



Home Office

# **STEPHEN LAWRENCE INQUIRY 10 YEARS ON GOVERNMENT RESPONSE TO:**

“Stephen Lawrence Review – an independent commentary to mark the 10th anniversary of the Stephen Lawrence Inquiry” By Dr Richard Stone

“The Stephen Lawrence Inquiry 10 Years On: An Analysis of the Literature” A Runnymede Trust Report

“Police and Racism: What has been achieved 10 years after the Stephen Lawrence Inquiry Report?” Equality and Human Rights Commission (EHRC)

**July 2009**



“Stephen Lawrence Review – an independent commentary to mark the 10th anniversary of the Stephen Lawrence Inquiry” By Dr Richard Stone

[http://www.stoneashdown.org/images/stories/slr\\_report.pdf](http://www.stoneashdown.org/images/stories/slr_report.pdf)

“The Stephen Lawrence Inquiry 10 Years On: An Analysis of the Literature” A Runnymede Report

<http://www.runnymedetrust.org/uploads/publications/pdfs/StephenLawrenceInquiryReport-2009.pdf>

“Police and Racism: What has been achieved 10 years after the Stephen Lawrence Inquiry Report?” Equality and Human Rights Commission (EHRC)

[http://www.equalityhumanrights.com/uploaded\\_files/raceinbritain/policeandracism.pdf](http://www.equalityhumanrights.com/uploaded_files/raceinbritain/policeandracism.pdf)

## Introduction

The Home Office and Ministry of Justice, supported by the National Policing Improvement Agency (NPIA) held a conference on 24 February 2009.

The conference was not just about reviewing progress 10 years on from the publication of the Stephen Lawrence Inquiry report. Rather, we wanted to hold a conference that would also enable us to set out a way forward with a clear set of actions.

We want therefore to take away clear actions from the conference.

The conference heard from Dr Richard Stone, a member of the original Macpherson Inquiry team, about the independent review he undertook and presented to the conference. We also want to use Dr Stone's findings to help shape our future work as appropriate.

Dr Stone's review also draws attention to two other reports published on or around the 10th anniversary: "Police and Racism" published by the Equality and Human Rights Commission (EHRC); and "The Stephen Lawrence Inquiry 10 Years On" a literature review published by the Runnymede Trust. These all add constructively to the debate on how to take the work forward. We want therefore to use these three reports to inform our work as we move forward from the conference and the 10th anniversary.

Of course, there are recommendations made which we cannot agree on. For example, we do not agree with Dr Stone that a university degree should be the minimum entry requirement for the police. Where we cannot agree, the response gives an indication of the reasons why. However, we have ensured where possible to take account of what the reports are telling us and feed their findings into our work.

Overall, from the conference and the reports there are clear steers on what needs to underpin future work:

- **Public confidence:** it's essential that the police service and other public institutions has the confidence of - and serve - all communities and this is the outcome upon which the success of action on race equality will be measured.
- **There is further work on race equality to be done:** while there is an acknowledgement of progress has been made over the past 10 years it's clear that there is much more work to be done.

There are also consistent themes running through both the conference and the reports giving broad agreement on areas, which were part of the Stephen Lawrence Inquiry's report recommendations where effort should be focussed:

- **Recruitment, Retention and Progression:** continuing work to increase the number of minority ethnic recruits to the police service and ensuring that they are represented at the most senior levels of the police service. As both Dr Stone and the EHRC recognise in their reports we also need to continue to focus on minority ethnic representation in specialist roles.

## STEPHEN LAWRENCE INQUIRY 10 YEARS ON

- **Stop and Search:** continuing work in support of police forces to help reduce unjustified disproportionality in the use of stop and search including, as the EHRC report highlights, drawing on areas of good practice and ensuring that use of the power locally is intelligence led (Dr Stone and the Runnymede Trust raise concerns about this and Doreen Lawrence spoke about this at the conference).
- **Workforce representation targets:** the setting of local targets by Police Authorities in consultation with local communities is providing an opportunity for communities to become engaged in ensuring that local forces are representative of the local communities they serve and helping both to maintain confidence and keeping up momentum in this area of work.
- **Reporting and recording of racist incidents:** continuing to achieve better and more consistent recording and monitoring of hate crime and rolling out structures for independent scrutiny of the investigation and prosecution of hate crimes. Both the Runnymede Trust and EHRC make recommendations in this area.

There are other issues which have been raised:

- **DNA database:** The EHRC makes recommendations about undertaking an equality impact assessment of the DNA database expressing concern about the high proportion of records held for the black male population.
- **Inquiry records:** both the Runnymede Trust and Dr Stone make reference to the release of additional Inquiry administrative papers into the public domain.

While there are issues for particular focus the original report with its 70 recommendations remains. An analysis undertaken for, and handed out at, the Conference showed that 67 of the recommendations had been addressed. However, it was clear that other work is in hand to develop further the work already implemented in support of the recommendations. For example, the Conference heard about the further work the Department for Children Schools and Families (DCSF) is undertaking on black pupils' exclusions and schools' reporting of racist bullying.

The DCSF will consult, by December 2009, on making it a statutory requirement that schools record of bullying incidents between pupils, and incidents of verbal and physical abuse against school staff. Incidents of bullying related to race, religion or culture would be recorded under the proposed new duty. The consultation will ask whether the statutory requirement should also cover the reporting of incidents to the local authority and if so whether the recording and reporting requirements should distinguish between the various forms of bullying, including racist bullying, and whether racist incidents other than bullying should be separately recorded and reported. Plans are for the new duty to come into effect before the end of 2010.

