

**Independent Review into
Thames Valley Police
Employment Tribunal
(CC -v- Turner-Robson and others)
and Diversity, Equality & Inclusion
Policies, Practice and Process**

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On 31st October 2024 Police and Crime Commissioner Matthew Barber commissioned Independent Reviewer Kerrin Wilson, QPM to conduct a review into Thames Valley Police's approach to Equalities following the loss of a Race Discrimination Employment Tribunal.

A summary of the Terms of Reference is outlined below:

1. The Reviewer will carry out a review of Thames Valley Police's handling of the appointment of Inspector S to the Aylesbury Priority Crime Team. Specifically, the review will examine:

- i. the positive action policy under which the appointment was made*
- ii. The process by which this policy was introduced*
- iii. The claims made by TVP regarding the accuracy of facts presented in the Employment Tribunal judgement*
- iv. The legal advice on which the appointment was made*
- v. The legal advice on which the Employment Tribunal defence was based*

2. The Reviewer may carry out a review of any legal cases or out-of-court settlements, related to discrimination, paid between 2022-2024 to explore any themes leading to identification of decisions, policies or procedures impacting on Diversity, Equality and Inclusion (DEI)

3. The Reviewer may carry out a review of any pending legal claims against TVP to identify any with DEI components, which may result in future employment tribunals.

4. The policy and practice of TVP in implementing DEI policies across the Force. Specifically, the review will examine:

- i. How the DEI policies of the Force could impact on public confidence in policing*
- ii. How the DEI policies of the Force could impact on the confidence and morale of the workforce*
- iii. How does TVP monitor DEI initiatives strategically to ensure consistency across TVP?*
- iv. How do staff networks influence decisions being made in relation to DEI initiatives?*
- v. What governance sits around the implementation of new DEI initiatives e.g Language Matters to ensure consistency across TVP?*
- vi. What review of existing DEI initiatives takes place to ensure compliance with legislation?*
- vii. General compliance with and regard to UK equalities legislation*
- viii. Training provided to police officers and staff*
- ix. The proportionality of the costs of implementing DEI policy within the Force*
- x. The degree to which politically controversial concepts and ideologies such as Critical Race Theory and Intersectionality are imbedded within TVP DEI policy*

5. How DEI policies, and specifically the Police Race Action Plan, promoted by the Home Office, College of Policing, NPCC and HMICFRS have impacted policies within TVP. Specifically, the review will examine:

- i. The degree to which TVP policy has been influence by national bodies*

- ii. General compliance with and regard to UK equalities legislation*
- iii. The degree to which politically controversial concepts and ideologies such as Critical Race Theory and Intersectionality are imbedded within TVP DEI policy*

Review Approach and Methodology

The Review was conducted over four phases.

The first phase concentrated on the Employment Tribunal (ET) itself with a mix of in person and remote video conferencing interviews with key personnel involved in the ET plus the PCC and his office.

The second phase expanded upon a wider literature review across the Force's policies and relevant material relating to Diversity, Equality and Inclusion (DEI) and Human Resources (HR) practices. This included but was not limited to minutes of meetings, positive action material, recruitment and selection processes, posting decisions, training programmes and HMICFRS reports. Plus, a review of employment tribunals, complaints and grievances relevant to discrimination or fair selection and posting processes between 2022-2024.

Phase three widened the engagement with internal stakeholders to the whole of the organisation. This took the form of individual interviews, either remotely or via video conferencing, plus group forums and written submissions. In addition, research and benchmarking exercises took place across a number of relevant bodies such as Equality and Human Rights Commission, College of Policing and a number of Police Forces.

Phase four was the report development and creation alongside factual accuracy and presentation to the PCC, Matthew Barber.

Throughout the review weekly meetings were held with senior personnel and chaired by the CEO, Gillian Ormston. Periodical updates were given to the PCC.

Statement of Independence

As the Reviewer, it is important to state that while I am a former Chief Officer with over 30 years policing experience. I have no personal affiliations to Thames Valley Police (TVP), its officers and staff, nor with the Office of the Police and Crime Commissioner for Thames Valley. I hold a wealth of experience and expertise in policing practices and Equalities legislation both within policing and wider.

Force Culture and Approach to Diversity, Equality and Inclusion

The Chief Constable has been an ardent advocate for equality in all its forms for many years. In particular he took on the portfolio for Race as a Deputy Chief Constable (DCC) and maintained that responsibility when he became Chief Constable. When he was interviewed for the position of Chief Constable, he made reference his vision for equality and his approach to supporting minorities is in no doubt. His belief in having a Force that represents the communities in which it operates is integral to building the Trust and Confidence of the public in the organisation. That belief is a fundamental part of his leadership and has led to the development of the Legitimacy portfolio which is headed by an Assistant Chief Constable. This was established early in 2024 and seeks to develop trust and confidence in Thames Valley Police from both external and internal communities.

The wider Force and Chief Constables Management Team (CCMT) has a generally positive and progressive approach to Diversity, Equality and Inclusion (DEI). This is reflected well across the Force and in particular the work within the Legitimacy portfolio and with individual staff networks. The Force has been nationally recognised in this field within policing and other industries as was evident through their runner-up status in the national Equality and Diversity Awards 2024.

Nothing in this review has led to a concern regarding the actions and behaviours by individuals involved in the tribunal that warrant closer misconduct scrutiny. Difficult decisions made and adverse outcomes are part of policing. If they are made in line with the Code of Ethics and values of the organisation then mistakes made can be a basis for learning and improving. Mistakes have been made in aspects of this review which had they not been made may have resulted in a different course of action or a stronger basis to proceed with elements of positive action initiatives.

Throughout the review I have found the Force in general to be very open and transparent about their strengths and areas for development. I want to thank all those who engaged and shared their experiences and opened up in sometimes emotional and challenging ways. There are a number of areas which the Force has recognised that they need to improve upon and are already considering which align to some of my recommendations. There are some aspects relating to process change and some relating to behaviours that may require investment. Within a large organisation with difficult choices to make over budgets some of these recommendations may not be a priority for the Force but I would urge conscious decisions to be made regarding the impact of not investing in certain areas which has a cumulative impact upon the workforce.

Like any review, the findings are largely focused on the areas for improvement. While there are 51 recommendations identified this is not a reflection on how effective the Force is overall. Thames Valley Police is an organisation that has a wonderful people with passion and ways of working that deliver excellent policing for its communities.

Having said all that, the impact of the Employment Tribunal on the Force has been significant. It has questioned the leadership from the Chief Constable and down through the senior leaders in various roles. It has raised questions of trust, transparency and consistency in individuals and the Force's approach to the equality agenda and a lack of faith in the internal communications surrounding the matter. For minoritised staff from all protected characteristics but predominantly from an ethnic minority background, this has led to a deeper feeling of being marginalised. It has raised to the surface the concerns from parts of the organisation that feel undervalued as a majority group. This has materialised in polarised views across the workforce. Individual recommendations aside, the Force needs as a priority to heal these divides and build a united and fully inclusive organisation.

Positive Action Progression Programme (PAPP) and Posting Decisions

ToR 1(i) (ii) (iv), 4(ii)

In 2020 the Force senior leaders took an active interest in developing a strategic approach to the various strands of diversity with the then DCC, Jason Hogg taking on the strategic lead for Race. Within this workstream DCC Hogg worked closely with the relevant staff network, SAME (Support Association for Minority Ethnic groups) alongside Personnel functions such as the Learning and Development (L&D) teams. The Force had a development scheme called PALS (Positive Action Learning Set) in place whereby officers and staff were able to access certain opportunities such as mentoring. Within the Race workstream it was recognised that equity within senior ranks for minoritised officers was continuing to be a challenge for the Force and that the PALS scheme had not developed officers enough to progress through the ranks.

During these considerations there does not appear to have been the same focus for progression for ethnic minority Police Staff. The national focus and reporting structures, particularly in relation to Uplift figures, are predominantly focussed on officers and so this is an understandable legacy position that many Forces find themselves in. It is however a key area for TVP, as here like most Forces, there is a lack of career pathways for police staff and a general feeling of a higher value placed on officers than staff, with some staff and staff associations describing a two-tiered approach to staff development.

The DCC, L&D and SAME discussed opportunities to develop a more structured approach to support progression for officers into senior ranks and the task of bringing together the Positive Action Progression Programme (PAPP) was set. This was developed by L&D and modelled on the programmes that the College of Policing have in place for 'Fast Track' schemes. The scheme was a competitive process, although opened up only to officers from an ethnic minority background. The process was based upon similar selection processes the College of Policing use for Executive Leadership, Direct Entry and Fast Track exercises, using the level 3 Competency Values Framework (CVF) as a basis for the competency-based interview. The interview panels were chaired by the DCC.

The reference for this was the High Potential and Fast Track schemes, which the College of Police led on nationally. These schemes are open to all officers and do not differentiate due to protected characteristics, however do have eligibility criteria based upon academic qualifications. The TVP scheme focussed solely on officers from one strand of a protected characteristic background. Developing such a scheme is not in itself discriminatory according to the Equality Act and indeed the College of Policing have previously run such schemes, such as the pre-cursor scheme to the Aspire course, Releasing Potential Programme. A more recent example is the Superintendents Association / NPCC 'Future Supers Programme'. All are without the 'lateral moves' element which is the basis of the Employment Tribunal challenge.

The ambition for the candidates on the programme was that they would have a number of development opportunities that would equip them to apply for higher ranks. Once candidates applied for promotion, they would be in the same competition that was open to all. The ambition was for Sergeants to reach the rank of Chief Inspector within 4 years. The first cohort of 4 officers began the programme in spring 2021. A second cohort of 3 officers began the programme in spring 2022.

A review of the programme took place in 2022. The findings from the review showed that the programme was not working as well as expected. In particular officers were not undertaking a broader range of experiences, so had limited evidence to demonstrate their capabilities at promotion interviews. None of cohort 1 passed promotion boards in the first year. As an example, one delegate on the programme was given feedback regarding the need for a wider perspective, but they were unable to be released from their substantive posting to pursue the feedback pointers, thus rendering them unready for a subsequent promotion opportunity.

The DCC met with L&D and SAME who vocalised their lack of belief that the PAPP was any different to the PALS programme. SAME in particular were unhappy with the lack of success towards the ambition set by the Force. Consequently, the development of the direct postings / lateral moves idea was born. This would be afforded to people on the PAPP scheme to move to another role of the same rank in line with their career development goals.

The development of PAPP was created by L&D and agreed through the DCC with input from SAME. The proposal was briefed to the Diversity and Inclusion Board, chaired by the previous Chief Constable. The scheme did not have an Equality Impact Assessment initiated at either the first iteration or when the subsequent lateral moves element was introduced.

