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Comisynydd Heddlu a Throseddau Gwent | Police and Crime Commissioner for Gwent: Jane Mudd

The Rt Hon Yvette Cooper
Home Secretary
Home Office
2 Marsham Street
LONDON
SW1P 4DF

19th December 2024

Dear Home Secretary,

An inspection into activism and impartiality in policing 2024

As required by statute, I am writing to you to respond to His Majesty's Inspectorate of Constabulary Fire & Rescue Service (HMICFRS) inspection report detailed above.

I would like to take this opportunity to welcome this report, as I think it progresses conversations and debate on a range of issues that all Chief Constables and PCCs have been grappling with for some time.

Overall, I welcome the call from HMICFRS that clarity is needed on a range of issues from defining 'impartiality', understanding of the Equality Act, public sector equality duty, application of non-crime hate incidents, advisory groups and staff networks. Importantly, I welcome an increase in support to officers and staff to help them navigate some of the social, cultural and political issues that are ever evolving and becoming more complex.

This is echoed by the Chief Constable of Gwent Police, in his comments below:

"I welcome this inspection report from His Majesty's Inspectorate of Constabulary and Fire & Rescue Services which examines activism and impartiality in policing. As the report highlights, there is a complex legal and regulatory framework for police forces in this area. I welcome the recommendations made by the Inspectorate to chief constables and other bodies to improve trust and confidence in policing."

The Chief Constable has also provided an update to the recommendations within the report in the Annex below.

I agree with the Chief Constable that this is complex, and increasing trust and confidence in policing is the fundamental outcome that we are seeking to achieve. I agree that accountability to the law is paramount for Chief Constables and the officers and staff they command. However, trust and

Rydym yn croesawu gohebiaeth yn y Gymraeg, a phan ddaw i law, byddwn yn ateb yn y Gymraeg – ni fydd hyn yn gohirio ein hymateb. Os hoffech dderbyn gohebiaeth yn y Gymraeg o hyn ymlaen, neu os ydych wedi cael eich gwahoddi gyfweiliad neu gyfarfod ac yr hoffech ddefnyddio'r Gymraeg, anfonwch e-bost at: Commissioner@gwent.police.uk. Darperir gwasanaethau cyfieithu.

We welcome correspondence in Welsh and where received, we will reply in Welsh - this will not delay our response. If you wish to receive correspondence in Welsh hereafter or if you have been invited to an interview or meeting and you wish to use Welsh, send email to: Commissioner@gwent.police.uk. Translation services will be provided.

confidence would be eroded further if any new laws require Chief Constables to act disproportionately to the issue trying to be solved.

In relation to the Equality Act and Public Sector Equality Duty, I agree that additional guidance would be welcomed. Like many force areas, Gwent has interpreted and implemented the Equality Act and Duty based on available legislation and guidance. Undoubtedly there are differences in this interpretation from other force areas and I welcome improved support for officers and staff. Guidance in this field is only effective when it truly improves officers and staff understanding about the communities they police, and helps to increase trust and confidence in those communities. A focus of training and guidance is all too often about how to comply with regulations through mechanisms such as equality impact assessments, which can often miss the true need for why the Act and Duty exist. I would caution that any additional guidance does not fall into this trap.

In relation to public communication and engagement, to be able to police by consent there must be a representative workforce; something we have been striving for, for many years. To be truly representative, policing needs to understand the concerns, tensions and challenges different communities face, and take that understanding into both operational practice and when communicating and engaging more broadly with local people. I would always encourage positive and proactive engagement with communities in a manner that inspires confidence in the local police force and increases reporting of crimes and incidents from those concerned to do so. However, engaging with those with protected characteristics is often misinterpreted, unfortunately so, as activism or lacking impartiality. Although additional guidance is welcomed, I am concerned that the introduction of any new rules will turn back the clock and undo all of the hard-fought progress that has been made with certain communities and their relationship with the police. My position on reforms to independent advisory groups and staff networks comes with those same concerns. I would welcome PCCs being consulted on any changes.

