

Public Document Pack



11 October 2022

To: Members of the Public Accountability Board

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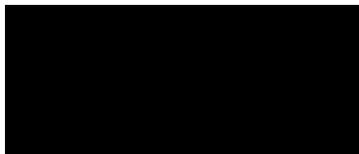


Dear Colleague

Supplemental Agenda - Public Accountability Board

Please find enclosed a Supplemental Agenda Pack for the Public Accountability Board on **Friday 14th October 2022** at **9.00 am** at the Office of the Police and Crime Commissioner, Carbrook House, Carbrook Hall Road, Sheffield, S9 2EH.

Yours sincerely



Erika Redfearn
Head of Governance

Enc.

PUBLIC ACCOUNTABILITY BOARD

FRIDAY 14TH OCTOBER 2022

SUPPLEMENTAL AGENDA

	Item		Page
14	Treating People Fairly: Equality, Diversity and Inclusion Response to the Report from Sheffield's Race Equality Commissioner	M Buttery	3 - 14

PUBLIC ACCOUNTABILITY BOARD

14 OCTOBER 2022

Report of the Chief Executive & Solicitor, Office of the Police and Crime Commissioner

TREATING PEOPLE FAIRLY: EQUALITY, DIVERSITY AND INCLUSION

RESPONSE TO THE REPORT FROM SHEFFIELD'S RACE EQUALITY COMMISSION

1. Report Objectives

- a) To provide a strategic overview of PCC/OPCC action in relation to the 'Treating People Fairly: Equality, Diversity and Inclusion' (EDI) element of the Police and Crime Plan; and
- b) To explain how the 'Proportionality and Equity in Crime and Justice' recommendation and actions, identified in the recent Sheffield Race Equality Commission report (as well other recommendations for those anchor institutions of which South Yorkshire Police (SYP) is one) fit within these existing plans.

Note: SYP's report under the 'Treating People Fairly' priority to this month's Public Accountability Board describes the work SYP is doing in the EDI area, including its actions in support of the [Police Race Action Plan](#).

2. Recommendations

The Police and Crime Commissioner (PCC) is recommended to consider and comment on the content of this report.

3. Police and Crime Commissioner Responsibilities for EDI

- 3.1 One of the key statutory responsibilities of the Police and Crime Commissioner (PCC) is to draft and issue a Police and Crime Plan that sets out the policing and crime priorities for South Yorkshire.
- 3.2 The PCC has maintained 'Treating People Fairly' as one of three strategic priorities within the Police and Crime Plan since 2014. Under this priority this year, the PCC has specifically asked that focus be given to understand:
 - what is working in other police forces and in SYP to improve diversity in the Force's workforce so that the workforce is representative of the communities it serves, particularly in respect of the recruitment and

retention of police officers and staff from Black and Ethnic Minority communities

- whether there is unfairness, including race disproportionality, in the use of stop and search, the use of force and the policing of protests by SYP
- where there is disproportionality of treatment across the wider criminal justice system.

3.3 *Appendix 1* to this report sets out further details of those PCC statutory responsibilities that relate to equality, diversity and inclusion, and how these are discharged. *Appendix 1* includes information relating to the work of the Independent Ethics Panel (IEP), established by the PCC in 2014. The PCC delegates to the IEP certain areas of his statutory responsibilities, including 'holding the Chief Constable to account' specifically in the areas of the Chief Constable's complaints-handling and compliance with Equality Act duties.

3.4 The PCC has other responsibilities in the Policing and Crime landscape and has 'convening powers' to bring South Yorkshire partners together to achieve common goals, including in respect of EDI issues. For instance, the PCC chairs a Countywide Community Safety Forum to bring together the four Community Safety Partnership (CSP) Chairs. He leads South Yorkshire partnership's Violence Reduction Unit (VRU). And the PCC chairs the Local Criminal Justice Board, made up of criminal justice agencies some of whom operate on an even larger footprint than South Yorkshire - across Yorkshire and the Humber and the North East of England.

4. Activity in Office of the Police and Crime Commissioner

4.1 In the immediate aftermath of the murder of George Floyd by a white police officer in the city of Minneapolis in 2020 and the 'Black Lives Matter' activity, there was national debate that followed in the UK. The PCC began his own local dialogue with Black communities in Sheffield about what they saw as the key issues here.

4.2 The Office of the Police and Crime Commissioner (OPCC) Senior Leadership Team also initiated team discussions followed by an all-staff event to capture its activity in the EDI area and consider improvements it could make in its own approaches to EDI.

4.3 In March 2021, the OPCC documented activity it should pursue, grouped into four quadrants:

- a) The OPCC internally
- b) Accessibility to PCC-commissioned services and PCC community grants
- c) South Yorkshire Police (i.e., supporting the PCC in holding the Chief Constable to account for the Force's activity)
- d) The wider policing and crime landscape.