The scheme did not pass through a wide range of stakeholders that ordinarily have sight of new schemes, such as the Federation, Unison, Superintendents Association and wider senior management teams.

The publication of the scheme was believed by a number of senior leaders to be held on the Force intranet (under the staff networks page) but it is unclear when or if this actually occurred or whose responsibility it was to administer this. The scheme was not easily found on the intranet at the time of this review and no-one is able to make a direct comment as to when it

was uploaded or stored elsewhere on the intranet. One senior leader who was laterally given responsibility for the scheme expressed surprise that the scheme was not available on the intranet when they took charge. The scheme was suspended post the employment tribunal being lodged. The Force has stated this is due to a lack of opportunities following the Force review. As this has not been communicated, there is an assumption by some that the suspension is linked to the employment tribunal. No documented audit trail of the decision was made available during the Review process.

There were concerns voiced during the development of the original PAPP that some parts of the Force would be against the scheme and so to minimise any push back the scheme was introduced in a 'low key' way to the individuals who may be eligible via the SAME network. Successful individuals would then inform their line managers / Senior Leadership Teams (SLT) of being on the scheme to support their development needs. It was unclear during the Review who made the decision to keep the policy 'low key'.

Discussions between the initial key stakeholders around lateral moves began at least a year before they were introduced into the policy and so it was known for some time that this had been a consideration, but was not thought to be proportionate to introduce at the launch of the scheme. However, conversations continued throughout this time regarding the potential to introduce this aspect into PAPP. Some of the key personnel involved in these discussions left the Force during this time, which led to the responsibility for the programme moving from L&D to Workforce Planning (WFP). While there were discussions at the D&I Board, they were informal in nature. The scheme was not officially signed off through the usual corporate governance process and therefore the plans were not known to the wider organisation.

Once the responsibility for the PAPP transferred to WFP, individual 1-2-1 conversations with the delegates commenced. During these conversations discussion centred on their career pathway desires and prospects to diversify their current experiences in order to give them a broad foundation in preparation for any promotion opportunities. Two other delegates were given new postings in addition to the one in which Insp S was posted, which gave rise to the Employment Tribunal. Neither of these postings were previously advertised and were both into uniform roles. No challenge or adverse commentary was expressed by other officers eligible to be posted into these roles nor by the senior management teams under whose command they would transfer. Neither of these delegates interviewed for the roles.

Insp S had passed their Inspectors Board in May 2022. In June 2022 at the Force posting panel they were given a posting to a uniform role which would commence on 20th September 2022. On 8th August 2022 Insp S sat a specialist Board for a Child Abuse Investigation Unit (CAIU) Detective Inspector (DI) role which they narrowly missed out on. This demonstrated that they were at that time, having passed the promotion process, seeking a lateral position within the Force to a specialist role.

The posting within CID Aylesbury had not been advertised, although the forthcoming vacancy was anticipated with a number of people actively showing interest in applying for it. This included Insp S and the three claimants from the ET. The claimants were supported through a number of informal routes in developing themselves in readiness for competing in a forthcoming process. This included development conversations with the Senior Leadership Team (SLT) for the area. Insp S was encouraged by others to apply for the role given their recent performance at the CAIU DI board. There were members of the SLT who refused to meet with Insp S, citing a conflict of interest as they were likely to be part of the selection panel for the role. Information gathered during the Review suggest that this approach was inconsistent, in that other (white) colleagues who were seeking to apply for the role were supported in ways that Insp S was not.

When a position becomes vacant WFP is responsible for determining if the role should be advertised or filled a different way. This is generally related to assessing the suitability of officers who are subjected to redeployment due to reasonable adjustment needs or organisational restructure. Not all roles therefore are advertised. The postings policy clearly outlines this and also has a line to indicate that other direct postings due to 'operational need' may be conducted.

WFP took into consideration their responsibilities to make a success of the PAPP programme and identified the DI Aylesbury role as a suitable posting for Insp S who had been on the PAPP scheme since spring 2022. Insp S was offered the role around 8th September 2022. This was 12 days prior to the officer taking up their substantive uniform Inspector post in Milton Keynes. Insp S accepted the DI role, which was due to commence in January 2023, and in the meantime would start their uniform posting as already agreed on 20th September.

This is a key decision challenged in the Employment Tribunal and found that the Force were in breach of section 158 and 159 of the Equality Act 2010 and had moved to a position of positive discrimination rather than positive action.

This is a finely balanced point that was central to the advice given by the Legal team to the Force that as a consequence of the officer having already passed a promotion board, a move to this effect would not breach section 158 of the Equality Act, as the posting was not a promotion per se. This was linked to the Forces decision in defending their position in the Employment Tribunal. The argument that won the day in the hearing was that given the timing, the decision to post the officer was made whilst the officer was still a sergeant.

The legal advice which was given to decision makers in the Force was provided in house by their own team who, whilst experienced and qualified to provide advice in their role, they are not a specialist in equality legislation or employment law. Throughout the discussions within Force, there were concerns raised that the position on lateral moves may breach equality legislation. This was debated many times before eventually settling upon the position to progress with the way forward. There was an expectation that the decision would not be well

received by all. Given the level of controversy that was reasonably expected to be levied at the Force, it would have been prudent to seek advice from elsewhere such as a specialist Barrister (KC) or the Equalities and Human Rights Commission as opposed to in house advice. This is not to say that the advice was wrong, but specialists in this field may have offered insights that had not previously been considered.

Workforce Planning made mention that a similar scheme had been adopted in other Forces such as the Metropolitan (Met) police, but had not sought to learn from what other Forces were delivering and any challenges encountered in order to develop the programme as robustly as it could be for TVP. The Review sought clarity from the Met on their position on positive action / lateral moves. They shared their activities and initiatives under positive action and confirmed they do not practice lateral moves for a specific group. They build in opportunities for broader experiences within an inclusive talent management programme that is open to all.

While the legal advice had been given verbally, the documented changes to the PAPP scheme to include lateral moves was updated on the policy after the decision had already been made to offer a delegate on the scheme a lateral move posting. WFP acknowledged that the decision was made in haste based upon an opportunity that had presented itself and the desire not to 'disadvantage' a delegate compared to others on the scheme who were being given opportunities. Two other delegates were afforded lateral moves but as Insp S was the first to be given the opportunity it is unclear what 'disadvantage' they would have faced had the move not taken place at that time.

While conversations regarding the lateral moves element may have been discussed over time the documented communications between WFP and the Legal team are evidenced between 7th and 28th September 2022. This is after the decision to enact the policy. The legal advice was in support of the proposal, although it was sought as a generic position and not specifically relating to Insp S and their particular circumstances. The advice was that no 'recruitment' was taking place as this related to an existing employee and no 'promotion' was taking place as Insp S had already passed a promotion Board prior to being considered for a direct posting. Therefore, it was considered that this action did not breach s158/159 Equality Act 2010.

Based on the evidence presented to the Reviewer, regardless of the legal advice given, some basic steps were not considered and acted upon. No equality impact assessment had been conducted on the scheme, no proportionality test had been documented. There is no documentary evidence that the scheme had been consulted upon through a number of key stakeholders, nor presented fully via any corporate governance frameworks.

The handling of the policy was also a contentious area within the ET, which worked against the Force. Had the steps above been taken rather than an eagerness to get things done quickly and quietly, then a different outcome in Force may have been achieved.

When posting the officers from the scheme the communication was directly with the relevant SMT members involved. These decisions were not discussed and communicated via any corporate posting process, but were handled outside of these meetings. Therefore, any record of the decision, rationale, proportionality, legality, challenge and mitigation was not captured. While the SMTs affected for two of the moves were supportive of the posting decisions some of the SMT for Aylesbury CID were not. Although their concerns were raised some of this SMT felt unheard and were dealt a *fait accompli* without understanding or having confidence in the Force perspective and strategic direction. This created antagonism in the decision and proactive support to the claimants to pursue the tribunal route. The fall out of this has impacted particularly upon Insp S, who appears to have suffered adverse treatment from elements within that SMT.

When questioned by interested parties on the posting decision, rather than address the matters in a transparent way the Force was immediately defensive and sought legal opinion on how to respond. This resulted in a curt and defensive position being adopted directing those who had questions over the legitimacy of the policy and the decisions being made to read policies attached in their replies. This did nothing to engender a trusting and transparent organisation who are comfortable in the position they have taken and left those affected feeling unvalued.

The future of the PAPP scheme is unclear even to those who are currently on it. The policy is not easily found on the Force intranet, which is evident from having only 10 views since it was authored three years ago. There is no similar programme in place for those with other protected characteristics within the Force, although there is the Women's Network which has a number of development opportunities attached to it. This all contributes to a lack of transparency within the Force leading to lower levels of confidence and feelings of exclusion rather than inclusion.

Most Forces have Ethics Panels or Ethics Boards, with independent members / Chairs, in place to aid decision making for sensitive or controversial matters, by considering the impact on communities. At the time of the review TVP did not have a functioning Ethics Board in place but plans to introduce such were significantly underway. As this develops there is the opportunity to improve decision making impacting upon internal communities and not just public facing communities. New initiatives such as the PAPP policy would benefit from referral to this body.

Recommendations

If the Force is aiming to introduce areas of policy with the potential to be contentious, then seeking expert guidance in the relevant field would enable hurdles to be effectively navigated. This could be relevant expert bodies or legal advice from those who specialise in the field.

When developing new schemes and programmes using the networks which already exist, including the College of Policing would go some way to reduce effort whilst also learning from tried and tested products.

Buy-in from the whole organisation can be achieved through ensuring proper governance and communication lines exist in rolling out programmes to enable proper oversight, scrutiny, and transparency.

Documentation of the proposals, mitigation and risks alongside the scheme is essential to demonstrate thorough thinking and transparent processes.

Equality Impact Assessments (EIA) are essential in programmes such as this where it is known that certain groups may be disadvantaged in order to support other groups. It is therefore essential that mitigation is captured in any EIA.

Development of talent management programmes should seek to be inclusive to all and be merit-based while enabling those from all protected characteristics to overcome barriers to compete.

Employment Tribunal

ToR 1(iii) (v)

The tribunal was heard by Judge Postle and two lay members, Miss S Morgan and Miss L Durant. Judge Postle has presided over employment tribunals since 2003 and is highly experienced in this arena. Following the judgement there are a number of criticisms regarding the approach Judge Postle took towards the Respondents and particularly towards the Chief Constable when articulating his decision. Albeit there is a contrary view, from evidence gathered, that in the early part of the hearing the panel seemed more in favour of the Respondents which gave rise to some confidence by the Respondents in how the case was progressing. Previous outcomes from judgements by Judge Postle demonstrate a consistency in his approach to robustly comment upon the approach of witnesses, particularly those in senior organisational positions.