This document contains the government's response to Dr Stone's, the EHRC and the Runnymede Trust reports.

The Action Plan can be found in the conference report at [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk)

# Stephen Lawrence Review

An independent commentary by Dr. Richard Stone

| Recommendation  | Response  |
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| <p>1. That public authorities be required in their race equality schemes to encourage the participation of BME people in public life, by demonstrating in their equality schemes new targets set by government.</p> | <p>We accept this recommendation in part, subject to consulting on the precise details of the new Equality Duty proposed under the Equality Bill and what public bodies will be required to report on under powers for Ministers to require public bodies to report on equality issues. We do not consider it appropriate to set new top down Government targets in this area.</p> <p>The Equality Bill, currently before Parliament, will strengthen the law and bring forward new measures to fight discrimination. The Bill will help to streamline the law helping people to understand their rights and to help the public and private sector comply with the law. The Bill will replace a nine major pieces of discrimination legislation with a single Act. Under the current legislative framework, the Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000, places a general duty on public bodies to promote race equality. Secondary legislation sets out a number of specific duties that certain public bodies need to carry out in order to better perform the general duty. One example of the specific duties under the Race Relations Act 1976 is the requirement for certain public bodies publish a Race Equality Scheme setting out how they will meet the race equality duty.</p> <p>The Equality Bill creates a new single public sector Equality Duty which will continue to cover race, gender and disability but will also be extended to cover age, sexual orientation, religion or belief, pregnancy and maternity explicitly and gender reassignment in full. The Government will be consulting on the specific duties that will underpin the new duty but it will require public bodies to consider the needs of diverse groups in the community when designing and delivering public services. The Bill also includes powers for Ministers to impose specific duties on public authorities which may include a requirement on public bodies to report on equality issues. The Government will be consulting on the precise details of the reporting requirements, but we anticipate that this will include minority ethnic representation in the workforce.</p> <p>Positive action is underway across a range of areas to increase minority ethnic representation in public life. The Black, Asian and Minority Ethnic Women Councillors Taskforce led by Baroness Uddin was launched in May 2008. The cross party Taskforce is leading a programme of outreach events across Great Britain raising awareness of the role of a councillor and providing advice</p> |

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|  | <p>and support to minority ethnic women to encourage them to step forward. It has also launched a national mentoring/shadowing scheme to provide further support.</p> <p>The Speaker's Conference, a year long inquiry, was convened in November 2008 to consider the under representation of women, ethnic minorities and disabled people in the House of Commons.</p> <p>The Government recently launched diversity targets for new public appointments and an action plan setting out a programme of work over the next year to underpin these. The Government has given the Commissioner for Public Appointments a stronger diversity role, with the power to take action to promote diversity in the procedures for making public appointments that fall within their remit.</p> <p>Elsewhere, the Department for Communities and Local Government (DCLG) is proposing to introduce a duty on local authorities to promote democracy. This will require all local authorities to promote opportunities to participate in local decision making of those authorities and a wide range of other local public bodies such as the police, NHS trusts, and so on, including taking on civic roles, including standing as a councillor. The duty will be placed on the local authorities, not on the other public bodies. This duty will work with the proposed new Equality duty to encourage local authorities to focus on under represented groups, including BME communities.</p> <p>Similarly the duty to involve, which came into force in April 2009, seeks to ensure people have greater opportunities to have their say and take part in shaping the services and public authority functions they are affected by. The duty to involve is subject to the equalities duties and engagement would be expected to reach all sections of the communities including hard to reach groups.</p> <p>DCLG are also working with the local government sector to encourage a wider and more diverse range of people, from under represented groups, including people from BME communities. An example of this is the Be A Councillor campaign developed by London Councils, which is being rolled out nationally.</p> |
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| <p>2. That public authorities, including higher education institutions, which provide services to common geographic areas, collaborate on the design and delivery of race equality training for all employees, in order that all staff receives training to a common standard and the training is delivered to meet local demographic requirements.</p> | <p>We do not accept this recommendation. We do not consider that Government should mandate all public authorities to deliver their training in a specific way, regardless of the individual local circumstances which might apply.</p> <p>The Race Relations Amendment Act 1976, as amended, places on certain named public authorities a general duty to have due regard to the need to eliminate discrimination, advance equality of opportunity and promote good race relations. The specific duties, amongst other things, require bodies to publish a Race Equality Scheme setting out how they will meet their duties covering a number of areas such as arrangements for monitoring and assessing their policies for adverse impact on racial equality, arrangements for publishing such assessments, consultation arrangement, and arrangements for training staff. The Equality Bill creates a new single public sector Equality Duty and the Government will be consulting on the specific duties that will underpin the new duty. The Government will also be consulting on the precise details of public bodies' reporting requirements proposed under the Bill.</p> <p>However, we are not proposing to reproduce the requirement to train staff for the new Equality Duty (although many public authorities will do so as a matter of course to help them meet the obligations of the Equality Duty). The content and delivery of training is a matter for individual public bodies. There are of course examples of collaboration between public bodies.</p> <p>For example, whilst the police service has identified specific training and development for employees, there are a range of collaborative and interagency approaches with partners locally to deliver training which is appropriate for the geographic area.</p> <p>More widely, sector skills agencies collaborate on the development of national occupational standards which provide the foundation for development across sectors. For example, the National Policing Improvement Agency (NPIA) manages the relationship with Skills for Justice which is the sector skills agency for the Justice sector.</p> |
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| <p>3. That a college or university degree (or comparable educational qualification) be adopted as the basic educational requirement of a professional police officer.</p>   | <p>We do not accept this recommendation.</p> <p>We are looking for a range of skills from applicants to the police service. Consequently, there are no academic qualifications or specific courses required for entry into the role of a police officer. The “potential” to perform effectively as a police officer is assessed as part of the recruitment process. Candidates who have been successful at application stage are required to attend the assessment centre. The national recruit assessment centre is designed around the seven core competencies detailed in the Police Integrated Competency Framework. The assessment centre is robust, transparent and fair and is designed, implemented and quality assured by the National Policing Improvement Agency (NPIA).</p> <p>Of course, successful applicants to the police service also include those who have been educated to degree level or above.</p> <p>The latest data shows that between April 2006 and April 2009, 6,010 students were enrolled on the Initial Police Learning and Development Programme (IPLDP). Of these, 1,764 (29.4%) were educated to graduate level and 156 (2.6%) were educated to post graduate level.</p> |
| <p>4. That the Stephen Lawrence Inquiry’s definition of “institutional racism” be reaffirmed by Government Ministers and leaders tasked with addressing racism, in terms similar to those stated by the then Prime Minister in Parliament in 1999</p> | <p>As the Prime Minister made clear to Parliament on 8 March 1999, the Government accepted the Inquiry’s definition of institutional racism. We reaffirm that acceptance, as the Prime Minister also said the Report was a challenge to all public services and it committed the Government to a comprehensive agenda to improve race relations.</p> <p>Speaking at the conference on 24 February 2009 marking the 10th anniversary of the report’s publication the Secretary of State for Justice made clear just what the Inquiry had demonstrated. Stephen’s death exposed the painful extent of the prejudice within the police and public authorities. As a nation we had to look within ourselves, in our public institutions to accept our failures and say this was never going to happen again.</p> <p>The term institutional racism therefore helped to reinforce - 10 years ago- just what a wide ranging programme of reform for the police and other agencies then that the Inquiry’s recommendations represented, and how systemic the change needed to be.</p>  |

