduct in question, both initially and from time to time after that. It is not the Panel's role to investigate matters and it is likely that before taking steps to obtain or preserve evidence it will normally consult the IOPC. The IOPC may also give the Panel and the PCC directions for obtaining and preserving evidence (Regulation 8).

26.2 Accordingly, the Panel may make formal requests of any of the following persons to take such steps as the Panel considers are expedient or necessary for obtaining and preserving evidence in relation to the conduct in question, both initially and from time to time after that. This includes requests that steps are taken concerning the disposition of the property and resources of the PCC's office (such as its buildings, assets, equipment, supplies, accounts, records, information, electronic data etc. in their widest sense and wherever located) or other persons:

- (i) The PCC;
- (ii) Any employee of the PCC's office;
- (iii) Any member or employee of a functional body; and
- (iv) Any person or organisation having a current or past contractual relationship with the PCC's office or its predecessors or in receipt of a grant from such bodies.

26.3 A person given a direction by the Panel under this procedure shall comply with it in full and generally cooperate with the Panel and its authorised officers in the discharge of their statutory duties under the Regulations.

26.4 Such persons shall also permit access and render possession of any such evidence in relation to the conduct complained about to the Panel as is in their possession, custody or control in accordance with instructions.

**26.5** The Panel shall be informed of any instances where there has been a complete or partial failure by any person or organisation to comply with any request regarding evidence.

## **27.0 Panel Timescales for Handling Complaints**

27.1 Wherever possible complaints will be acknowledged within 5 working days and concluded within 12 weeks if dealt with through informal resolution.

27.2 However, each case is different, and the time taken to reach a conclusion will be determined by the nature of the complaint. The complainant and the person complained about will be provided with regular updates of progress.

27.3 These are locally agreed timescales as none are specified within the Regulations.

27.4 If the Serious Complaint or Conduct Matter is referred to the IOPC this must be done as soon as possible, and no later than the close of business the day after the Panel becomes aware that the matter should be referred (Regulation 13(3) and (4)).

## **28.0 Withdrawal of Complaints**

28.1 At any stage a complainant may decide to withdraw their complaint or discontinue it. If the Panel receives written notification to this effect, signed

either by the complainant, or their solicitor or other person acting on their behalf, it will record the fact on the West Midlands Police and Crime Panel Complaints Register (Regulation 16).

- 28.2 If the Recorded Complaint is with the IOPC, the Panel must notify the IOPC that it has recorded the withdrawal of the complaint. The IOPC will then consider whether the complaint should be treated as a Conduct Matter. The IOPC will notify the Panel accordingly and the Register will be updated.
- 28.3 If the withdrawn complaint had not been referred to the IOPC, or was referred back to the Panel, the Panel must decide whether the complaint should be treated as a Conduct Matter. A complaint should be treated as a Conduct Matter where there is an indication that a criminal offence has been committed (Regulation 16(4)). The Monitoring Officer will make this decision.
- 28.4 Where it is determined (whether by the IOPC or Monitoring Officer) that a withdrawn complaint should be treated as a Conduct Matter, the Panel must record it as a Conduct Matter, and apply the Regulations accordingly (Regulation 16 (6)).
- 28.5 The Panel will follow the provisions prescribed in the Regulations for contacting the complainant if they indicate they wish to withdraw their Recorded Complaint but has not submitted a signed withdrawal request (Regulation 16 (8)).
- 28.6 The Panel will notify the person complained against and the Chief Executive OPCC if it records a complaint as being withdrawn or discontinued, if it is being treated now as a Conduct Matter, or if the Regulations cease to apply to the complaint on the basis that it has been withdrawn or discontinued (Reg. 16(9)) unless it was previously decided not to notify the person complained against.

## **29.0 Informal Resolution of Complaints**

- 29.1 Under Part 4 of the Regulations the Monitoring Officer must make arrangements to informally resolve Recorded Complaints which the Monitoring Officer has:
- (i) Not referred to the IOPC, or having referred it to the IOPC, has had it referred back; and
  - (ii) Decided not to disapply the regulations.
- 29.2 Informal resolution is a way of dealing with a complaint by solving, explaining, clearing up or settling the matter directly with the complainant, without investigation or formal proceedings. It is a flexible process that may be adapted to the needs of the complainant and the individual complaint. This may be done by correspondence or in a face-to-face meeting.

29.3 The Monitoring Officer will act as a broker to the informal resolution and in attempting to secure resolution of the complaint, will consider whether further information / clarification / explanation is required and/or whether any actions are required.

29.4 The following formal requirements for informal resolution are set out in the Regulations:

- (i) No investigation can take place. The Panel has the power to require the person complained against to provide information and documents and to attend to answer questions. This does not amount to investigation (Reg. 28 (7)).
- (ii) The complainant and the person complained against must be given the opportunity to comment on the complaint as soon as practicable (Reg. 28 (9)).
- (iii) Any failure by the person complained against to comment on the complaint when invited to do so will be noted in the written record (Reg. 28 (10)).
- (iv) No apology can be tendered on behalf of the person complained against unless the person had admitted the alleged conduct and agreed to the apology (Reg. 28 (11)).

29.5 Where it appears to the Monitoring Officer that a Recorded Complaint has in fact already been satisfactorily dealt with by the time it was brought to the Panel's notice, the Monitoring Officer may, subject to any further representations by the complainant, treat it as having been resolved and take no further action. The Monitoring Officer will take this decision (Reg. 28 (8)).

### **30.0 Complaints Sub-Committee**

30.1 If the Monitoring Officer deems that the complaint cannot be resolved based on the written information available, a Complaints Sub-Committee of the West Midlands Police and Crime Panel may be convened, as permitted in Regulation 28 (3), to which the PCC (or DPCC) will be invited to respond to the allegations in person.