The Force took a stance that they could strongly defend their position based upon the rationale as to why they implemented the policy in the first place. At the time they estimated that they had a 50/50 chance of winning the case. This level of confidence was a surprise to the Chief Constable who had been under the impression that they were in a stronger position given the legal advice he had previously received and was only made aware of the 50/50 stand point just prior to giving evidence.

There are a number of sources that advocate how senior decision makers may have been personally maligned by the comments that the tribunal made within their judgement. These comments have impacted upon the emotional wellbeing of the senior leaders and have been

further echoed by close colleagues within TVP who support the assertion that the tribunal panel may have demonstrated a less favourable approach to the Force's witnesses. While there may be genuine concerns over potential mischaracterisation the use of communications systems to express these views across the Force may have been misguided and given rise to the belief that the Force was too defensive towards the senior leaders.

The subsequent criticism of the judgement in Force communications has left a considerable feeling amongst the workforce that the Chief Officer team believe the outcome to be wrong. Narrative such as restating the Force's belief that the tribunal did not take into account all of the evidence as they presented it which led to the adverse findings and the decision not to appeal without detailed explanation has done little for the workforce to regain its confidence in the Chief Constables Management Team (CCMT).

From the perspective particularly of officers who roles involve bringing offenders to court they are highly critical of the stance the Force adopted. It has been flagged to the Reviewer many times the parallels of adverse outcomes in court for criminal prosecutions whereby investigating officers may privately disagree but publicly respect the finding or appeal the judgement.

The approach therefore by the CCMT in how they have framed these statements has not been welcomed and negatively impacted upon the confidence of the workforce in their leaders, citing an air of arrogance displayed by the CCMT.

There are a number of steps that the Force could have taken to deal with the challenges prior to a full ET hearing. Early understanding of what was on the horizon through strong arrangements with Staff Associations such as The Federation did not happen in this case. either through to the commanders in SMTs or with the CCMT in structured Joint Negotiating and Consultation Committee (JNCC) meetings. There is no evidence that the four steps of early dispute resolution that Tribunals advocate were considered. Judicial Mediation, Judicial Assessment, Resolution Appointment or Advisory, Conciliation and Arbitration Service (ACAS). Resolution appointments were introduced by the Tribunal in July 2023 and may not have been available before the hearing in April 2024.

The Legal department have stated that they generally consider early resolution as a matter of course. If this is the case then it is unclear, from evidence gathered, why none of these steps were explored or undertaken. The Forces early expectation on whether they would win the case or if they did not win then they could perhaps have still achieved some positivity on how they were advancing the equality agenda may have contributed to the lack of desire to attempt a resolution. None of the complainants were approached to consider alternatives to the tribunal and at least two of them would have been open to seeking alternative solutions. There is nothing in the evidence examined in the review that suggested either side did not present the facts as they saw them. The oral evidence was inaccessible to the Reviewer due to the timescales involved in obtaining this from the tribunal.

None of the complainants were fully aware and prepared for the emotional toll that launching a tribunal claim would have on them. There were varying degrees of support offered from Federation, which fell down at a number of hurdles. The new Federation Executive are aware of some of these deficiencies and have taken steps to better manage cases. Likewise, the awareness of the impact upon senior decision makers was not totally understood. The Superintendents Association have supported their members throughout the tribunal process.

Preparing senior leaders for potential employee disputes that may lead to tribunals is lacking across the country and equally in Thames Valley police. There is little training around employment tribunals and equality legislation, particularly section 158 & 159 of the Equality Act. This can lead to a lack of confidence by some senior leaders to make difficult decisions with robust rationale that withstands employee disputes. This is a risk to policing if the Force becomes too risk averse in dealing with challenges on the horizon and making difficult decisions.

The case management was handled within the confines of the Legal department and no wider oversight of this was afforded to other parts of the organisation in the early days that would have considered the wellbeing aspects of all involved, such as the People Directorate. The Legal department are limited in their responsibilities to cater for wellbeing, which is understandable given their remit. Updates from Legal were given to SMTs and people directorate, who had the responsibility to inform certain parties of what was coming, but sadly the individuals were not fully prepared for the impact that this case would have on them. Some line managers knew nothing of the ongoing case and so were unable to offer support to their staff pre and post hearing.

This was particularly problematic for Insp S who was at the centre of the lateral moves decision. During and leading up to the hearing Insp S was not afforded any Federation support. They were not classed as a witness for either side. The potential impact upon them was flagged by the Legal department to their SMT who was tasked with being the conduit for information and welfare. The direct information Insp S had from their SMT was largely technical relating to the progression of the case. As they were advised this case was about the Force and Policy rather than individuals there was limited consideration of the consequence from this case and the personal impact on them, as a pawn caught up in the dispute of others.

Although both sides had full disclosure and sight of the bundle there was no documented consideration from the Force or from the Federation as to what each persons' individual needs would be, such as tailored impact assessments. One significant aspect that was overlooked by both sides was the opportunity to seek anonymity for Insp S. Or at least to prepare them for what was to come if anonymity was not granted. Whilst securing anonymity orders or reporting restrictions may be difficult that should not be a reason not to try.

Post the decision, I am pleased to see that the Federation are now fully supporting the officer.

Workforce Planning explained the rationale for moving with haste on their decision to post Insp S as to prevent any 'disadvantage' to the officer as others on the scheme were being considered for opportunities. The use of the term 'disadvantage' in this context is unusual. Under Equality Act legislation '*less favourable treatment can be anything that puts someone with a protected characteristic at a disadvantage, compared to someone who does not have that characteristic*'. The premise that this decision was based on seems to be ensuring that there was no disadvantage within the peer group and not a disadvantage based on the treatment of those without a protected characteristic.

In order to develop the argument on disadvantage that a certain group were in danger of facing, then the issue of proportionality would have to be considered alongside the action taken. This argument was not advanced during the tribunal as fully as it could have been. There was no mention of the moves of two other PAPP candidates in the scheme and how this was managed. The rationale given was that the Legal department did not think it relevant to demonstrate that the scheme was operating without adverse push back from colleagues in certain parts of the organisation. Some comments made were that there was optimism bias in the Forces approach towards the tribunal. This may have contributed to the way the arguments were presented at tribunal.

The following steps are guidance from the Equality and Human Rights Commission for employers to ensure that any positive action initiative is implemented lawfully. It does not appear that the Force followed this guidance in full.

An employer does not have to take positive action but if they do, they will need to ensure they comply with the requirements of the Act to avoid unlawful discrimination. To establish whether there is any basis to implement a positive action programme, employers should collate evidence, for example through their monitoring data, and analyse that evidence to decide on the most appropriate course of action to take.

In considering positive action measures, employers might consider drawing up an action plan which:

- *sets out evidence of the disadvantage, particular need and/or disproportionately low levels of participation, as appropriate, and an analysis of the causes;*
- *sets out specific outcomes which the employer is aiming to achieve;*
- *identifies possible action to achieve those outcomes;*
- *shows an assessment of the proportionality of proposed action;*
- *sets out the steps the employer decides to take to achieve these aims;*
- *sets out the measurable indicators of progress towards those aims, set against a timetable;*
- *explains how they will consult with relevant groups such as all staff, including staff support groups and members of the protected group for whom the programme is being established;*

- *specifies the time period for the programme;*
- *sets out periods for review of progress of the measures towards the aim to ensure it remains proportionate.*

Recommendations

CCMT to consider the impact of statements to ensure they align to how they would expect all staff to comment upon official / judicial outcomes.

Review the arrangements with staff association meetings at a local and central level, such as the JNCC, to ensure that early discussions are brought to the table to be considered before they escalate into tribunal status.

The Force to work with staff associations and look to its approach at internal dispute resolutions with an aim to develop a comprehensive programme to minimise the risks of tribunals taking place through early or alternative resolutions.

The Legal team to work closer with the People Directorate to better enable the Force to look after the people involved in tribunal disputes. Third parties in particular should be protected from the fall-out of any dispute. Completion of individual risk assessment for interested parties may lead to better care.

Work with College of Policing and others to develop training packages to help navigate the journey in an ET for all parties. Using case studies to illustrate the emotional impact upon individuals may help people to consider early resolution.

Work with the College of Policing and others to develop training packages focused on the Equality Act, and in particular the Equality Duty and Positive Action.

While staff associations support the right of individuals to challenge the organisation, they also need to be mindful of the wider role they play in supporting all members, and put in place appropriate measures to cover the needs of all those they represent.

Decision Not to Appeal

The Force held the view that they had strong grounds to defend their case and launch an appeal. Following the adverse judgement, an examination of the evidence to understand what carried weight and what was not accepted by the hearing was conducted. This involved the views of Counsel for the case, the views of the Legal department, the views of the Federation, Superintendents Association and SAME. The Police and Crime Commissioner also added his thoughts to this consideration. The ultimate decision on whether to appeal the decision was the Chief Constables. He gave full consideration to the above range of factors and views before deciding not to appeal the tribunals' decision.

A minority of the workforce hold the belief that the decision by the Chief Constable not to appeal was largely influenced by the Police and Crime Commissioner, which was predicated by the public statement that the PCC issued once the judgement was announced. The Chief Constable is very clear that this was not the case.

The arguments in favour of appealing the judgement were weighed alongside those against appealing. A report was developed by the Legal team for the Deputy Chief Constable and presented to the DCC. The report gave focus to the personal reputational impact on the Chief Constable and senior decision makers. There was also reference to points of law and the interpretation from the tribunal panel developed by Counsel. These reports highlighted that there were points of law or contradiction in the judgement that could be developed as legitimate grounds for appeal.

Additionally, there were considerations regarding the wellbeing impact upon the officers and staff involved in the process and the associated costs involved, both monetarily and resource time. This shows positive progress given commentary earlier in the report regarding the lack of evidenced consideration as to the impact on individuals before decisions were made.

All the above contributed to the final decision.

In order to seek permission to appeal a finding at employment tribunal one of the following considerations must be present in the decision in the findings:

- *got the law wrong*
- *did not apply the correct law*
- *did not follow the correct procedures and this affected the decision*
- *had no evidence to support its decision*
- *was unfairly biased towards the other party*

There were a number of strong points of law that were highlighted as having potential for being misinterpreted and misapplied by the tribunal in making its decision (point 1). The final judgement also needed to give clarity on its findings with clear rationale, referencing the evidence that was presented. In parts this was not as explicit as it could have been (point 4). The development of a case to appeal a decision is then presented to the Employment Appeal Tribunal who will determine if permission is granted to proceed with an appeal. Had this step been taken there is still no assurance of success for the Force. Deeper clarity may be provided on aspects missing but this may not lead to a re-run of the hearing. A second hearing may have had the same panel make-up and therefore potentially the same opinions on the points of law which would have been presented. A completely new panel may take a different view entirely on the evidence presented, but again this is not assured.