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|  | <p>Indeed, as the Government made clear in our response to the Inquiry in 1999, the changes represented by the Stephen Lawrence Inquiry recommendations would only work if they were embraced by the both the culture and practice of the police service and implemented within the mainstream of the service at every level. The term institutional racism remains a powerful and relevant reminder of just how far our nation had to travel and the risks we run if we do not confront racism and strive to overcome it.</p> <p>10 Years on, the Police and other agencies have now come a long way since the publication of the report. For example, over the last ten years minority ethnic officer representation in the police service has doubled. Results from the British Crime Survey (2007/08) show that confidence in the police has risen in minority ethnic communities.</p> <p>However there is still much more to do on race equality, but it would be wrong to imply little or nothing has changed since 1999.</p>   |
| <p>5. That individuals working in institutions be educated to recognise their personal responsibilities in rectifying those “processes, attitudes and behaviour which disadvantage minority ethnic people.</p> | <p>We accept this recommendation in part, but consider that both the current legislative framework provided under the Race Relations Act 1976 and the proposed framework provided for under the Equality Bill should mean that systems are put in place to ensure public bodies’ processes and individuals’ attitudes and behaviours do not disadvantage minority ethnic people.</p> <p>The specific race duties require bodies to publish a Race Equality Scheme setting out how they will meet their duties. This includes the arrangements for monitoring policies for adverse impact. Bodies should be assessing the impact on race equality of their policies and procedures to ensure that there is no unlawful discrimination against ethnic minority people, and to avoid or minimise any detrimental impact. Bodies must also set out the arrangements for training staff.</p> <p>The Equality Bill creates a new single public sector Equality Duty and the Government is currently consulting on the specific duties that will underpin the new duty. We are clear that public bodies should continue to assess the impact of their proposed policies and practices on all protected groups (including people of different racial groups), and to be transparent and accountable in the way that is done. Although we are not proposing to include a specific duty to train staff in equality and diversity, we anticipate that many public authorities will do so as a matter of course to help them meet the obligations of the Equality Duty.</p> |

## STEPHEN LAWRENCE INQUIRY 10 YEARS ON

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|  | <p>The Police Race and Diversity Learning Programme (PRDLP) provides the basis for education of all employees on race and diversity issues.</p> <p>This is also addressed in each national leadership development programme.</p>   |
| <p>6. That the recommendations of the 2009 EHRC and Runnymede reports are accepted by the relevant Government Departments and implemented forthwith, and be evaluated yearly for at least three years.</p> | <p>We accept this recommendation, in part. Both the EHRC Report “Police and Racism” and the Runnymede Trust’s report “The Stephen Lawrence Inquiry 10 Years On” have helpfully added a wider dimension to reviewing progress on implementation the Stephen Lawrence Inquiry. We are responding separately to the recommendations in these reports. As part of the follow-up to the 10th anniversary of we are publishing an action plan setting out the way forward drawing on these reports, where appropriate. The action plan will be monitored on a regular basis.</p>   |
| <p>7. That middle rank BME Officers be seen as positive assets, who have special talents which can contribute to modern forward-thinking policing.</p>   | <p>We accept this recommendation. The modern police service can only be effective if it develops and utilises all of the talents of its police officers and police staff. Middle ranking BME police officers do have a vital contribution to make to the modern police service in a wide range of ways. Not least, as role models for members of minority ethnic communities to help promote the police service as an employer of choice for minority ethnic communities. For example, police officers from the National Association of Muslim Police (NAMP), who receive grant funding from the Home Office, have been acting as mentors to young people promoting the police as a career and helping to inform them about civic society. Recently, NAMP took their mentees on a visit to Parliament which was hosted by the Policing Minister.</p> <p>We are also, through our work on improving the retention and progression of minority ethnic police officers making full use of officers’ skills to support their colleagues, including through mentoring and buddying schemes and we will continue to consider how we can use, and support, getting this type of contribution from the service’s BME Officers.</p> |