It will not surprise you that I was particularly interested in the observations of HMICFRS in relation to the relationship between PCCs, their Chief Constables and understanding their respective roles and responsibilities. Operational independence of police officers and the Chief Constable is one of the fundamental tenets of British policing. However, PCCs are now an established part of the policing landscape, elected to be the voice of local people and undertake specific duties. The Policing Protocol Order clearly expresses that the strategic direction of policing (and crime reduction) is set by the PCC through the Police and Crime Plan, and the Chief Constable is held to account for the overall performance of the police service, including against the priorities within the Plan, as per the Police Reform and Social Responsibility Act 2011.

Of course, we can argue the point about whether the term 'have regard to' means to implement the Police and Crime Plan. My position is that the Police and Crime Plan has a broader reach than just the local police force, and as such the Chief Constable cannot alone be responsible for implementing it. I am also responsible for implementing it and can use my funding and convening powers to encourage partners in their role to also support it. Its delivery is ultimately a collective endeavour. However, there are certainly elements contained within every police and crime plan that Chief Constables would need to prioritise, and indeed implement changes in their forces to achieve results that the public want to see, as expressed through me, their elected representative. My role as PCC is to hold the Chief Constable to account for their performance against those priorities, as well as broader policing – that is what I have been elected to do. Nothing within any Police and Crime Plan, nor any activity PCCs would carry out within their powers, should have seek to influence day-to-day operational decision making. However, by design, my role must have an impact on longer term, strategic prioritisation, performance and development of the local police force.

If there is confusion on this, then, absolutely, I would appreciate clarity being provided by UK Government through an update to the Policing Protocol Order.

Overall, I would like to re-emphasise that I welcome the focus that this report brings on a range of issues. I believe it continues important debates on aspects of policing that cannot necessarily be

defined in simple terms, and as such will hopefully bring about clarity for all concerned. Ultimately, as our shared aim should be to create a policing service that the public can trust and have confidence in, resulting in better outcomes for the public.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'J Mudd', written in a cursive style.

Jane Mudd
Police and Crime Commissioner for Gwent

Annex A – Gwent Police Update on Recommendations

Recommendation	Force position
<p>Recommendation 9 Within six months of the College of Policing updating its engagement and communication authorised professional practice, forces should update their policies to reflect the College of Policing advice on communicating about politicised and contentious issues.</p>	<p>The force will review College of Policing updated guidance and update our Social Media Policy to ensure consistency.</p>
<p>Recommendation 10 By 31 March 2025, chief constables should give clear direction to their workforce about wearing and displaying visible representations. They should make sure that they clearly communicate such policies to the workforce and that they enforce the policy. Chief constables should regularly review these policies to respond to new causes that arise. The National Police Chiefs' Council should support chief constables in achieving a consistent approach.</p>	<p>The force will consult with staff networks and staff associations to gather their views and make a decision as a result. Any decision will have an EIA to consider how it will affect groups with a protected characteristic under the Equality Act. This will be included in the force Dress Code Policy.</p>
<p>Recommendation 12 By 31 July 2025, chief constables should make sure that those personnel responsible for completing equality impact assessments are appropriately trained to do so. Chief constables should also make sure there are effective governance measures in place to improve the quality of these assessments and make sure they are completed when required.</p>	<p>Currently, EIAs are written by the policy owner and reviewed by the Strategic Equality and Diversity Manager. Going forward, the Equality and Diversity Manager is looking to reintroduce monthly EIA advice surgeries which would allow policy owners who need to complete an EIA, to bring their draft EIA along for advice from the EDI team. The Equality and Diversity Manager will then review the product at final stage. The Equality and Diversity Manager will work with Learning and Development to understand and progress the training requirements.</p>
<p>Recommendation 13 By 31 March 2025, all chief constables should audit their policies that include or relate to the Equality Act 2010. They should make sure there is an effective process for regularly reviewing and updating policies and have appropriate governance arrangements in place.</p>	<p>The force has recently, prior to this recommendation, implemented review processes. The force risk assesses and grades the policy when initially completed which impacts the review date. This ensures those higher risk policies are being regularly scrutinised. To compliment this the force has automated how it notifies authors for the policy review. All policies are aligned to Chief Officer boards and those needing review are monitored at strategic level. As per the forces policy creating 'policy', clear expectations are set that authors do not wait for review dates and the policy is a 'living' document that is updated when the status and relevance of the policy changes. These changes have now reduced the number of policies that are outside of their review dates. Work continues on these improvements.</p>