Having explored stated cases and in particular aspects of Section 158 and 159 of the Equality Act, there is very little case law present to give certainty to the aspects under consideration in this case.

Section 158 relates to applying positive action in employment practices. The act relies upon a 'proportionate' measure being taken to achieve a legitimate aim. The measures should be 'enabling or encouraging' those with protected characteristics to overcome disadvantage. The legitimate aim in this case was to enable applicants from a minoritised background to successfully apply for and secure promotion in a higher rank. The argument against this was that the posting was a step greater than an 'enabling' action. Section 159 relates to recruitment and promotion practices. Policing is a unique employer with regards to lateral moves in that an individual in these circumstances is already 'employed' and so does not fall into the category of being 'recruited'. There was nothing found in the research which explores internal recruitment processes, as recruitment was always referred to regarding entry into an organisation to secure employment. The issue regarding promotion was interpreted by the panel that had the Force's decision been made after Insp S took up their position on 22nd September 2022 then this aspect may not have breached equality legislation.

Key to these considerations it was suggested that the Force and the Chief Constable had a great desire to 'move forward' as the length of time that this case took to be heard had an adverse impact upon a wide range of staff. The financial costs plus the inability of the Force to comment fully about the case and explain its position to the wider organisation.

As the hearing had already taken 2 years to come to fruition, and this is currently not an uncommon length of time for any hearing, the argument about wishing to move forward holds less conviction than it would have had they considered these matters fully at the start of the ET journey. Tribunals are notoriously long to complete and one of the reasons why there are alternative resolution paths to enable outcomes to be reached in shorter periods of time. The desire to limit the impact upon staff was not documented as a consideration at the start or during the process.

When an employment claim is risen and brought to the Legal department there is a process of evaluation conducted by the team to assess the strengths and weaknesses of the case. This is an ongoing process throughout the life of the claim in the department. As material is amassed and statements gathered the fluid process of evaluation is difficult to pin down at any one point in time. There is no written material available to the Reviewer to understand the mechanics of how this process has taken shape. Or how assessments are conducted on risk to the organisation from a reputational, individual or financial perspective.

The costs of defending employment tribunal cases are calculated case by case and are funded from departmental budget lines. Remedy costs, however, are paid for from the Force's overall budget and not provided for in any specific funding pot. The external financial costs of

managing this case are in the region of £8,500 and it would be reasonable to expect a similar or higher cost profile for any appeal. This does not take into account any internal costs.

Some organisations have employment legal claims underwritten through their insurance companies but this does not appear to be the case for policing. The organisational knowledge is poor in respect of how claims are settled and who manages the overall costs. This then has an impact upon how costs are scrutinised through the PCC oversight processes.

Recommendations

The Legal team should develop a transparent risk assessment process that can accommodate the fluidity of building a case to include impact upon organisation, individuals and financial elements.

The PCC should have a clearer financial oversight on the full costs of claims, both from a legal / consultancy cost element, plus the overall settlement figures paid out year on year as part of a healthy financial scrutiny regime to the Force. This should include internally managed agreements in addition to settlements following an employment tribunal.

Staff Associations and Networks

ToR 4(iv)

Staff Networks can be an invaluable resource for organisations and great advocates for issues relating to specific groups. Generic policies, processes and practices can often marginalise certain groups whose voices may not be heard and so the benefits of informal networks have proved over the years to be of great benefit in creating fairer organisations. This is recognised by the College of Policing who have developed guidance in how Forces should approach, manage and support such networks. Having an inclusive approach to networks is an art in itself as some can be more prominent than others and garner more employee support. There is a danger that a competition between networks and Staff Associations becomes problematic as each vie for greater legitimacy over the other. It is therefore essential that clear boundaries and expectations are drawn up by the Force and that networks do not replace official bodies.

The benefits of strong networks allow organisations to recruit and retain people they may otherwise struggle to attract through development of initiatives by those with lived experiences. If used appropriately the outreach and support to marginalised communities provided by networks can effectively address and lift confidence and legitimacy in policing.

TVP have a number of informal staff networks in addition to the official staff associations such as Unison, Federation and Superintendents Association. These networks are developed by interested individuals to develop and focus on a particular cohort of people within the Force whose voices often get overlooked due to the minority status that they hold. Currently the Force has the following staff networks:

SAME

Muslim Association

Enable

Men's Forum

Neuro Diverse network

LGBT / Trans Liaison

Women's Network

The networks are largely run by volunteers in addition to their own jobs and are representative of officers and staff from a wide range of backgrounds in policing. The networks are supported individually and collectively by a central resource which now sits under the Legitimacy portfolio and come together periodically under the 'Network Connect' umbrella.

These networks have a varying degree of work that they get involved in within the Force and with the community. Their focus is often driven by passion and lived experience and can influence the development of initiatives and policies that the Force is trying to address to ensure that they are an inclusive organisation.

While the network leads can have informal contact with the CCMT their remit and reach are variable. By far the most influential through numbers and workstream focus are the SAME network and the Women's network.

The staff networks are present on the Force intranet under the 'Staff Networks' page and available for all the organisation to access.

The Federation and Unison have full time members and have official roles within the organisation to engage with the corporate structure and governance arrangements.

While the staff networks may be involved in developing initiatives and supporting individuals it can become unclear where the line is drawn between their roles and that of the official association. Networks can offer very valuable insights from a lived experience to staff associations when there are tricky matters, such as potential discriminatory practices to be addressed, however they should not replace the role of official associations.

One area that may have contributed to the lack of support received by Insp S from the Federation may have been related to the blurred lines of care from SAME to individuals on the PAPP scheme and the mistaken belief by Federation that this individual was being actively supported. The wider lack of knowledge of the programme that was being developed also led to a gap in the understanding by Federation representatives as to why and how the programme was developed in their first place. This lack of knowledge contributed to greater confusion by the claimants who first sought advice from the Federation on their complaint about lateral moves.

The purpose of bringing all of the staff networks together under the Network Connect banner is laudable to share best practice and identify common areas of challenge. The lack of inclusion by the staff associations into these forums is a missed opportunity to enable a wider viewpoint to be developed by those whose official role it is to represent all colleagues. These associations also have the benefit of being part of wider governance frameworks which can help the voices of the minority groups be heard across the organisation.

Engagement with the staff networks and associations demonstrated that they were largely supportive of initiatives being developed by the Force to address under representation. There was a general feeling that often initiatives came to pass without their knowledge or endorsement and consequently many were left feeling ill informed. There was a belief that there was a disproportionate focus was on certain groups (Race and Gender). This was illustrated through a lack of focus on developing equality impact assessments which covered all staff. Also highlighted was a significant issue relating to the Forces approach to disabilities, such as a lack of training for reasonable adjustment assessors to enable affected staff to have a functioning working environment.

While the networks were part of the Force's Trust and Confidence Board (TCB), Federation and Unison had not been included in the membership. There was a belief that the TCB had a remit to oversee internal trust and confidence within the Force but that none of these groups, except for SAME, had been used to gauge the strength of feeling following the ET. None of the other groups had been approached to consider how they were impacted which was a significant oversight by the Force in how it saw the impact of this tribunal affecting only certain parts of the organisation.

The fallout from the employment tribunal had left many of the network leads feeling that the Force had gone backwards in its approach to diversity and all of these groups felt that their particular groups were now being pushed to the margins by a strong white male narrative that was developing from certain parts of the organisation. Comments such as 'where are we represented' was not lost on the network groups as the people they advocate for include white men who may have particular needs such as disability, neurodiversity, LGBT+ and specifically a Men's Forum who have a voice to advocate for men's health and parenting issues or are allies for these groups. The Federation and Unison are voices for all staff including the majority working population in TVP which are white men.

While there are no programmes of Positive Action for other groups there was no strong cry for this to happen either, but there was a desire that each of the particular groups should be seen as strongly as their ethnic minority colleagues. Overall, these various network groups were hugely supportive of each other and the challenges that each of the particular groups were trying to address.

Recommendations

Clarity between Staff Association and Staff Networks should be developed not only for the particular groups but also for the wider Force understanding and address the intersectionality of the various strands.

The Force should consider how it brings parity to disparate staff networks to ensure that there is consistency in approaches, whilst enabling bespoke initiatives to meet the particular needs of each group.

Consider the use the networks to help influence and hear the voices of minority groups within the Force's governance framework as and when appropriate.

Review the membership of the Trust and Confidence Board at a strategic level and any tactical level that feeds into that board.

Key Stakeholder and Staff Engagement

Over 100 officers and staff were spoken to or engaged with during this Review. The key personnel impacted by the tribunal were all individually spoken to face to face, either in person or via video conferencing. A significant number of people who were outside of this group but either felt strongly about the tribunal, had other considerations to air or had a wider corporate part to play in the organisation were also engaged with. The majority through direct conversations although there was a number of people who preferred written communication.

A number of group forums were set up across different weeks / days / times to enable as many people within the Force to have their voices heard as were desired. A bespoke email address was established. To maintain confidentiality this email was restricted to the OPCC Chief Executive and the Reviewer. This allowed a number of people to get in touch to set up meetings or to share their thoughts and feelings privately should they not wish to be involved in the forums.

The initial tranche of engagement sessions gave very personal perspectives of how the employment tribunal materialised and particularly of how the individuals were personally affected by the tribunal. Every single person impacted by this, whether on the claimants, respondents or neutral side of the argument have been emotionally affected by this case to a larger or lesser degree. Some expressed concerns over decision making, their self-worth and value in the organisation, their appetite for risk, their advocacy for the Force as a good employer, the lack of knowledge and support, and many other issues which in some cases has taken a toll on their physical and mental wellbeing.

A number of people expressed their views that this was the first time they had really been able to discuss what had happened and how they became caught up into the tribunal. There were a number of reflections on what could have happened differently in the lead up to the

tribunal and specifically what the tribunal experience had morphed into. Without going into the evidence that was presented and is out of the scope of this review it is clear that overwhelmingly the opportunity to speak to someone independent and present how they have been impacted was very much welcomed. To some degree it was described as a 'pseudo – counselling session' which enabled the individuals to off load a great deal of pent-up thoughts, feelings and emotions in addition to how they believed the organisation could learn and move forward from the experience.

