



## **NBPA Position Statement on Positive Discrimination**

The NBPA supports positive discrimination applied with consideration to overcome historic institutional and societal barriers. These barriers have denied black, Asian and minority ethnic (BAME) police officers and staff, equal access and opportunity to be recruited, selected, trained, promoted, and at times led to disproportionate disciplinary investigations and outcomes. Positive discrimination will enhance our BAME members' ability to enjoy their chosen profession and to serve their communities.

**By Police Sergeant Tola Munro, Gwent Police, President of the National Black Police Association**

“This has been a long journey from the days when we thought change could be achieved using existing tools including positive action. There have been some outstanding achievements in recruiting by a selection of forces including Bedfordshire, the Met, Greater Manchester Police, West Midlands and Gwent Police. However there remain issues with other forces including the nearly third that have no black female officers.

“In 2014 The College of Policing surveyed black, Asian and minority ethnic (BAME) officers in the UK. A third were in favour of positive discrimination with a third against.

“Two years ago our National Executive Committee (NEC) debated this issue and voted in favour of positive discrimination. It was a landmark moment.

“Last week at our Belfast Conference we polled the 150 people in the audience, both our members, NEC representatives and invited guests as to whether they supported the use of Positive. I thought that we might get two thirds in favour. I was wrong - a stunning 80% were in

favour. Therefore I have promised to take this forward to the Home Secretary along with the request that the NBPA be put on the same statutory footing as the Police Federation. My basis will be the Public Sector Equality Duty ("PSED") imposed by the Equality Act 2010, which includes a requirement for police forces to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it."

### **Note to Editors:**

Press Queries to: 07432 629060 (by text only please).

The National Black Police Association believes that historically there has been negative discrimination of British black, Asian and minority ethnic police officers, expressed as institutional racism. As the UK becomes more ethnically diverse there is a widening gap in how our BAME communities are represented in policing, indeed as far back as 1981 Lord Scarman reported that **positive discrimination** was necessary and "*a price worth paying*" to tackle racial disadvantage and racial discrimination.

The latest figures show that only 7% of police officers are from a BAME background, compared to 14% of the population as a whole. None of the 43 police forces in England and Wales are representative or likely to be within the next 50 years.

At the same time race hate crimes have increased from 36,000pa in 2011/12 to 71,500pa now (Evening Standard 16/10/18), however although these have doubled in London the BAME community lacks confidence in policing is not engaged, and an estimated 40% of potential witnesses and victims are not engaged.

Similarly, stop and search is now at x8.4 (LSE study - Observer 14/10/18), peaking at over x25 for drug stop and searches in Dorset - again the support of the BAME community is imperative to make that work - a representative force that polices all its communities with trust, confidence and their consent has a much better chance to address this historic area of contention.

It is broadly accepted that it is an absolute operational imperative to prioritise race because the current racial disparity in policing undermines legitimacy and threatens policing by consent; increasing the likelihood of adverse response or disorder relating to stop and search, or in critical incident scenarios.

The necessity to improve this situation via positive discrimination has been increasingly acknowledged by many senior police officers including former Met Commissioner Sir Bernard Hogan-Howe, Sir Hugh Orde, former President of ACPO, former Chief Superintendent Dal Babu, and by Alex Marshall, former head of the new College of Policing.

We believe after much soul-searching, reflection and debate that for a period of time Parliament should legalise the targeted recruitment and promotion of BME officers and staff, and supports positive discrimination. This is partly in recognition that Positive Action strategies alone will never meet the shortfall in officers and staff who can connect with and provide legitimacy to BME communities.

The EHRC describes positive discrimination as:

Treating someone with a protected characteristic more favourably to counteract the effects of past discrimination. It is generally not lawful although the duty to make reasonable adjustments is an exception where treating a disabled person more favourably may be required by law.

Positive discrimination was applied for a ten year period to overcome the historic sectarianism in the Royal Ulster Constabulary where Catholics were under-represented in policing. The Police Service of Northern Ireland recruited from both Protestant and Catholic communities applicants of the same merit, and intakes were 50:50 from each group. One side effect was that Catholics recruitment went up as they recognized a growing legitimacy.

Positive discrimination is already allowed under the Equality Act 2010 both for disability and gender, and there is a growing body of evidence that all institutions benefit from being more diverse.

- These issues were debated by the NBPA on 18 October 2016 in Surrey Police HQ. The result was overwhelmingly in favour of Positive Discrimination (16 For to 5 Against). **Janet Hills, NBPA President** is now taking this forward to lobby for its use to increase the numbers of ethnic minority officers at all ranks across the UK.
- Parliament's **Home Affairs Select Committee** recognised that seventeen years after the Macpherson report, "*BME representation remains poor and in senior police roles it is at a pitiful level; and many police forces seem to have no better grasp of how to increase diversity than they did decades ago.*" They recognised that Positive Action can provide only a limited improvement in producing a representative police service - [Home Affairs Select Committee, Formal Minutes, 18 May 2016](#)
- Janet Hills told the Home Affairs Select Committee on 12 April 2016 that she would support positive discrimination done "thoughtfully", to increase the numbers of ethnic minority officers across the whole of England and Wales - [MPs hear damning claims of police racism within North-East force](#), The Northern Echo.
- In oral evidence in February 2016 **Sir Bernard Hogan-Howe**, the Metropolitan Police Commissioner, told the Home Affairs Select Committee that he supported a statutory change to allow for positive discrimination, which would enable him to introduce 50:50 recruitment - [Parliament: Police Diversity: Change initiatives](#), 19 May 2016
- **Alex Marshall**, head of the new College of Policing, warned ministers that they may need to change the law to allow forces in major cities to positively discriminate in favour of black and ethnic minority officers, "*we need to be honest about whether we are going to get there in that 10-year period.*" - [Police recruiting chief says force needs positive discrimination](#), The Guardian, 18 January 2014

- **Sir Peter Fahy**, Lead Spokesperson on workforce development for the Association of Chief Police Officers and Chief Constable of the Greater Manchester Police, asserted in 2013 that a more diverse police force should be a legal requirement:

*“This is not about targets or political correctness. **It is about operational need. Policing is unique, we need to be legitimate within the community because of the exercise of power.** Often we are out there resolving disputes between communities and we need officers that understand different communities and different backgrounds. Then there is the practical stuff about surveillance and undercover officers [...] the operational need is great.”*

- He was supported by **Sir Hugh Orde**, president of Acpo, who called for an urgent debate on changing the law, citing the reforms in Northern Ireland after the Patten report making it a legal requirement that if a protestant officer were to be recruited a Catholic had to be taken on as well. *"There is a real issue in senior ranks that we are not representative of the population we are policing,"* said Orde. **Sir Bernard Hogan-Howe**, commissioner of the Metropolitan police, also indicated he would support a law change but said other measures, such as direct entry, should be tried first to help increase diversity before legal steps were taken - [Call for new law to force police to tackle diversity crisis at the top](#), The Guardian, 27 January 2013.

**NBPA would like to acknowledge the assistance provided by Lawrence Davies, Director of Equal Justice Solicitors - [lawrencedavies@equaljustice.co.uk](mailto:lawrencedavies@equaljustice.co.uk) Equal Justice Solicitors - [lawrencedavies@equaljustice.co.uk](mailto:lawrencedavies@equaljustice.co.uk)**