4.4 The OPCC has recently revisited work it did in March 2021 to assess whether the OPCC, SYP and commissioned services are doing all they can in the EDI area.

4.5 Although some progress has been made, the OPCC's Senior Leadership Team is now considering how further improvements can be made faster, as part of Delivery Plan activities this coming year. Examples include:

a) The OPCC internally

Reviewing how the OPCC can improve its recruitment processes to improve its EDI, including better use of its diversity information received from applicants in a review of each recruitment exercise once it is concluded, and better support for applicants from diverse

b) Accessibility to PCC-commissioned services and PCC community grants

Considering how the PCC's grants' schemes, administered by the OPCC and VRU, can be made more accessible to diverse communities and organisations. This includes additional guidance material being made available on the website and participation in awareness raising activity to try to increase applications.

c) South Yorkshire Police (i.e., supporting the PCC in holding the Chief Constable to account for the Force's activity)

- Wider recruitment support for diverse communities. This is supporting the work of the PCC's IEP in testing the following working hypothesis:

"considering national good practice, and recognising the current social and economic climate, there is nothing more that SYP can do to improve its workforce representation".

- Working with SYP colleagues to reinvigorate Independent Advisory Groups, including the establishment of a Race, Inclusion and Diversity IAG.

d) The wider policing and crime landscape

Consider holding a listening event to hear from local communities regarding their perceptions and experiences of race disparity within the criminal justice system. The intention would be to use information gleaned at this event to inform our next steps, possibly including the development of a statement of intent and data dashboard.

5. Sheffield Race Equality Commission – An independent commission into racism and racial disparities in Sheffield

5.1 The Sheffield Race Equality Commission was established by Sheffield City Council (SCC) in Summer 2020 to provide an independent strategic assessment of the nature, extent, causes and impacts of racism and race inequality within the city.

- 5.2 Distinct from SYP, the PCC and OPCC key officers gave evidence to the Commission on areas relevant to the PCC's role and responsibilities.
- 5.3 The Commission published its final report in June 2022, including recommendations and actions for 'anchor institutions' cited in the report (of which SYP is one), and for others more widely including the PCC and the VRU.
- 5.4 Recommendation 6: Proportionality and Equity in Crime and Justice includes specific actions for the PCC, SYP, VRU and Local Criminal Justice agencies which are set out at *Appendix 2*.
- 5.5 At the report's launch event on, the PCC commented on the report and next steps. The PCC confirmed that the OPCC, SYP and criminal justice partners had actively engaged with the Commissioners during the Commission's process. He stated that they are all fully committed to ensuring that Sheffield is a city that welcomes diversity and practises racial equality. The PCC also outlined that the OPCC and SYP were already undertaking a great deal of work in this area prior to the publication of the Commission's report and were committed to working with other organisations to tackle prejudice and discrimination going forwards.
- 5.6 There was mention at the launch event of the recommendation within the report that SCC establish a 'Legacy Board' to take forward actions to address the report's recommendations. We await from SCC the detail of how this Board will be constituted and how it will work. The PCC, OPCC, VRU and SYP are committed to supporting its work, and discussing how Recommendation 6 and its actions fit with SYP's, OPCC's and others' existing plans.
- 5.7 For instance, Recommendation 6, Action 31 invites the PCC to commission an independent review of stop and search effectiveness in relation to race and ethnicity, and to publish the outcomes and supporting recommendations for public consultation. The PCC needs to understand how such an independent review in Sheffield would fit with the countywide oversight and scrutiny already taking place which has a broader focus (set out at *Appendix 3* to this report).
- 5.8 In the meantime, the OPCC, VRU and criminal justice partners will continue its wider work outlined at section 4, above.
- 5.9 In respect of SYP's response, the Commission's recommendations are broadly in line with the National Police Chief's Council (NPCC) recently published [Police Race Action Plan](#), which focuses nationally upon the UK Police Service becoming a police service that is anti-racist and trusted by Black people. The NPCC's action plan differs from the Sheffield Race Equality Commission's ambition in that it solely concentrates on Black communities and people. The reason for this focus is because the racial disparities affecting Black people are most acute, and the trust deficit presents a significant challenge to police legitimacy and effectiveness.

5.10 The PCC will continue to hold the Chief Constable to account for EDI issues in respect of **all** diverse communities in South Yorkshire

6 Financial and Value for Money Implications

As part of the PCC's annual strategic and financial planning process, the PCC and OPCC lead officers will discuss with the Chief Constable and SYP's Senior Command Team what resource needs to be maintained or increased in the EDI area.

M Buttery
Chief Executive and Solicitor

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Background papers used in the preparation of this report are available for inspection at the OPCC, Carbrook House, Carbrook Hall Road, Sheffield S9 2EH.