Some of these reflections were about the organisational approach to postings and how this translated to junior ranks. It was clear that there was a disconnect with the expectations that individuals had on how roles are advertised. The workforce planning team would always consider redeployment opportunities for restricted or recuperative officers in the first instance when a vacancy arises which is clearly stated in the postings policy. It is incumbent on managers who have responsibility for flagging vacancies to reiterate the Force policy to potential interested parties should they be unaware of how processes are followed.

The difficulty regarding the Force's position on this posting was the unilateral decision made without recourse to the SMT on the PAPP policy. As the SMT were unaware and not bought in to the policy there was an element of discourse that translated into 'stoking the fire' and using potential applicants to stir up emotions. This was also fuelled by an unhealthy attitude from one of the SMT members directed towards the CCMT.

Although a number of staff knew of the Race Action plan and the development opportunities to support minority staff, such as coaching and mentoring, they had no concept of the lateral moves element within the PAPP process leaving a feeling of underhandedness by the Force in order to achieve a particular outcome. There has been a suggestion of personal influence from CC Hogg due to a previous working relationship with Insp S, as a staff officer. Insp S was not a staff officer to CC Hogg and has not worked closely with him. This type of rumour and innuendo has added to the wider hostility that has been felt across the Force and sadly has had a damaging reputational impact upon both Insp S and CC Hogg.

The ripple effect has been that minoritised staff have felt they have needed to justify their positions in the posts that they hold and qualify conversations about getting to where they are on merit. Minority staff have also declared that consequently they do not wish to engage in any specifically designed development programmes in the future as the damage to their reputation is greater than the opportunity they may have been afforded.

A number of minoritised staff have declared openly that they will not seek promotion or specialist moves in the foreseeable future as this has left them feeling that even if they did succeed in securing promotions their efforts would not be accepted by some as genuine. Some staff have stated that despite being in the Force for many, many years they now feel that the Force has become a hostile environment and they would not advocate for the Force as an employer of choice for those from a minoritised background.

The opposite end of the argument has enabled some voices from the majority population to express extreme views regarding the Force's approach to inclusion and diversity. This has been aired openly within the Force forums, not just those commissioned by the review. Some of these views have expressed a feeling of being overlooked and under-valued by the organisation because they are from a majority group. The voices heard in these arguments have been very strong and at times bordering on aggressive, calling for disciplinary action towards senior officers and expressing that as white men they have no support within the Force. While the opposite may be true in that the data still shows white men in the majority pool at all ranks and the official staff associations of Federation / Unison are dominated by this group and have the official voice to air grievances, the perception from this group within TVP is very real. There is a tangible feeling of being overlooked which is reflected in the wider societal discourse that is emerging around the UK and so cannot be ignored. If this is not addressed this may well lead to even greater divides within the Force as cultural attitudes become more hostile.

A number of individuals who were on the open forums and had intended to speak felt unable to do so due to the voracity of the voices being heard. They subsequently contacted the Reviewer privately to share their thoughts. These quieter voices were not just from ethnic minority staff but also white colleagues who did not feel they could express themselves openly as allies. There was a real sense of despair with the current discourse and mistrust between colleagues.

While some stakeholders involved were openly reflective on how they could have addressed things differently from their own positions there was also a number of defensive attitudes that were less emotionally aware of the consequences of the handling of the situation and were focused on the technical aspects of the claims. This has resulted in a self-justifying tone coming through on behalf of the organisation and less focused understanding of the psychological impact this has had on people.

In an attempt to engage with staff in an open way the existing 'Ask The Dep' forums were harnessed to explicitly explore the impact and understanding of this situation. These sessions, whilst well intentioned, have added to some of the negative emotional impacts on the workforce. Polarised viewpoints expressed that senior officers should face misconduct for poor decision making and that ethnic minority staff were given preferential treatment whilst not being capable of doing roles they currently employ.

The Force's approach to these forums was to permit all viewpoints to be expressed, not to challenge and allow questions to flow. The answers given by CCMT were often guarded and carefully choreographed so that they gave rise to the impression by some within the wider workforce of avoidance.

The acceptance of disruptive attitudes and polarised views was seen by a large number as lifting the lid on respectful conduct and allowing bigoted views to be aired with impunity. A

small group of people in this camp were very loud and bold in their comments. They permeated all of the forums that were available to them. While there was a large amount of airtime taken up by these individuals this was not a reflection of the majority of people engaged with across the Force.

The design of the communications and the handling of this internally has been a source of much criticism from all angles within the Force. The reflections from the Corporate Communications team have not demonstrated that they acknowledge this level of feeling within the workforce. The reflections were largely centred on tactical steps to provide the information with little reflection offered on what could have been done differently in the engagement elements to minimise the hurt people were feeling. The disconnect between what is being said and what is being heard is a critical challenge for the Force to consider. Landing messages with a way that engages the receiver is largely the responsibility of the communicator, not the receiver in how they hear it.

Wider matters relating to the Force's handling of disability matters and internal grievances were of huge concern that came from all parts of the organisation. There was a strong feeling that junior voices who have raised these matters in the past are being ignored and that good will is seeping away.

Recommendations

The Force should review the internal engagement strategy to ensure that respectful ground rules are clear to all.

Talking heads to review their communications style to adapt and fit the message appropriately. Consider when it is necessary to deliver messages with greater authenticity, being emotionally aware of the impact and how these communications will be received.

Policy and Processes

ToR 1 (ii) 4(i) (ii) (iii) (v) (vi) (vii) (x), 5(i) (ii) (iii)

The policies for internal recruitment and selection of officers sits with Workforce Planning (WFP). This is at the rank of Superintendent and is a significant role within the Force which has a wide reach across all parts of the organisation. The Head of this department has a direct line to the CCMT and at the time was line managed by the DCC. When the posting decision at the heart of this review was made WFP was also responsible for Learning and Development teams. This has since changed due to the recognition that the size of the portfolio was too big for the postholder to manage effectively. WFP is now managed by People Directorate.

A large part of the WFP remit is to determine the postings of restricted and recuperating officers in line with the Equality Act. There are a growing and significant number of officers that fall within this category and managing this is a challenging and sensitive task. This is

generally conducted through weekly meetings lead by WFP with attendees from across the organisation.

This aspect of posting people outside of a competitive process is not always welcomed by the different command teams who often argue the need to have 100% fully fit officers without any reasonable adjustments in place. The lack of comprehension of the duties the Force need to comply with under the Equality Act was something that WFP recognised as a barrier to being more open and considerate of how Reasonable Adjustments could and should be accommodated, to positively accept individuals who were posted in this category.

In order to address the gap in knowledge and understanding of this part of the Equality Duty WFP implemented a series of training events to Commanders with the support of the Legal department and People Directorate.

There is no singular training programme currently being used by policing, either internally or through the College of Policing that delivers the learning outcomes needed in this area. The College of Policing recognise this gap as Forces are facing greater levels of litigation and have committed to develop a training package.

Oversight of promotion processes and subsequent postings are also within the remit of this role. Forcewide competition is in place to address promotions. The first level, PC to Sgt, is conducted through a paper-based exercise with the applicant completing the 'Why Me, Why Now' submission which is endorsed by the line manager / commander. Once through the Sergeants process the postings would be to a uniform Sergeants role with certain parameters allowed for travel and preferences to specialist roles. This is known as 'career pathways'.

Sergeant to Inspector promotions followed the same process until a few years ago whereby the introduction of a selection interview was added to compliment the paper-based application. This was in place in May 2022 when the officer, Insp S, was successful in passing their promotion to Inspector.

Once an officer has passed the promotion process at either Sergeant or Inspector level and is given a uniform posting they are allowed to apply for a substantive role into a specialist area in line with their 'career pathways' ambition. This can occur before taking up the initial position allocated during the promotion's postings panel. If successful the candidate would go on to complete their Work Based Assessment in whichever role they took up.

Specialist roles, after the redeployment panel had determined that no restricted duty officer would be afforded the post, would ordinarily be advertised and open to all to apply and sit a competency-based interview. The panels for these specialist roles are left to the particular command to convene and have no central oversight. The panel members are not required to have any prior interviewer skills training, nor is there a requirement for any independent panel member to be involved. There does not appear to be any kind of scrutiny over the quality and

make up of these processes within WFP or People Directorate, nor are there any requirements for structured declaration of conflicts of interest to be declared.

In line with Force policy, Insp S, having spent the majority of their career in CID roles, applied for a Detective Inspector (DI) post and narrowly missed out to a white male colleague. The officer was encouraged to apply for a future DI role when it arose. During the Review engagement phase there were a number of similar stories from minority colleagues who shared that they were frequently pipped at the post to white colleagues when applying for specialist roles.

Insp S became aware of the forthcoming vacancy within Aylesbury CID and began preparations to apply for the role once it was advertised. The three other interested parties also undertook preparatory work for the anticipated vacancy. All were independent of each other. Some of the informal avenues of support that were open to the three officers were not open to Insp S during this time, although these support opportunities only came to light during the Review. Examples of the informal support was coaching and development given to white applicants by one of the intended interview panel members. Another intended panel member gave support to at least one of the potential applicants while refusing to engage with Insp S.

The role was never advertised and instead Insp S was offered the position from WFP as documented in the Employment Tribunal. The officer took the opportunity willingly, unbeknown of the legitimacy challenge that would ensue. The officer felt confident that they had as good a chance as any given the recent feedback from the CAIU DI's board they had just sat. They were also aware that this was part of the offer from the PAPP scheme they had undertaken early that year. This was in line with their 'career pathways' desires.

The decisions on positive action postings under the PAPP scheme, as previously highlighted, was never taken to any corporate board, nor was the policy included in the terms of reference for posting panels. The posting policy makes a soft reference that direct postings may be made by WFP due to 'operational need'. These instances are rare and generally based upon organisational urgency, temporary measures or lack of applicants for a post.

In order to determine the level of concern over staff relationships around DEI and any patterns of behaviour an examination of the grievance records was conducted. The Force does not have an effective system for gathering the data across the whole organisation in order to understand the how effective or otherwise the Force is in dealing with grievances. Some grievances are logged centrally while some are logged locally. There are scant details of the matters recorded, little information on the demographics of the aggrieved, the subject of the grievance or the grievance handler. There are no details of the outcomes of grievances or appeals. There is no indication that the Force has used or intends to use the information it receives to aid its understanding of any systemic or cultural matters.

A frequent complaint from staff across the organisation was the lack of faith in the grievance system as it stood. While the Force policy advocates for an appropriate grievance handler

determined by the SMT, the collective view is that this is often the line manager and the level of independence is therefore skewed if the complaint relates to another member of the department which the grievance handler oversees. A number of examples were given where the lack of independent investigation led to a deeper sense of unfairness by the aggrieved and resulted in a loss of confidence in how the Force manages this.