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| <p>8. That recognition be given to the business case for positive action to bring BME officers into the elite specialist units.</p> | <p>We accept this recommendation.</p> <p>Following the publication of the Policing Minister’s Assessment of Minority Ethnic Recruitment and Retention, we are working with a number of key stakeholders including the National Black Police Association (NBPA) and the National Association of Muslim Police (NAMP) to promote and increase representation within specialist units.</p> <p>The report “Diversity in Modern Policing” compiled by Demos on behalf of the NAMP, maps for the first time the roles and responsibilities of ethnic minorities, Muslim and women in the Police Service in England and Wales. We are working with NAMP to address and take forward the key issues highlighted in the report and the NPIA is working with ACPO on training for specialist roles and on the monitoring of the diversity of applicants for certain specialist roles.</p> |
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| <p>9. That permission from a supervisor should be removed as a requirement before police officers and staff can apply for promotion.</p> | <p>We do not accept this recommendation, but the new police promotion framework will have strengthened operating criteria for this stage of the process, and we will through the Computerised Administration System for Assessment (CASA) monitor the equality and diversity impact of this stage of the process.</p> <p>The new Police Promotion Trial (National Police Promotion Framework from 1 April 2009) has been trialled in seven forces since 2004 and will be rolled out to forces, regulated under licence. It is a four step process for officers to be made substantive in the rank of sergeant and inspector and at Step One candidates must have completed probation and be competent in their current rank as assessed through the Performance Development Review so their line manager can endorse their application.</p> <p>The line manager endorsement process at Step One is governed by criteria set out in the Operating Manual. Line managers must confirm that candidates have:</p> <p>Completed or are nearing completion of the probation period in the current rank;</p> <p>Demonstrated competence in that rank through their Performance Development Review (PDR), or Student Officer Learning and Assessment Portfolio (SOLAP);</p> <p>Are not subject to current improvement notices in force under the Unsatisfactory Performance Procedures;</p> <p>Are not subject to current live written warnings or live issues under the misconduct procedures;</p> <p>Adhered to the Attendance Management Policy, with Forces taking full account of the Police Advisory Board guidance on sickness management.</p> <p>Each step of the process will be monitored via the Computerised Administration System for Assessment (CASA) which will allow forces and the Police Promotion and Examination Board, who govern police promotion for the ranks of sergeant and inspector, to monitor the impact of each step against all the diversity strands including race and faith at a local and national level.</p> |
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| <p>10. That the 13cm x10cm Metropolitan Police short reporting form 5090 (X) be adopted across the whole UK for all stops</p> | <p>We do not accept this recommendation, but many forces are currently considering ways of shortening their Stop and Search forms, and this includes considering the approach taken by the Metropolitan Police Service.</p> <p>Subject to retaining the key elements of accountability, management and supervision there are clear advantages to both the police service and communities in reducing the levels of recording (bureaucracy) associated with stops. This was recognised in the ‘Review of Policing’ by Sir Ronnie Flanagan, who also recognised the potential benefits offered by mobile data systems, as opposed to simply replacing long forms by short forms.</p> <p>This Review also recognised the differences between ‘Stop and Account’ and the more intrusive statutory power of ‘Stop and Search’. The Review recognised the need for retaining a more formal and comprehensive process for the latter, whilst advocating a comprehensive overhaul of the former.</p> <p>Since the Review was published, much has been done to progress this recommendation. The PACE Codes of Practice, which governs Stop and Search powers, changed for all forces on 1st January 2009, allowing the recording of just self declared ethnicity. Technical options allow this to be done in a manner which removes the need for any form. This, in turn, removes perceived barriers during the actual encounter.</p> <p>Whilst formal evaluations have still to be considered, early feedback suggests the new process is well received by both communities and police officers, and is improving the quality of the ‘Stop’.</p> <p>Many forces are currently considering ways of shortening their Stop and Search forms, and this includes considering the approach taken by the Metropolitan Police Service.</p> <p>Also, as recognised in the report, there may be opportunities to extend mobile data options to Stop and Search and this will also be considered.</p> |