30.2 The Complaints Sub-Committee is not an appeal body to reconsider previous Monitoring Officer decisions or resolutions.

30.3 The Complaints Sub-Committee will consist of three Panel Members drawn from the full membership of the Panel, in conjunction with the Panel Chair (or Vice Chair) and based on availability. The Complaints Sub-Committee will include, where possible, one Independent Panel Member. Named Substitute Panel Members can be appointed to the Sub-Committee.

30.4 At the meeting the Monitoring Officer, or their representative, will present the available written information to the Sub-Committee.

- 30.5 Given the Panel's inability to investigate, normally the Sub-Committee will only be able to call upon the complainant and the person complained about to attend. Both parties will be invited to make a statement in support of their position and will be expected to answer questions, and where necessary, provide additional evidence to the members of the Sub-Committee.
- 30.6 The Complaints Sub-Committee will consider the written and oral evidence and secure an informal resolution.
- 30.7 It is likely that the Complaints Sub-Committee will need to consider whether to pass a resolution to exclude the press and public from meetings in accordance with Part 1 of Schedule 12A to the Local Government Act 1972.

### **31.0 Record of Informal Resolution**

- 31.1 A record of the outcome of the informal resolution will be made as soon as practicable after the process has been completed. Copies will be sent to the complainant and the person complained against (Regulation 28 (12)).
- 31.2 The record of the outcome of informal resolution (or part of it) may be published if considered to be in the public interest. Before making the decision, the Monitoring Officer will give the complainant and the person complained against the opportunity to make representations in relation to the proposed publication (Regulation 28 (13)).
- 31.3 In cases where an informal resolution cannot be agreed the record will detail the reasons given by the parties why the matter could not be resolved.

### **32.0 Outcome of Informal Resolution**

- 32.1 The Informal resolution process does not allow formal sanctions to be issued; ultimately the PCC is held accountable by the ballot box. However, the Panel may publish a report or recommendation.

### **33.0 Appeals and Complaining to the Local Government Ombudsman**

- 33.1 There is no right of appeal regarding the outcome of the complaint.
- 33.2 The Local Government Ombudsman has jurisdiction over the administrative functions of the Police and Crime Panel and complainants can contact them if they are unhappy with the way their complaint was handled by the Panel.
- 33.3 The Panel's complaints procedure will need to be followed to its conclusion before the Local Government Ombudsman will become involved.

### **34.0 Provision and Recording of Information**

- 34.1 The Panel must maintain a formal register for the purposes of recording complaints and conduct matters under the Regulations. The Recorded

Complaints and Conduct Matters Register is an electronic database recording all key details pertaining to a complaint including the date received, the complainant, a summary of the complaint / the category into which it falls (Recorded Conduct Matter, Serious Recorded Complaint or other Recorded Complaint), the date on which it was recorded, actions taken on the complaint under the Regulations and any other information deemed relevant.

- 34.2 The Panel shall keep records of every complaint and purported complaint made to it or received by it; every conduct matter recorded by the Panel and every action taken under the Regulations (Regulation. 34).
- 34.3 The Panel shall provide to the IOPC all such information, documents, evidence or other things specified or described by the IOPC within a time so specified (Regulation 35).
- 34.4 Summary reports (such as can be reported in public), regarding complaints dealt with under this procedure will be submitted to the West Midlands Police and Crime Panel on a regular basis for monitoring purposes and at least annually.

Publication Date: 30 September 2014

Updated: July 2016

# Report to the West Midlands Police and Crime Panel

## Police and Crime Commissioner Key Decisions – Feb - March 2023

**Date: 20 March 2023**

Report of: Kevin O’Keefe Panel Lead Officer, Chief Executive Dudley MBC, Panel Lead Officer

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### **1 Purpose**

- 1.1 This report lists the recent key decisions published by the West Midlands Police and Crime Commissioner.
- 1.2 The Panel is responsible for scrutinising the actions and decisions of the Police and Crime Commissioner.
- 1.3 Copies of the decisions and background reports are available to view and download from the Commissioner’s website [Police and Crime Commissioner Decisions](#)

### **2 Recommendation**

- 2.1 **That the Police and Crime Panel note the recent key decisions published by the Police and Crime Commissioner.**

### **3 Finance Implications**

- 3.1 There are no financial implications relating to the report set out in Appendix A that lists the published decisions of the Police and Crime Commissioner.
- 3.2 The financial implications of the key decisions made by the Police and Crime Commissioner are outlined in the individual decision reports published by the Commissioner.

### **4 Legal Implications**

- 4.1 There are no legal implications relating to the report set out in Appendix A that lists the published decisions of the Police and Crime Commissioner.
- 4.2 The legal implications of the key decisions made by the Police and Crime Commissioner are outlined in the individual decision reports published by the Commissioner.



## **5 Equalities Implications**

- 5.1 There are no equalities implications relating to the report set out in Appendix A that lists the published decisions of the Police and Crime Commissioner.
- 5.2 The equalities implications of the key decisions made by the Police and Crime Commissioner are outlined in the individual decision reports published by the Commissioner.

## **6 Appendix**

- 6.1 Appendix A List of Police and Crime Commissioner key decisions

## **Appendix A**

### **Police and Crime Commissioner Key Decisions: February - March 2023**

The following key decisions have been published by the Police and Crime Commissioner since the last Panel meeting.

Further details of decisions, including reports and supporting documents are available on the PCC website: [Police and Crime Commissioner Decisions](#)

#### **PCC Decision – 001 2023 – 15 February 2023**

Decision 001-2023 is a confidential decision relating to licences for CBRN.

#### **PCC Decision – Precept – 10 February 2023**

PCC's formal response to the Police and Crime Panel review of the proposed precept 2023/24