There was no evidence of training given to grievance handlers, save for directing staff to the procedure documentation. Nor is there any information or training on how to effectively and proportionately manage these processes.

The Trust and Confidence Board (TCB) is part of the Legitimacy portfolio led by a chief officer. This portfolio has been in existence for a year now and is still evolving its strategy and remit. It has a wide membership, although as previously stated it does not specifically have representation or feed into or from the Staff Associations and Behavioural Science unit. From the documentation gathered during the Review it is unclear how the strategic aims were developed, save for national priorities of Violence Against Women and Girls (VAWG) and the Race Action Plan (RAP). There is some acknowledgement of inclusion in areas such as staff surveys and public confidence figures but these are not comprehensively set out. It is clear from both of the VAWG and RAP strategies, that whilst the priorities are nationally driven, they have been localised to fit with the needs of Thames Valley communities. Particularly the Race Action plan is wider than focussing on Black people, as it focuses on the needs of all of its ethnic minority communities. There are clear plans and resources involved in these parts of the TCB which is driven by the national requirements for reporting and linked to the HMICFRS inspection programmes. College of Policing guidance has been used in some part to develop these programmes of work but it is notable that the Force has pushed the boundaries regarding Positive Action beyond that which any of these external bodies have recommended.

Less clear is how the Force has developed its evidence to support where the focus in the strategic aims of the Trust and Confidence Board should be. There is no strategic needs assessment of the areas of concern and this links in to how the staff networks feel, particularly for the internal focus, where a disproportionate focus is demonstrated across the various groups. Having a TCB is an exciting and progressive development for the Force and it may take some time to bed in to the rhythm of the organisation. There is the opportunity to evolve its strategy based upon evidence of need, this is where a strategic needs assessment bringing together a comprehensive understanding of the various needs would be of benefit the Force.

Working from a strategic aim of 'Inclusion' in all of its forms would address some of the concerns from groups that feel excluded. Using internal data such as staff surveys to understand the areas of internal procedural justice and discretionary effort can inform the development of workstreams. Blending programmes to meet the needs of all groups can eradicate the sense of separation and divisiveness which can emerge. By highlighting the most pressing aims then the appropriate level of resource for workstreams can be argued for. An example of this is the approach to Disabilities. There is a very light touch tactical group which

are developing approaches to Reasonable Adjustments but don't have the right people involved and a holistic approach to addressing the core issues that are impacting upon the Force. The language on the policies relating to Disability matters is not the same or applied consistently. For instance, the use of Disability Passports is in existence but not always adhered to in the way it was intended. Staff are having to relay their issues and renegotiate their passports (which is referred to under different terminology across the Force).

It is unclear where the oversight of all DEI initiatives lay or how they are reviewed for impact and effectiveness. They cross between Trust and Confidence Board and People Directorate but are then further diluted into Workforce Planning, Learning & Development and Positive Action Teams. Policies do make reference to UK legislation and do not make reference to theories such as Critical Race Theory. Practice does involve the use of staff with lived experience across the range of protected strands.

Recommendations

Review who and how posting decisions which fall into the 'operational need' are made and recorded to ensure transparency and accountability.

Review how internal selection and recruitment processes are administered. Ensuring that interview panel members have the skills and training to undertake the role and that a transparent process with a degree of independent input is included as standard.

Central analysis of applications and successes / failures for specialist departments should be a standard to identify if there are biased processes that need to be addressed.

Review the Force handling of the grievance procedure to better understand what the scale of the issues are and ensure that the processes are robust and in line with ACAS guidance.

Provide appropriate training for line managers which covers managing legal / employment disputes. This relates to skills and responsibilities for reducing conflict, handling, investigating and supporting personnel subject to grievance, complaints and tribunals.

Revisit the aims of the Trust and Confidence Board, developing a strategic needs assessment and utilising internal confidence indicators to inform the workstreams.

Develop a stronger more cohesive approach to the work on Disability related matters.

Consider how scrutiny and accountability of all DEI programmes and related matters are better captured, potentially bringing them under one directorate, while commissioning elements of delivery to other departments.

Consequence Management

The adverse judgement from the Employment Tribunal led to a 'Coordination Group' led by the Deputy Chief Constable. The make-up of this group included a representative from the Legal department, People Directorate, Corporate Communications and one Local Police Area (LPA) commander.

The Purpose of the group made reference that this was a 'Gold Group', which is the normal policing terminology for a bringing together the response to an emergency or major incident. This is generally overseen by a Gold Commander and involves a structured approach to managing the incident in question.

The purpose of the group was set out in the following terms;

"The Gold Group is established to oversee, manage, and mitigate the organisational impact resulting from the employment tribunal ruling. This includes ensuring the welfare of officers and staff involved or named in the case, managing the impact on the wider Force, assessing and managing the impact on public trust and confidence and determining the Force position in respect of considered next steps".

During the review there was uncertainty from a number of people, both involved and wider in Force of whether a Gold Group had been established. It appeared to a number of people that this group was shrouded in secrecy and that there was an unwillingness to call it a Gold Group. The Chair of the Gold Group is clear in their views that this was a Gold Group in the normal sense of how policing initiate and manage such. The participants in the group were limited to a few key individuals with the rationale given that part of the agenda was to consider the legal aspects of whether to appeal the ET judgement. The focus on having this as the reason for limiting the participants in the group left the group with a limited insight into the impact upon the Force.

While there are terms of reference and minutes of two meetings, the content is very light. There is very little documented on the meetings that took place, times and dates, the discussions, actions and outcomes. A number of areas, such as the decision on who to include / exclude as members of the group have been described as 'conscious decisions'. While this may be the case there is nothing documented to capture what the thinking was regarding these matters. Documenting the rationale for not taking a particular course of action is often as important as the specific action taken. This demonstrates fully the conscious decision made and gives confidence to those outside of the particular environment.

A standard approach to a Gold Group would be to consider the meeting structure, attendees, and also determine if the matter being addressed was a 'Critical Incident'. The use of the National Decision Model would aid the thinking for the group. A Critical Incident in police terms is defined as;

“any incident where the effectiveness of the police response is likely to have a significant impact on the confidence of the victim, their family and/or the community”.

As this group was not as structured as would be expected for an external operational incident the understanding of how effective achieving the outcomes outlined was is somewhat limited. The lack of clarity added to confusion and has led to a number of areas that were not addressed as effectively as they may have been. While there are legitimate concerns of maintaining the integrity of legal considerations there are ways of managing this. For example, having the meetings in two parts with a closed session dealing only with the legal aspects and including a small membership of key personnel, then opening up the rest of the meeting to a wider group of key stakeholders. The membership of this group as it was convened seemed to be largely concerned about the appeal angle and corporate communications as opposed to fully meeting the purpose as outlined above.

A critical incident was not discussed, but given the purpose as stated for the ‘Coordination Group’ this would without doubt fall into this category. Once determined to be a critical incident a focus on Trust and Confidence would be expected to automatically follow. This may have led to consideration of the membership of the group. Widening this to include stakeholders such as the Trust and Confidence portfolio holder, staff associations, the L&D lead who was delivering the Equity Training (which was ongoing at the time and a good source of feedback from across the workforce) and a trusted member of a community advisory body such as someone from the Independent Advisory Group or Independent Scrutiny and Oversight Board. Widening the membership would have afforded a deeper insight into the impact and allowed for appropriate mitigation to be considered. This may have resulted in a better response from the Force or indeed a determination of what actions were reducing / increasing the level of criticality.

Areas that were missed due to this approach were a considered approach to all of the Force’s Community and Diversity Officers (CADO) for feedback on what was happening in their communities. This was tasked only to the Aylesbury LPA. Other staff networks, not representing only ethnic minority officers and staff, were not consulted on the impact, nor was Unison as the group only focused on the impact to Police Officers. All other staff networks have felt that their work has been undermined by the Force’s handling of the situation. Unison have felt that their members were not considered at all in how this affected them. The feedback from community groups through to the CADOs was limited as there was no direct requirement for them to engage.

Although the Legitimacy portfolio holder was engaged with outside of the meeting structure and briefings were given from them to interested parties this approach may have missed opportunities to fully inform the decisions being made within the Gold Group due to all key parties not being fully present.

The overall impression in the initial handling of this was that a perfunctory approach was adopted. This limited the thinking and effectiveness of the group.

Recommendations

Examine how Gold Groups are managed and documented to ensure appropriate recording and accountability takes place.

Examine how the Force understands and deals with critical incidents, particularly internal critical incidents. Ensure all police staff in key roles such as Corporate Comms have undergone critical incident training.

Communications

The Force has a corporate communications department who have advised on the content of the communication to the Force throughout this matter coming to light. They have played a key role in shaping how the messages have been delivered and how feedback has been received. The communications strategy was signed off at Chief Officer level. There has been a general disappointment from all parts of the organisation engaged with during the Review, on the communication that has developed throughout the life of this matter. The criticism has been from a range of views, regardless of whether they support the Force's stance on positive action or not.

The communications that were presented initially as a result of the adverse judgement against the Force described that while they may have lost the tribunal, they believe wholeheartedly in what they were seeking to achieve with positive action. The initial message sought to confirm the circumstances, outcome, recognise the impact on those involved, the workforce and outline next steps. While the intention was laudable the style of the message missed the mark with regards to the impact upon the wider workforce and misjudged the strength of feeling within the Force. There was a huge amount of fallout from the tribunal and the initial messaging did little to address the perceived lack of confidence that some of the organisation had in its senior leaders.

As the pressure mounted for further answers and engagement a number of delivery methods were adopted in an attempt to cover all aspects while recognising the confines of being limited with some aspects due to the consideration of whether an Appeal to the Tribunal would be lodged or not. This ranged from headline calls with commanders and heads of department, blogs, articles, listening circles and two-way engagement sessions such as 'Ask the Dep'. This is an established forum that exists to meet the engagement needs of the workforce with senior leaders.

Due to the role of the Chief Constable potentially being a witness if an Appeal was launched there was a restriction on the amount of engagement that they were involved in. Once the decision was made not to pursue an Appeal a commitment to have a statement directly from

the Chief Constable was given. The draft of this coincided with the beginning of the Review and after some discussions with senior leaders and other stakeholders it was decided that a written statement from the Chief Constable should be given rather than a video message. The direct engagement with the Chief Constable on this matter was to be held off until the outcome of this Review.

Further 'Ask the Dep' sessions were facilitated enabling staff across the organisation to raise their voices and for the organisation to address the concerns.