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| <p>11. That in order to increase trust and confidence, there shall be a presumption that Stops of every kind will be recorded, subject to a short list of overriding emergencies. There should be no blanket exceptions for any categories of Stops.</p> | <p>We accept this recommendation, which reflects the PACE codes of practice for both Stop and Account and Stop and Search.</p> <p>The PACE Codes of Practice, at Code A, Paragraph 4 ensures that 'an officer who has carried out a search in the exercise of any power to which the code applies, must make a record of it at the time, unless there are exceptional circumstances which would make this wholly impracticable'.</p> <p>There are some differences in what is recorded, depending on the power used.</p> <p>Stop and Account and Stop and Search are separate encounters and are recorded separately. Stop and Search requires reasonable suspicion; Stop and Account does not and is dependent on behaviour and/or locality. Therefore, following a Stop and Search procedure full details of the individual and the reasons are recorded whereas with the Stop and Account the only requirement is recording ethnicity.</p> |
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| <p>12. That all police services immediately organise annual Emergency Life Support refresher courses for all frontline officers and staff, the courses to be held at the place of work</p> | <p>We accept the recommendation to move to annual First Aid refresher courses which reflects ACPO's intended policy, but subject to the agreement of the Health and Safety Executive (HSE).</p> <p>The ACPO First Aid Working Group aims to improve the level of first aid training given to all first aid trained staff at work (including all police officers). The current provisions are that all First Aiders conduct a four day first aid course, which is supported by a two day refresher course every three years - in accordance with the First Aid at Work Regulations. In many cases this is added to with training that is specific to the risks identified by their role or geographic area. This exceeds the HSE requirements and ensures that all officers have the skills required for their core duties.</p> <p>The ACPO First Aid Working Group has recommended that this is replaced with an initial three day course, followed by a yearly one day refresher course and a three day course after three years. This will be at variance with the new requirements as laid down by HSE, however it has been designed to meet the risks and identified training needs of police officers and staff. This new programme of training is ready for roll out across forces and ACPO are awaiting confirmation from the HSE that they are satisfied with the contents of the training package. The ACPO Working Group have been meeting with the First Aid team at the HSE and subject to agreement from the HSE, it is expected that the full implementation of these training standards will occur in September 2009.</p> <p>The ACPO First Aid working group are also currently working, with other ACPO Groups to develop an advanced standard of first aid training, which would be given to relevant specialist officers such as Firearms, Public Order and roads policing officers. This will be in addition to the above training.</p> <p>Work is still ongoing with this issue and it was discussed at the last meeting of the ACPO health, safety and welfare strategic group (12th June). The HSE continues to work with ACPO to outline the requirements of the training needed and acknowledges the unique role of the Police Service and could justify the need to deviate from the established HSE training standards without setting a precedent. The current outstanding action from this group is for HSE to provide details of first aid training requirements.</p> |
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| <p>13. That consideration be given to setting up a Royal Commission on Policing</p> | <p>We do not accept this recommendation. The Home Office has completed two comprehensive and probing reviews of policing in the last two years and published a Green Paper (July 2007) setting out the Government’s vision for a 21st century police service, and the next stage of reform.</p> <p>Sir Ronnie Flanagan, in his capacity as both the Home Secretary’s senior professional advisor on policing and HM Chief Inspector of Constabulary, provided the Review of Policing, which gave a vision of what successful 21st century policing should look like.</p> <p>Louise Casey, on behalf of the Cabinet Office, also wrote Engaging Communities and Fighting Crime, a cross-departmental review on how front line agencies can get their communities better engaged in the fight against crime. These reviews have informed the fundamental reform of the police service that is currently underway.</p> <p>The Government published “From the Neighbourhood to the National: Policing Our Communities Together” in July 2007, a Green Paper setting out the Government’s vision for a 21st police service and the next stage of reform and setting out how Sir Ronnie’s and Louise Casey’s reviews will be taken forward. The Green Paper set out wide ranging proposals for reform including on: police accountability to communities; setting service standards for the public; tackling bureaucracy; and workforce modernisation.</p> <p>Looking to the future, the Prime Minister recently announced that the Home Office will publish a white paper in the Autumn to ensure the accountability of neighbourhood policing, and to improve efficiency and productivity across the police service.</p> |
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# Runnymede trust