PCC's statutory responsibilities and how these are discharged

- 1.1 To prepare a draft and issue a police and crime plan for South Yorkshire.
- 1.2 A Performance Framework, including both qualitative and quantitative data, provides information to help assess the progress being made in delivering the policing and crime priorities.

Holding the CC to Account

- 1.3 The Public Accountability Board (PAB) meets monthly. At PAB the PCC receives reports from the Chief Constable describing how SYP is supporting the delivery of the Plan, including four reports per year which focus on the 'Treating People Fairly' priority within the Police and Crime Plan. The public and press are welcomed to this meeting and agendas and minutes are published online.
- 1.4 HMICFRS in their inspection programme considers whether SYP treats the public and its workforce legitimately. The PCC and his Chief Executive participate in HMICFRS briefing sessions pre and post inspection and have regular liaison meetings with the Regional HMI. In 2019, HMICFRS rated the force as 'Good' in the extent to which the force treats the public and its workforce legitimately. It stated that the force is outstanding at developing and maintaining an ethical culture, and at tackling corruption. The force was reported to be good at treating its workforce fairly, and at treating the people it serves with fairness and respect. The force is being reviewed within the HMICFRS PEEL Assessment inspection process, with the new ratings expecting to be published in early 2023.

Independent Ethics Panel

- 1.5 In 2014 the PCC established an Independent Ethics Panel (IEP) to assist him in discharging part of his statutory responsibilities (e.g., to 'hold the Chief Constable to account', specifically in the areas of the Chief Constable's complaints-handling and compliance with Equality Act duties).
- 1.6 The PCC commissions the IEP to undertake work that is explicitly referenced as areas of focus within his Police and Crime Plan. For the next two years the IEP will build on its previous work and concentrate activity in the following three areas:
 - **Supporting police legitimacy** in communities through reality testing the public's experiences / interactions with SYP, including the fair and proportionate use of tactics in the policing of protests, disproportionality issues in stop and search and the use of force and the response to violence against women and girls
 - **Looking internally within SYP** to assess the embeddedness of ethical standards in the way its people think, make decisions and behave.

- **Scanning the horizon** to identify potential ethical issues for future policing, including technological developments, the impact of changes to legislation and the use of discretionary powers

APPENDIX 2

Extract from the Sheffield Race Equality Commission
– An independent commission into racism and racial disparities in Sheffield

Note: There are other antiracist city recommendations that the below should be read in conjunction with – not included in the table below.

<p>Recommendation 6: Proportionality and Equity in Crime and Justice</p>	<p>Responsibility for Actions include but not restricted to the following:</p>
<p>Action 31: South Yorkshire Police and Crime Commissioner to commission an independent review of stop and search effectiveness in regard to race and ethnicity. To publish the outcomes and supporting recommendations for public consultation.</p>	<p>SYPC SYP</p>
<p>Action 32: Sheffield City Council and the Police and Crime Commissioner to collaborate (in partnership with schools) on proposed measures to review the extent of school to ‘prison pipeline’ concerns.</p> <ul style="list-style-type: none"> a. To also examine the appropriate role and presence of police in primary and secondary schools. b. To explore effective partnership working with the Sheffield Inclusion Centre. 	<p>SYPC SYP Schools</p>
<p>Action 33: Youth Justice Service (YJS) and council to address disproportionality of Black, Asian and minoritised ethnic people in the Criminal Justice System (CJS). More specifically:</p> <ul style="list-style-type: none"> a. Analysis to inform YJS practice and the nature of the challenge to other agencies. b. Move from aspiration of fairness to an anti-racism stance. c. Increase challenge of other agencies and invite challenge from all Board Members without defensiveness. d. Identify key partner service (police, CPS) to discuss concerns. 	<p>Justice Service (SYJS) SCC SYP</p>

<p>Action 34: Consider the implications and measures of knife crime strategies, how communities are engaged in developing preventative measures and exploring how entities like the Violence Reduction Unit, South Yorkshire Police and Police and Crime Commissioner funding impacts on reducing incidents and raise awareness.</p>	<p>Violence Reduction Unit (VRU) SYPCC SYP SCC</p>
<p>Action 35: Consider in the Community's 'Ban the Box' initiative (criminal record tick box) to reduce the disproportionate impact on job opportunities of BAME (sic) people who are 3 times more likely to be arrested than white people on job opportunities, and to reduce a young person's chances of re-offending from 59% to 29%</p>	<p>Sheffield Anchor Institutions</p> <p>Third sector organisations</p>

South Yorkshire Police (SYP) Stop and Search - oversight and assurance

A police officer can only stop and search someone if they have reasonable grounds to suspect that someone is carrying drugs, a weapon, stolen property, or something that could be used to commit a crime.