The general feeling has been that the style and content of the communication messages lacked the human touch, were devoid of empathy and defensive to the Force's position on positive action. The reluctance to fully accept the findings whilst seeking not to appeal the decision without thorough explanation has added to the dismay many have felt. The communications have given the appearance of giving 'politicians answers' and not addressing the really difficult questions that were posed. The belief that the Chief Constable should have made the initial statement was strongly felt across the whole of the organisation.

Organisations that encourage voices of dissent to be heard is the sign of an open and welcoming organisation that does not shut people out. However, a listening organisation has to set the ground rules so that respectful debate can be had which allows all viewpoints to be aired without harming those with a differing opinion. An expression that sets the scene in this way and reminds contributors that although an opinion is aired and debated it may not necessarily lead to changes in policy or process.

Through the engagement element of the Review it was clear that a desire to have policy decisions made through the Force forums so that certain groups could claim victory was a goal of some. At the far end of the argument against positive action, there was a desire to see senior officers face misconduct, resign or pledge to move away entirely from DEI policies. Whilst on the opposite spectrum there was a desire to see the Force appeal the tribunal decision, and argue for greater radical change. There was also a desire from some to have disciplinary action taken against those who argued against DEI policies due to the language and tone that had been used.

The inability of the Force to come together with a clear view of its approach to inclusion is a reflection not only on the lack of a cohesive 'inclusion' strategy but also a reflection of society as a whole whereby certain groups perceive that they are excluded. While organisations may argue that this is not the reality, if this is a strong feeling by a significant and vocal minority of the workforce then this is a reality that needs to be addressed. An individual's perception is as valid as any others.

The Force communications structures and practices at times appear to drive business rather than be agile enough to adapt to any given situation. An example of this is the request to have an all-user email communicated to the workforce to highlight the offer of engaging in this

Review. Whilst Chief Officers were keen for this to happen, it was blocked by the Corporate Communications team citing that this action would go against Force policy.

A lack of insight into what and how the Force feels and how communications reach and are heard by the workforce is evident here. Reflections from Corporate Communications on how the messaging regarding the ET have landed and been heard, is that there are no specific lessons to be learned on the content, style and approach to the emotional aspects of the messaging. The team gave the impression of being very satisfied with the work they delivered across this matter. While there is no doubt that they worked hard to deliver on their remit there is a lack of acknowledgement on the emotional impact of the messaging content and style that the workforce felt towards the delivery.

The reflections are predominantly in respect of future engagement strategies such as how to engage with a multi-generational workforce, developing a risk radar, responsibility of other departments to cascade messages. There is less insight into the hurt felt by staff in this current situation and how the Force may have approached the messaging in this instance differently. In this regard they were reticent to reflect on the specifics of the style created, focusing on the functional elements of the messaging. Although there is a degree of awareness of how busy officers and staff on the front line engage in Force communications and digest corporate messaging the resistance to respond to individual requests is a barrier to effective communication. There is work ongoing to introduce a new engagement tool but until this happens then a more flexible approach may be required to address particular needs.

Statements from staff networks inflamed the emotions of some when the debate was very raw. This often links to the training products whereby flagging comments such as, *"I don't see colour / everyone needs to be treated to same / people need to be treated equally"* with the judgement that this is 'disheartening to hear' does nothing to support open and healthy conversations but can inadvertently shut down genuine conversations. Rather than labelling someone who makes these statements as being inappropriate, having a two-way conversation as to how the comments may be heard by another can give a deeper and more respectful understanding on both sides.

The Force has a programme of work under the workstream of Healthy Team Cultures which involves an innovative and easily accessible approach through the introduction of a series of 'Courageous Conversations' learning events. This is available for the whole workforce to access live or recorded post the event. Some of the issues about communication highlighted above may be covered in these series which took place during the review period. An evaluation of the take up and any changes to behaviours would be ideal to consider what works. Aligning this into an individual's Continuous Professional Development (CPD) record and making it part of their annual appraisal will support the work towards a Healthy Team Culture.

Recommendations

Communications coming from the heart, at the right time and by the right voices rather than being overly engineered are often accepted as more authentic and believable by the workforce. Consideration of who should front difficult communications to achieve the aims of building trust within the workforce should be factored into any communication strategy and not just the specific role of an individual.

Consider how an open forum is set up for future debates, to ensure that all participants feel heard and respected and division is not amplified.

Corporate Communications team to develop a flexible and agile approach to the needs of the organisation rather than using Force policy or practices as a barrier to meeting dynamic needs.

Use the expertise and lived experiences of staff networks to bring controversial statements to light in a supportive and non-accusatory way.

Consider evaluation of the Courageous Conversations programme and what difference or learning points emerge.

Embedding the Courage Conversations into CPD / PDR to be considered in order to evidence ongoing learning, especially for managers.

Training

ToR 4(viii) (x), 5(iii)

All officers and staff within TVP receive some form of face-to-face DEI training when they first join the organisation whether that be in their initial foundation courses or through transferee induction programmes plus online e-learning courses. Senior leaders have DEI elements woven through their various training course, but without a specific DEI leadership or Equality programme. This last piece is a gap that has been identified across all Forces and the College of Policing have committed to creating a training package to meet these particular needs.

Following the development of the local Race Action plan and the desire to become an anti-racist organisation the Force commissioned the Open University (OU) to create a Race Equity course (Cultivating Race Equity and Active Allyship), with the aim of opening healthy discussions within teams around race and to develop an understanding of the different cultural barriers which may exist within TVP.

The original idea was that the training would be of half day duration linking in with another piece of Healthy Team Culture training which all employees would receive. Unfortunately, the Equity training was not ready to be delivered as anticipated and it was decided to commence the Healthy Team Culture training from Sep 2023.

In Dec 2023, the OU presented the first version of the course to TVP. Following consultation with the training department and TVP Diversity and Inclusion, amendments were made to suit the local audience. The OU signed off the course and two pilot courses were run during July 2024; the initial pilot with invitees from a cross section of departments and Healthy Team Culture advocates, the second being open to anyone within the Force to attend. Feedback was received from the pilots and further amendments were subsequently completed.

It is unfortunate that the Force was rolling out the Equity Training when the ET judgement came out and the training became intrinsically linked to the ET judgement. Much deliberation was had and the Force took the decision alongside a fully committed training team to go ahead with the training programme which began a Force wide roll out in September 2024.

The course itself is a half day duration, morning or afternoon run by a team of trainers in nine locations around TVP. On line sessions are available for those in more outlying locations or for whatever reason are unable to physically attend a venue. The sessions are aimed at all supervisors, Staff Band 3 and above and Sergeant and above, but also include lower ranks if they have any supervisory capacity.

To date (Nov 2024) 1061 staff are shown as having attended on the audience list, with an additional one hundred staff will also have participated outside of the scheduled course (L&D trainers, Corporate Communications, CCMT). It is unclear why Corporate Comms personnel attended outside of the mixed sessions. A further 284 staff will be trained before the course completes in March 2025.

The content of the course itself by nature, as well as the timing is quite sensitive. It relies upon the skills of the trainer to dictate how well the materials are received and the conversations and dynamics are managed within the classroom. The content of the course is aimed at generating discussion and while it does not make specific reference to Critical Race Theory and Intersectionality as a theory it does use terms such as 'white privilege' which can often be seen as demonising white people and therefore building barriers to the learning.

A specific requirement for the attendee is to cascade the training within their own teams. It is unclear how the cascade training will be monitored or quality assured and how the Force proposes to mitigate supervisory resistance to deliver this training.

The course material comprises a comprehensive lesson plan with full trainer notes which is timed to three hours. This is supported by a Participant Guide which explains concepts, models and introduces activities. There is also a Discussions Toolkit which offers suggestions as to how attendees can run sessions and open discussions within their teams. This additional material is forwarded by e-mail to participants following their attendance on the course.

The following observations are from the attendance of an afternoon session:

The lesson plan and material are comprehensive, well written and professional, covering such concepts as defining and unpacking white privilege, the myth of race, types of stereotyping,

micro-aggressions, being an active ally, non-racist versus anti-racist. This is covered through a mix of power point material, videos, discussion and group-work and it is apparent that there is a huge amount of content to cover in three hours.

In light of the employment tribunal, one area that isn't covered in great detail is legislation in relation to S158 and S159 of the Equality Act 2010, being the use of positive action in the recruitment and selection process. This subject itself was mentioned in the training and all attendees agreed that they understood the concept, but no further exploration of this aspect was covered to have confidence that the attendees really did get the nuances within the act and really understand where the boundaries lie between positive action and discrimination. No examples were aired to explore this.

The trainer was evidently experienced and set the tone well, stressing the ethos of the training was to be curious, ask questions, start discussions and appealed to professionalism. Throughout the session, discussion was encouraged, however it tended to be by the same people and it was noted that the more senior ranking officers remained silent. This was deemed to be consistent in other sessions.

Contentious areas such as the Employment Tribunal judgement were aired. From some individuals there was a resistance to accept the training. There were strong feelings of frustration in the room with a couple of officers stating that as white males they felt disadvantaged and that they had the perception that unfairness was allowed for minority groups but not for majority populations. This was discussed and managed professionally by the training team and the course continued but the class was noticeably quieter.

On some other sessions a large part of the time that should have been dedicated to delivering the training was instead diverted to cover the employment tribunal. While this is understandable and may have been developed into a case study to enhance the learning on this course the timeliness and rawness of the outcome has not allowed that to be so.

When the topic of white privilege was discussed, this was done by way of a video by John Amaechi who stated that white privilege was a difficult concept to grasp and a short explanation by the trainer with an example relating to gender privilege. One of the attendees stated he didn't understand the concept and asked for examples of white privilege as opposed to gender privilege. None were given. The Participant Guide contains a white privilege quiz which has some pertinent and 'lightbulb' examples. Following feedback from the pilot it was decided not to use the quiz for time restraints. This is understandable but not to use some of the examples may be a missed opportunity to explain the concept of white privilege.

A similarly contentious subject and an example in the lesson notes which stood out but was not mentioned was in relation to the subtleties of institutional racism. The examples in the lesson plan such as teaching officers that a sign of shock in a first aid scenario is a grey pallor which doesn't account for different skin tones. Given the prominence of the term, it was a

surprise that this was not covered and was possibly a missed opportunity to illustrate the terms and differences in understanding.

The course attendees by in large engaged well with the discussions on micro-aggressions and the impact of the cumulative effect, plus the concepts of being anti-racist and active allyship.

The lesson plan has enough content for a full day session and due to this as well as the need to allow unscheduled discussion to flow, the trainer is dynamically adapting the session to suit the time. This inevitably runs the risk of not being able to fully address some of the more controversial areas.

Feedback is collated at the end of the sessions and the return is generally around 25% which is a fair assessment figure considering typical feedback response rates generally lie between 5 and 30%. Course evaluation is being designed at present with contact being made to all staff and supervisors to report on whether they have had the training cascaded to them and the quality of the conversations that were had.