Recommendation	Force position
<p>Recommendation 16 By 31 March 2025, forces should update and implement their policies and guidance for non-crime hate incidents to provide clear direction to officers and staff for the assessment and recording of, and response to, these incidents.</p>	<p>The leads for hate crime are in the process of finalising the force Hate Crime Policy, which includes a section on NCHI. This is in line with the current APP. Hate crime training is an area of development for the force, to be progressed by the Equality and Diversity Manager and the operational lead for hate crime.</p>
<p>Recommendation 17 By 31 March 2025, forces should make sure their recording processes for hate-related incidents allow them to analyse data relating to hate crimes and non-crime hate incidents.</p>	<p>The force has a hate crime application which is part of our Qlikview system. From this we can identify hate occurrences on Niche and filter these to recognise hate crimes and non-crime hate incidents. This is currently based on reported date / time and not recorded.</p> <p>Hate crime is reported through our governance processes and work will be undertaken with our Business Intelligence department to include non-crime hate incidents.</p>
<p>Recommendation 18 By 31 March 2025, chief constables should make sure their force has an effective and efficient process for assessing and reviewing hate incidents.</p>	<p>The new Hate Crime Policy will include process maps which sets out responsibilities for FCC, investigating officers and supervisors at each stage of a hate crime investigation.</p> <p>In terms of scrutiny, the hate crime trends are shared by Analysis and Research to Hate Crime Operational Lead, EDI team, Victim Care Unit and OPCC. Hate crime data is reported into the Vulnerability Meeting and into the VAWG, Vulnerability and SOC Board. The Operational lead for hate crime shares this data with their inspectors and asks them to provide updates on any trends in their area in time for the next Vulnerability meeting.</p> <p>There is a quarterly Hate Crime Scrutiny Panel with independent community members to dip sample hate crimes, looking specifically at how well we respond to the diversity and inclusion issues. This is done by a checklist which panel members complete to indicate how well they believe incidents have been handled.</p> <p>New Hate Crime Support Officers are being recruited to provide specialist advice for victims of hate crimes and incidents, and also for officers and staff investigating these incidents.</p>
<p>Recommendation 20 By 31 March 2025, forces should make sure they clearly define in policies the requirements for recording personal data for non-crime hate incidents. If the force approach differs from 'Non-Crime Hate Incidents: Code of Practice on the Recording and Retention of Personal Data', the force should record the rationale for this.</p>	<p>This will be captured in new Hate Crime Policy and is in line with Non-Crime Hate Incidents: Code of Practice on the Recording and Retention of Personal Data. Training requirements will also be reviewed.</p>
<p>Recommendation 22</p>	<p>All of the force networks have an equal annual budget to allow them to participate in conferences and hold network</p>

Recommendation	Force position
<p>By 31 March 2025, all forces should make sure they have a robust assessment process for allocating funding and giving support to their networks. They should prioritise funding and support based on local need.</p>	<p>days. Staff networks leads have monthly meetings with the Equality and Diversity Manager to discuss any concerns, which are then raised at the monthly force Engagement Board. Staff networks are supported by the force to put on events, for example the Men’s Health Forum worked with the Wellbeing Team to put on a prostate cancer screening event which had a positive impact for male officers and staff. The Gender Equality Network held a very successful event for International Women’s Day where female colleagues were invited to discuss their journeys and challenges, and attend workshops to support career progression, mental wellbeing and confidence-building.</p>