The Stephen Lawrence inquiry 10 years on:  
An analysis of the literature

| Recommendation  | Response  |
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| <p><b>1. Effective practice on recording racist incidents should be shared across the criminal justice system</b> – we welcome the detailed attention paid by the Crown Prosecution Service to recording and monitoring data related to racist incidents. That this information is accessible and published annually in one place warrants further commendation, and other agencies would do well to learn from and build on this successful initiative by the CPS.</p> | <p>We accept this recommendation which commends work undertaken by the Crown Prosecution Service (CPS) and which is part of wider work underway across the Criminal Justice System (CJS) to improve further the recording of racist incidents.</p> <p>Race for Justice, lead by the Attorney General is a cross-governmental Programme that is delivering the recommendations of the Race for Justice Taskforce which reported in 2006 The Taskforce’s recommendations included work to achieve better and more consistent monitoring of hate crime across the CJS. This Programme has overseen changes right across the CJS including agreeing a common CJS definition of hate crime.</p> <p>Race for Justice includes senior policy leads from all CJS agencies who are working to achieve consistency and share data. This provides close cooperation between Police and CPS policy leads to ensure consistency.</p> |

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| <p><b>2. Police forces must improve the monitoring of racially motivated crime.</b> How police forces identify cases as having racist motivation, and their procedures for passing on the detail in their computer or case files to the CPS, leaves considerable scope for improvement. Research to examine how the police should be supported to improve their practices in both areas is recommended.</p> | <p>We accept the recommendation and agree that there should be continuous improvement in the way that police forces monitor racially motivated crime and work is in hand to achieve this including new support, in the form of guidance, for forces.</p> <p>Race for Justice is currently completing an examination of 600 hate crime cases across 6 Local Criminal Justice Boards and will provide the largest ever study of CJS response to hate crime. At the half-way stage review there is no indication of a significant number of cases where the racist element is not being passed on to the CPS. Indeed most requests for charging decisions completed by the police (which record initial advice from the reviewing lawyer) make reference to the racist or other hate crime element based on the information passed on from the investigating police officer. The review continues. Should the review find a significant number of cases where the racist element is not being passed on then consideration will be given to what support might be given to the police.</p> <p>The joint Criminal Justice System policy on receiving charging advice includes an instruction that hate crime is one of the crimes that should always be referred to the CPS for charging decision.</p> <p>ACPO is refreshing its Hate Crime Manual. This work is ongoing and will be published in 2009. It will provide clear guidance to forces about identifying and recording hate crime.</p> |
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| <p><b>3. Public scrutiny should continue beyond the publication of an Inquiry report</b> Follow up procedures for implementing recommendations that have emerged from Public Inquiries ought to form an integral part of the Inquiry process. This would enhance the credibility and openness of each Inquiry and ensure greater accountability by government and those organisations to whom recommendations have been directed. In addition, materials submitted as evidence to any Public Inquiry ought to be made available to the public within a given timeframe.</p> | <p>We accept this recommendation in part.</p> <p>Where public inquiries deliver their reports to Ministers, Ministers will consider the recommendations and respond to them in terms of the action they agree that should be taken. Ministers remain accountable for their actions in accordance with ordinary Parliamentary principles.</p> <p>The law and practice relating to public inquiries has been considerably reviewed by the Inquiries Act 2005. The disclosure of inquiry materials/evidence is covered by section 18(1) (b) of the Act.</p> <p>Nowadays many of the materials submitted as evidence to a public inquiry are posted on the inquiry's website.</p> <p>The transcripts of the Lawrence inquiry are now available to the public at the National Archives – the last of these being transferred in July 2008. The Home Office holds two other relevant collections of papers – the administrative papers and the evidence to the inquiry. We are currently assessing what information can now be placed in the public domain from the remaining undisclosed inquiry papers. We have not yet reviewed the papers relating to the evidence to the inquiry but this is unlikely to be released into the public domain whilst the investigation into Stephen's murder remains open.</p> <p>There has been rigour to both implementing the Stephen Lawrence Inquiry recommendations and openness on progress. The Stephen Lawrence Steering Group sat until 2005 and produced annual progress reports. The post Lawrence Groups, now supported by the National Policing Improvement Agency (NPIA) are taking forward work on a range of issues. We have published an action plan setting out the steps we will be taking following the 10th anniversary and will be reviewing implementation of this regularly.</p> |
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| <p><b>4. Police forces must address continued problems in the progression and retention of black officers and staff.</b> The police service continues to experience difficulties in recruiting, retaining and progressing officers from Black and minority ethnic backgrounds. While strategies such as mentoring schemes, recruitment drives and leadership programmes are worthwhile, they are largely directed at minority ethnic groups alone, and they have failed to make any long lasting impact on the careers of Black and minority ethnic officers. To truly improve the effectiveness of such schemes, we argue for a much fuller understanding of the policing context in which they currently operate.</p> | <p>We accept this recommendation, and following the publication of the Policing Minister's Assessment of Minority Ethnic Recruitment, Retention and Progression in the Police Service a programme of positive action is underway. We are pleased that the Report makes reference to this work which includes active talent management for minority ethnic staff, local improvement plans for individual forces and buddying and mentoring schemes. The work is being led by a Ministerial Steering Group.</p> <p>Of course, our work on positive action must be effective if we are to build on the progress that has been made. The work has to be relevant and informed by the latest available information.</p> <p>For example, the Ministerial Steering Group has already commissioned work to improve the evidence base for positive action interventions. In 2009/10, Home Office Researchers will: undertake an analysis of forces' exit data on those officers and staff who have left to ensure that they fully understand why people are leaving and are making full use of the information; and work with up to 3 forces which have particular difficulties with retaining minority ethnic police officers to help them understand the reasons for this. We expect that this work will lead to recommendations on ways to improve retention and progression of minority ethnic officers and staff.</p> |
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**5. Government should review the effectiveness of stop and search procedures as a crime reduction strategy**

Black groups continue to be disproportionately stopped and searched at rates similar to those recorded when the Stephen Lawrence Inquiry Report was published in 1999. The low percentage of such procedures leading to arrests, let alone convictions, leads us to conclude that (a) there is little difference between these procedures and the discriminatory use of “sus” laws in the late 1970s; and (b) that stop and search procedures are not the most effective use and time of police resources. We recommend that government should reassess the value and usefulness of stop and search as an effective “intelligence led” crime reduction strategy.

We do not accept this recommendation. Stop and search powers are required to make communities safer. Effective local use is where it is intelligence led, and targeted at hotspot locations.

The Stephen Lawrence Inquiry report concluded that Stop and Search powers were required for the prevention and detection of crime. ACPO maintain the view that Stop and Search is a useful tool in the fight against crime and disorder, which continues to present real concerns to communities. Such a view has been recently endorsed by the Children’s Commissioner, Sir Al Aynsley-Green, following research conducted into ways to reduce gun and knife crime. It is also recognised by The Equality and Human Rights Commission ‘as an important tool in the prevention and detection of crime’.

The Stephen Lawrence Inquiry report, however, made recommendations that the system should be more transparent. The Commission’s Report continues that ‘race disproportionality in police use of stop and search powers remains a long standing and contentious issue’. Both ACPO and the Children’s Commissioner also recognise the potential downside to its use, if not used appropriate and proportionately. Effective local use is where it is intelligence led, and targeted at hotspot locations.

The challenge for the police therefore is the issue of unexplained disproportionality in the use of stop and search powers and in order to build confidence across all communities policing actions can be justified and explained at the neighbourhood level. This provides real context to policing operations and allows informed debate to take place at the local level.

We are still developing new ideas to make Stop and Search effective and sensitive - The Stop and Search Practice Oriented Package (POP) is a toolkit which has been used locally to provide a model for intelligence-led use of the powers. The National Policing Improvement Agency (NPIA) are currently revisiting forces in order to capture data regarding the success of POP and identify consistent good practice with a view to refreshing and publishing a revised diagnostic tool building on POP for use in all forces in October, 2009.