However, there is an exception to this, called a 'section 60' stop and search, whereby the police can stop and search a person without having responsible grounds.

These searches must be authorised by an Inspector or above in advance, and usually cover a specifically defined area.

There are three levels of assurance for SYP's Stop and Search activity –

Level 1 - SYP's own internal stop and search scrutiny panel

Whilst these are not independent, from April 2022, the PCC's Independent Ethics Panel (IEP) Stop and Search Lead Member can attend an internal panel as an independent observer and report findings through to the IEP.

Level 2 – OPCC and IEP activity on internal and publicly available stop and search statistics

The Office of the Police and Crime Commissioner (OPCC) has access to SYP's stop and search statistics which cover a wider range of data that the OPCC and IEP use to monitor the use of stop and search. Data includes, but is not limited to:

- Date and time of stop and search
- The reason and regulations used for the stop and search
- Whether there was an outcome / police action because of the stop and search. (i.e., arrest, caution, warning, charge/summons.
- Details in respect of the person subject to stop and search including:
 - Gender
 - Age
 - Ethnicity

The OPCC and the IEP review this data to gain assurance on specific areas of interest such as trends in the numbers of stop and searches being carried out, the ethnicity of those subject to stop and search and whether people other than white are being disproportionately affected by stop and search. Data is also reviewed on whether a stop and search had a police outcome in order to assess whether a targeted approach is being used to effect stop and searches.

The OPCC and IEP use publicly available data on the Police.UK website to compare South Yorkshire Police stop and search data with other forces nationally to see where SYP may be outliers.

Stop and Search data is reviewed at least quarterly, and a summary of data is made available publicly in the PCC's Police and Partner's Performance Framework quarterly report which can be found on the OPCC website.

Statistics and data are not perfect. For example, the latest ethnicity data for disproportionality is based on data over 10 years old, although this should improve when the Census 2021 data on population ethnicity is released in Autumn 2022.

The data shows that, in respect of age and gender, more males are stopped and searched than females. Young people (aged 18-24 years) are more likely to be stopped and searched than other age groups. People other than white are more likely to be stopped and searched, something that the IEP has raised as an issue but which is, as yet, not been resolved.

The disproportionate use of stop and search on ethnic minority groups needs to be understood in the wider context of age and location. However, South Yorkshire data, especially in respect of location, is currently not of good enough quality to undertake robust analysis.

Level 3 - Independent External Scrutiny

External scrutiny of a sample of stop and search encounters is undertaken by a panel made of members of the public. These meetings would normally take place face-to-face with members of the public, meeting with officers from SYP. During the coronavirus pandemic, external scrutiny had to be put on hold as face-to-face meetings were not possible.

During this time, two members of the IEP continued to scrutinise a smaller sample of stop and search encounters to ensure at least some external, independent scrutiny.

As well as scrutinising stop and search encounters, the IEP members worked with SYP to develop the way stop and search could be scrutinised by members of the public in future.

As coronavirus restrictions have eased, the public external scrutiny panel has reconvened and is scrutinising stop and searches again but in a much more effective way by reviewing officer's body worn video as well as officers' notes.

Reviewing body worn video allows the public to gauge and judge the encounter in more detail with added context.

The new way of working for the external panel includes to meet remotely rather than face to face which will provide further resilience should there be any further issues with meeting face-to-face in future.

The IEP Members also worked with SYP to develop a set of prompts / questions to help the external panel members determine that each stop and search is done lawfully and appropriately as well as fairly, ethically, and professionally.

The external scrutiny panel membership still needs to be more reflective of South Yorkshire communities with more representation needed from ethnic minority groups and younger people.

Section 60 Stop and Search

SYP has committed to informing the IEP Stop and Search Lead when a section 60 stop and search is authorised, so that the lead member can independently review the impact of these searches on the local community and consider any other ethical issues.

Future stop and search work

- We will continue IEP Lead Member 'reality tests' of a number of areas linked to stop and search and comment on good practice; learning and development opportunities; and ethical issues observed. Reality testing may include observations of Stop and Search training delivered by SYP, attendance at SYP's internal stop and search scrutiny panel, observer at selected external public stop and search scrutiny panel meetings, observation of officers conducting stop and search activity in real time.
- We will review the revised population data in respect of age and ethnicity when it is released in the Autumn to refresh and update understanding around the disproportionate use of stop and search on minority ethnic communities.
- We will look for opportunities to raise the issue of poor-quality location data in respect of stop and search encounters
- We will ensure stop and search data in respect of Police Outcomes/Action taken is reviewed regularly to ensure a targeted approach to stop and search and to look for potential issues linked to the use of stop and search on people from ethnic minorities.
- We will seek assurance around a more diverse membership of the public external stop and search scrutiny panel.