Universally DEI training is difficult to design and deliver in order to make an impact upon individuals in an organisation. It is difficult to change ingrained attitudes by words alone. Demonstrating the power of difference for the benefit of all is a stronger lever to pull. In gender parity training allyship is often found in men with daughters, sisters, partners as they have an emotional investment to help make the world better for them. This is more difficult to achieve in respect of ethnic parity as personal connections with people from other cultural backgrounds is less frequent.

The responsibility is on all people to help achieve better understanding of difference and although it may be exhausting for people of colour to be expected to always help educate, it is an imperative that they do so with good will. And so instead of expressing feelings of being disheartened when hearing a phrase such as 'I don't see colour' or 'I treat everyone equally' which can often shut down conversations, help expand the conversation to understand that in general the speaker will be coming from a place of good intentions.

'I don't see colour' often means 'I don't see colour in a negative way'.

'I treat everyone equally' often means 'I try not to treat anyone badly'

Allies adopting this approach takes the strain from those with lived experience having to always address the commentary as it emerges in general conversations.

New concepts which are personal initiatives from individuals in privileged positions, such as Deaf Awareness training have been pushed towards L&D to develop without much thought, corporate guidance and sign off for training to be delivered. While there is a departmental training prioritisation board there is no annual training plan developed and signed off at CCMT level. This leaves L&D susceptible to knee jerk training requests to deal with the newest crisis.

There is very little leadership and management training of any kind offered to leaders at Chief Inspector and above. There are a number of College of Policing courses such as the Stage 3 and Stage 4 leadership courses but these are taken up through personal initiative on an individual basis and not a requirement of the role. While L&D ensure that many of the training products from the College are hyperlinked onto the intranet there is no understanding of who may be undertaking these training opportunities.

L&D are keen to develop a more structured approach to 'learning lessons' following any critical or adverse incident, inspection, grievance or court outcome. This is not currently addressed in any comprehensive way and so often the Force is unable to demonstrate what they have done and what impact this has had in relation to process and practice in order to prevent repeat mistakes occurring.

Recommendations

Use the skills within the behavioural science unit to develop an evaluation study for the healthy cultures and race equity training programmes.

Consider how the race equity training fits in with an overall 'inclusive' strategy.

Develop realistic examples to illustrate the difficult concepts of privilege across all protected characteristic strands and review the use of language which may create barriers such as 'white privilege'.

Evaluate how confident line managers are to open up discussions around discrimination and provide easy to use, accessible tools to aid their approach.

Work with the College of Policing to develop Equality legislation training, particularly around S158 and S159 of the Equality Act 2010. In the meantime, consider how this can be incorporated into the Race Equity training.

Align the Training Prioritisation Board to strategic requirements of the Force, ensuring that there is CCMT sign off to deliver the essential and desirable training products and that ad hoc requests are filtered through proper governance structures.

Evaluate the leadership offer and take-up for Chief Inspectors and above to ensure current and future leaders have the necessary skills to deliver their roles effectively.

Financial impacts from employment disputes

ToR 2 & 3

The true financial costs for employment disputes are difficult to determine as there are the in-house costs for Legal and HR departments, external counsel or subject matter experts plus any settlement agreements. These may be court ordered or privately agreed. Settlement

agreements in either scenario may attract the employees' legal costs if the Force is making any kind of settlement.

Unless these outlays are tracked there is little in the way of assessing the costs that the Force could employ in a preventative way to reduce the liabilities they incur. Patterns of behaviour may not be easily identified and prudent solutions adopted. Equally purely determining the value of pursuing a case on the financial element alone misses the bigger picture that the Force is seeking to pursue and so costs cannot be considered in isolation.

The Force has a significant backlog of disability related processes due to lack of investment in this area. The largest part of employee disputes from ET's and grievances, many of which lead to sickness absence, are related to disability matters. It would therefore be prudent to consider the cost to the Force on not investing in this area to reduce the claims and improve the wellbeing of staff, ultimately leading to better public outcomes.

The Force does not have insurance cover for settlement of claims and as such the funding comes from within existing budgets. Although the budget streams are allocated for the running of the in-house teams and external expertise such as Counsel to defend claims there does not appear to be a budget oversight within the PCCs scrutiny processes of the full costs of claims and settlements outside of the departmental budget lines.

Costs between 2022 and 2024 for settlements outside of the full tribunal hearings were agreed for 9 cases, 6 of which related to disability related complaints. This includes the relevant Race Discrimination case which was finalised in early 2025. These settlements ranged between £2,000 and £30,000 and totalled circa £140,000 for the period. As disability matters cover a wide scope of impacts and there are relatively few settlements paid out there were no obvious themes, save for early attention to the requirements of staff by line managers, who are equipped with the skills, confidence and authority to determine early resolutions.

Costs in the same period awarded post hearing have only had a payout on one case, which again was disability related. This was for £1,168,561 and is the case that was widely publicised in the media. There is one other disability claim where liability has been determined and a remedy hearing will take place if a settlement is not reached with the claimant.

The external costs for counsel in the Race discrimination case is circa £8,500. And while there are the costs relating to remedy for the 3 claimants there may also be costs levied towards the Force from other interested parties. Any appeal for this case would be at least in the same region for the counsel fees already cited at £8,500 if not more.

There are 10 live cases which are being managed through into 2025, the majority of which are disability related. These cases cover a wide range of matters under the heading of disability. There are no obvious themes, save for early attention to the requirements of staff by line managers, who are equipped with the skills, confidence and authority to determine early resolutions.

As litigation can be high within the Force exploring the possibility of taking 'employment practices liability' cover may be an option for the Force (which they are now exploring). A number of organisations have this in place already and will fund the litigation once an employment tribunal has been registered. This can cover legal fees, court costs and any settlement agreement.

Recommendations

Oversight of the total costs of employment disputes, including local remuneration settlement agreements and legal costs should be captured more fully. This will allow for greater analytical insights for the Force to use. Plus, oversight and scrutiny by the PCC to seek assurance to the effective management of the public purse.

The Force should explore the options on 'Employee Dispute Cover' in its liability insurance.

Review the early intervention practices that can be developed to mitigate employment disputes, whether that be equipping line managers with the tools and organisational support to resolve matters informally, case conferences with cross department stakeholders or having confidence that formal early resolution practices in the legal dept are robustly adhered to.

National Guidance / Benchmarking

Benchmarking and guidance for this review has been done across a number of organisations which include HMICFRS, College of Policing, the Equality and Human Rights Commission plus several Forces.

There are a number of guidance documents that are produced by the various organisations in respect of Positive Action and related matters to support organisations embarking upon projects to address equality and inclusion. None of the organisations have used or advocated the use, of Positive Action in respect of lateral moves for individuals. The Equality Act legislation in respect of Positive Action is clear in offering 'enabling or empowering' opportunities for individuals. As such the direct posting of an individual is not something that any of these organisations would advocate.

Some Forces have very healthy developmental and talent management programmes which allow for the movement of staff into designated roles when the opportunity arises. These talent programmes are designed for the top percentile of the workforce who have demonstrated potential for higher levels. The talent programmes themselves are open to all, however positive action such as mentoring, mock interviews, personal development prospects are limited to minoritised candidates. Using the equal merit provision in section 159 of the Equality Act enabled specific decisions to be taken for minority staff within the talent pool. The College are currently developing guidance on Talent Management to support Forces in this area.

All of the organisations were very robust in their approach to the development of their programmes of work. Legal advice was sought, often bringing in the expertise of a Barrister, KC, who would specialise in equalities law. All programmes were robustly consulted upon through a variety of channels from briefings to senior leaders and consultation with Staff Associations. The particular staff networks supporting the individual groups would be used to offer advice and guidance on the particular nuances of the programmes. The continuous review and reporting on the outcomes of the programme was built into corporate governance structures.

There is very little case law in respect of Positive Action and none relating to lateral moves as in this case. While the potential may be allowed, a very thorough approach to such programmes would have to demonstrate that an organisation had addressed all of the above positive steps before embarking on such a programme. They would also need to ensure that they had the buy in from all parts of the organisation, particularly the senior leaders and Staff Associations to aid the translation of the programme to those less familiar or supportive of it.

All Positive Action programmes need to be kept under constant review to ensure that they are still required or whether the disparity that the programme was aiming to address had been eliminated. Proportionality in all activity and having a transparent and inclusive approach for all staff, while highlighting the need to address inequality was very much at the heart of all of these organisations.

Reporting on these programmes to community groups such as Independent Advisory Groups (IAG) and Independent Scrutiny and Oversight Boards (ISOB) was a key element of building confidence within minoritised communities.

Recommendations

Maximise the good practice that is available to Forces through the College of Policing leadership centre and practice bank to utilise tried and tested models.

Consider bespoke peer reviews from Forces who have demonstrated excellent holistic inclusion programmes.

Additional Considerations

Internal HR practices

While outside of the scope of this review there were a number of matters raised in respect of the policies and practices within the People Directorate. In particular there was concerns that the recruitment processes were biased towards candidates from ethnic minority backgrounds with complaints being investigated by Professional Standards Department.

The retention data for the Force shows that there is a high number of leavers, particularly in relation to minoritised staff. It is unclear how effective the exit interviews for staff are due to

the quality of the process and whether they are effectively analysed to support retention programmes of work.

The People Directorate resources are stretched thinly and previous model of embedded resources into various departments has moved to largely remote working functions. This lack of local presence and on hand availability to offer advice and guidance while understanding the particular cultures within geographic command units or departments results in largely transactional services from the People Directorate partners. This reduces the ability to proactively support line managers and problem solve with effective solutions which would result in a better working environment for all.

Behavioural Science Unit

The Force has invested in a new concept called the Behavioural Science Unit. This unit is an innovative approach which aims to create lasting positive changes in how the Force operates to improve wellbeing and optimise the work environment. Although only a small team and still in its infancy they have highlighted some positive results from the work they have engaged with by identifying specific internal behaviours, patterns, biases, and motivations. It is unclear how the focus of the team is directed and the strategic direction they are given to explore opportunities to improve. While they sit within the Science and Innovation hub it would seem a missed opportunity not to have any involvement with the work of the Legitimacy portfolio in order to address internal confidence through the leadership standards element of their activity. At the very least they may be able to offer support and advice to the delivery of tricky internal communication messages.

Recommendations

Review the People Directorate model to ensure that services understand the culture and context of the various departments they support to maximise the proactivity and move away from tactical, remote, post-issue support.

Review how the Behavioural Science Unit's governance, oversight and direction may better fit with the Legitimacy portfolio.

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