## EHRC Report

### Police and Racism: What has been achieved 10 years after the Stephen Lawrence inquiry report?

| Recommendation   | Response   |
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| <p><b>1. Recruitment, training and promotion</b></p> <p>1.1 More should be done to encourage ethnic minority PCSOs, and Specials, to become fully sworn officers. For example, the police should investigate whether their probation could be shortened in recognition of the policing experience they already have.</p> | <p>We accept this recommendation, and progress is being made to achieve this through the new qualification for the Initial Police Learning and Development Programme (IPLDP) including the PCSO Award which will be used to shorten the length of training in recognition of the demonstrated experience of PCSOs and in due course Special Constables.</p>  |
| <p>1.2 There should be greater use of positive action to encourage more ethnic minorities to join the police. The Commission will be publishing guidance in this in the Spring.</p>  | <p>We accept the recommendation to increase the user of positive action to encourage more ethnic minorities to join the police service. Following publication of the Policing Minister's Assessment of Minority Ethnic Recruitment, Retention and Progression a programme of positive action is underway led by a Ministerial Steering Group. The work includes providing support to individual forces helping them to develop local improvement plans to take work on recruitment forward.</p>                                      |
| <p>1.3 Police leaders have expressed concerns that specialist units are often considered a "closed shop". This problem needs to be addressed urgently if the police are not to be stained with the accusation that some parts of the service are still only available to those whose face fits.</p>                      | <p>We accept that work needs to be done to increase minority ethnic representation in specialist units. National representation of minority ethnic officers in specialist roles is slightly lower than that of white officers and stakeholders have expressed concern that under representation in specialist roles is a concern. We are working to ensure that all specialist posts are the subject to the rigours of advertising and open selection processes. We are also looking at buddying/mentoring for specialist roles.</p> |

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| <p>1.4 Research should be undertaken to determine whether ethnic minority officers are disproportionately subjected to disciplinary procedures and why.</p> | <p>We accept the intention behind this recommendation, but will put in place monitoring of the new police conduct arrangements.</p> <p>There need to be clear and transparent monitoring procedures to ensure that there is no unexplained disproportionality in police discipline arrangements.</p> <p>The Taylor Review led to the introduction of the new Police (Conduct) Regulations and Police (Performance) Regulations 2008 which became effective from 1 December 2008. The ethos of the Taylor Reforms is to ensure that a proportionate response is taken to issues of misconduct or poor performance.</p> <p>We are not persuaded that there is a need to commission specific research at the moment, considering the recent implementation of the Taylor reforms and the monitoring arrangements. It is too early to conduct such research.</p> <p>However, a Police Advisory Board for England and Wales (PABEW) working party is monitoring the effectiveness of the new arrangements. This monitoring includes discussion with ACPO to ensure that there are suitable monitoring arrangements in forces in order to monitor whether any unexplained disproportionality exists. The monitoring also seeks to learn any lessons from the operation of the new arrangements in order that recommendations can be made to Ministers on any amendments which need to be made or further guidance issued as required.</p> <p>Ministers will write to the Chair of the PABEW to reinforce the importance of this monitoring work and that the PABEW should report to them on the effectiveness of the new arrangements at a suitable time.</p> |
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| <p>1.5 The new Police (Conduct) Regulations 2008 are still unclear on the standards of proof necessary to sustain. We believe the standard should be based on the balance of probabilities as defined in civil legal proceedings. This will help to ensure that serious racism is rooted out effectively.</p> | <p>We do not accept this recommendation, we believe that the new Police (Conduct) Regulations 2008 and the supporting guidance are clear that the standard of proof in police officer misconduct cases is the civil standard of ‘the balance of probabilities’. Police forces have been undertaking a significant amount of training for managers who will chair or adjudicate on misconduct panels. This training incorporates setting out that the standard of proof is the civil standard.</p> <p>The recently published Independent Police Complaints Commission guidelines on investigating allegations of discriminatory behaviour also make clear that the standard of proof for decision makers is the ‘balance of probabilities’.</p> |
| <p>1.6 Race and diversity training should be incorporated in every part of police training rather than being seen as a separate part of the course.</p>   | <p>We accept this recommendation. All learning and development standards and materials in the policing curriculum developed by NPIA with ACPO sponsors are now underpinned by learning outcomes supporting the seven strands of the ACPO Race and Diversity Strategy.</p> <p>Implementation of the Police Race and Diversity Learning and Development Programme (PRDLDP), including the assessment requirement, continues, monitored by the PRDLDP Programme Board.</p> <p>The Police Learning and Development Quality Assurance framework which will apply to all training delivered by forces is underpinned by a requirement to address race and diversity.</p>   |

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| <p><b>2. Stop and Search</b></p> <p>2.1 Forces with high levels of race disproportionality should consider adopting practices in one or more comparable forces with significantly lower rates. Good initiatives are taking place in Staffordshire and London.</p> <p>2.2 Research should be done to identify why some forces have a disproportionality ratio of 2:1 for black men stopped and searched, compared with 9:1 in other parts of the country.</p> | <p>We accept these recommendations, and we have introduced a Public Service Agreement (PSA 24 Priority 4) which requires local criminal justice agencies (co-ordinated through the Local Criminal Justice Board) to identify and explain race disproportionality at key points within the CJS and to have strategies in place to address racial disparities which cannot be explained or objectively justified. The work of the Equality and Human Rights Commission, with some forces, has been raised at the National Stop and Search Community Panel and, as a result, ACPO, the APA and NPIA are working together to try and better understand the issues affecting the data at a force level.</p> <p>This work has identified certain areas of the country with high disproportionality and contact has already been made with key contacts in those areas to research local factors that may be impacting on the data.</p> <p>This includes;</p> <p>Any local research and analysis of Stop and Search figures and copies of reports for the local communities and police authorities;</p> <p>Any indication of factors particular to your force area that may be impacting on your data;</p> <p>Any training or initiatives that have been put in place that may be impacting on stop and search activity;</p> <p>Any high profile or continuing problems with the use of stop and search;</p> <p>This ongoing work will also ensure that best practice from elsewhere is adopted whenever appropriate.</p> |
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| <p>2.3 The way stops are recorded should be changed. The Commission has outlined in Chapter 2 an alternative to the changes to the PACE Code A.</p> | <p>We do not agree with this recommendation. The Commission's concerns relate to the changes to the PACE Codes of Practice, made on the 1st January 2009. The procedure regarding Stop &amp; Search has not been changed. However, the process regarding Stop &amp; Account has changed with a reduction in the amount of details recorded on the individual. This change was introduced nationally on 1 January, 2009 following a trial of this reduced bureaucracy process from October, 2008. Cutting out the bureaucracy will minimise the delay and inconvenience for the individual but the police service will still be required to report the levels of stop and account and the ethnicity of those stopped. The initial trial forces, local community engagement groups and the Independent Advisory Groups (IAGs) welcomed the change to recording.</p> |
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| <p><b>3 DNA</b></p> <p>3.1 The Home Office should ensure a race equality impact assessment is carried out in relation to the national DNA database. In addition, full ethnic monitoring data should be published for those on the NDNAD</p> | <p>We accept this recommendation. In its response in 2007 to the Home Affairs Committee’s Report on Young Black People and the CJS, the Government undertook to carry out an equality impact assessment of the National DNA Database (NDNAD) to identify any potential adverse effects contained within the NDNAD.</p> <p>Equality Impact Assessments of both the NDNAD and the ACPO DNA Good Practice Guide were conducted by the National Policing Improvement Agency (NPIA) in June-July 2007. These were initial screening processes to identify any potential equality issues in NDNAD processes and in the ACPO Guide. The EIAs made a number of recommendations to improve NDNAD operations and processes.</p> <p>A working group comprising NPIA officials and representatives from the Association of Chief Police Officers (ACPO) and the NDNAD Ethics Group has been set up to consider and take forward those recommendations. The working group has met several times since early autumn 2007. It has considered all the recommendations from both EIAs and future action required. This consideration of the EIAs initiated a further EIA review process which is almost complete and is looking at any potential equality issues which were identified in greater depth.</p> <p>An action list of future work has been drawn up; work on some of the actions has been completed, but work on the majority is still in progress. It is anticipated that the further assessment will be available shortly; it will be published on the NPIA website.</p> |
| <p>3.2 The Government should implement changes necessary to comply with the judgement from the European Court of Human Rights as soon as possible.</p>  | <p>The Government launched a public consultation exercise on 7 May 2009 setting out proposals to implement the S and Marper judgement. The Government also introduced an amendment at Commons’ Report Stage of the Policing and Crime Bill for the introduction of regulations on the retention, use and governance of biometric data. This approach aims to allow prompt and effective implementation of the judgement and for public and parliamentary debate on the issues raised by the ECtHR decision.</p>   |

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| <p><b>4. Racist incidents and crimes</b></p> <p>4.1 The Government should ensure that there is a multi agency panel structure in every region in England and Wales, and that all multi-agency panels adopt the recommended two-tier model.</p> | <p>We accept this recommendation in part.</p> <p>The Race for Justice Programme has commenced a large scale evaluation of the service offered by Local Criminal Justice Boards. The learning of this evaluation will be made available and will form the background to a Self-evaluation toolkit which will be available nationally and allow local partnerships to self-evaluate and assess their performance in comparison to the audit data.</p> <p>The Race for Justice Programme will monitor the audit, identifying the successes and best practice arising from existing CPS and Police scrutiny models and it will consider recommendations from this review.</p> <p>In April 2008 the Crown Prosecution Service extended the pilot scheme to implement Scrutiny Panels to cover all 42 areas. Each now has a body to independently scrutinize the investigation and prosecution of hate crimes. These are area rather than regionally based but are co-terminus with Police boundaries. Many have chosen to include local police representation as observers, to hear the views of the scrutinizers and to learn lessons. Other areas have decided to have separate structures to examine Police responses.</p> <p>Within the Home Office Tackling Violence Action Plan published in February 2008 there is a commitment to support local partnerships to gather and respond to local hate crime and non-crime incidents. The scope of this support and guidance is being developed by the cross-government strategic action plan on hate crime.</p> <p>ACPO will include guidance on local partnerships within the forthcoming Hate Crime Manual.</p> |
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| <p>4.2 Further work towards establishing a national 24 hour helpline to report racist incidents should be undertaken</p> | <p>We accept this recommendation.</p> <p>Stop Hate UK was commenced as a Pilot from the Racist Incident Group which was set up by the Home Office in response to the Stephen Lawrence Inquiry. It has begun to expand its service as highlighted in the report. In order to gain understanding from the service offered by Stop Hate UK and to make recommendations about the future value of this service we have recently funded an independent academic evaluation of the scheme. The learning of this evaluation can then be shared with local and national policy leads to inform future decisions about this and other forms of third-party reporting.</p> <p>The evaluation of Stop Hate UK will inform broader guidance on the effective use of third-party reporting which will be included in the forthcoming ACPO Hate Crime Manual.</p> |
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