British Transport Police Authority

Dip Sampling Complaint Files Protocol

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EIA	

Revision History

Date Revised	Version	Summary of Changes	Author
April 2009	1.0	Initial document creation	L. Barrick
January 2011	1.1	Reviewed and updated	L. Barrick
February 2011	1.2	Updated following comments at January PSC to include thematic reviews	L. Barrick
February 2011	1.3	Incorporated WT's comments on version 1.2	L. Barrick
May 2011	1.4	Final review before going for Committee approval	L. Barrick
May 2011	2.0	Committee amendments made and released as final	L. Barrick

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1. The Rationale for Dip-Sampling

Under s77 of the *Police Act 1996* and s15 of the *Police Reform Act 2002*, police authorities are required to keep themselves informed of the handling of complaints by their forces. This is part of the general responsibility that authorities have to ensure that their forces are efficient and effective. As such, when conducting dip-sampling, authorities are not performing a line management function but fulfilling an oversight responsibility.

The aim of the dip-sampling is to determine, through a formal structured process, whether or not proper procedures are being followed and whether an appropriate (and proportionate) approach is being taken by the Force. Dip-sampling allows the Authority to monitor the performance of the Force in this area and make an assessment about the degree to which it is satisfied by the Force's complaint management processes. It is essentially a risk management process.

2. Roles and Responsibilities

The role of dip-sampling is to scrutinise the performance of the Force's complaints management processes and will be conducted by members of the Authority's Professional Standards Committee (PSC) prior to each of its quarterly meetings.

The Authority will clearly identify and communicate the roles and responsibilities of those members conducting the review and provide training/mentoring where necessary. The Authority will receive reports on dip sampling via the PSC meeting minutes.

One of the functions of the dip-sampling process is to ensure public confidence in the complaints management process. Consequently, if a Member involved in dip-sampling believes a perception could arise that they have a relationship with the people or events involved in the complaint, and could influence the complaints process, they should excuse themselves from scrutinising that particular file. Dip-sampling is an oversight process. However, some members of the public may not understand that the process is separate from that which determines the outcome of a complaint. Therefore, as perceptions have as much influence over public confidence as do facts, dip-samplers may occasionally see merit in excusing themselves from the review of a particular case. Their decision is a matter of judgement which should be informed by local circumstances.

The Force will provide the files requested to the PSC and the meeting area for the file review.

3. Dip-sampling Styles and Proportions

The PSC will conduct dip-sampling on a quarterly basis before each of its Committee meetings. The dip-samples will alternate in style between an outcome–focused review (January/July) and a thematic review (May/October).

3.1 Outcome-Focused Review

This is the traditional dip-sampling style where the Force provides all complaints files completed during the last quarter, split into the various outcome categories, i.e. local resolution, local investigation dispensation, withdrawn, substantiated/unsubstantiated.

The PSC will look at 20 percent of the completed files, which it believes to be justifiably representative of the total. The Committee will regularly review whether the number/percentage of files reviewed remains proportionate to the total.

3.2 Thematic Review

The PSC will agree on a theme at its previous meeting and all relevant files will be provided to the PSC by BTP for dip-sampling at the appropriate time. In terms of proportion, the percentage of files reviewed will remain 20% of the total number of completed complaint cases for the quarter, not of the files in that thematic category.

4. High Risk Cases and Direction and Control

The Chair of the PSC will review any completed case which is considered to be high risk should the Committee consider it necessary.

The Chair of the PSC will conduct a six-monthly reviews of complaints classified as direction and control with a focus on two factors:

- to ensure they are correctly classified
- to identify any trends that might provide useful feedback on force operational policies.

5. What to look for

When reviewing files you should consider:

- Whether the complaint was dealt with by the appropriate authority under the legislation;
- Whether the agreed policy/process was followed and correctly documented;
- The degree of responsiveness of the Force to the complainant and the officer/s involved:
    - Whether the investigation commenced and concluded in a reasonable time under the circumstances;
    - Whether the Force communicated clearly, regularly and accurately with the complainant and the officer, gave them regular status reports and advised them of the outcomes of the investigation in the agreed timeframes;
    - Whether the Force accounted for any unique needs/circumstances of the complainant or the officer/s (e.g. illness, member of a transient population)
- Whether the time and other resources devoted to the investigation were proportionate to the nature of the complaint;
- Whether the approach, review and conclusion is appropriate and supported by evidence;
- Whether any changes need to be made to improve the Force's performance in complaints management or broader areas of its operations.

A checklist to aid scrutiny is attached at Annex 1.

6. What to do with the information

Following the review the Head of PSD will be requested to attend a meeting with the Committee to review the findings of the dip-sampling process and provide any additional information required to help reach a conclusion on the appropriateness of the action taken. If it is not possible to provide the information at the meeting then the query will be noted in the minutes of the Committee meeting for follow up by the Chair at interim meetings with the Head of PSD. The Chair will update the PSC at the next meeting on any significant issues.

Once Members are satisfied that they have all the required information to make a judgement they can then state whether they feel the process has been satisfactory. This decision will be documented in the minutes of the Professional Standards Committee meetings and a record of the

dip-sampling process will be filed. This record will be signed only when the process is complete and there is no outstanding information or lines of enquiry.

7. Statement to the Authority

Following the Review the findings of the Committee Members, including any recommendations, will be included in the minutes of the Committee meeting.

After each dip-sampling process, the Members involved will discuss the findings at the PSC, demonstrating that the Force's complaint files have been subject to dip-sampling, and indicating whether the results lead them to believe the Force's complaints management processes are operating effectively and whether they are confident there are no shortcomings in the Force's operations in that area.

The Members who participated in the file review will recommend any improvements that should be made as a result of the dip-sampling process and include lessons learned for individual officers, the complaints process and wider organisational processes. Those Members responsible for dip-sampling should also actively seek evidence of the implementation of the recommended changes until they are satisfied that the changes have been made.

Annex 1

Sample checklist for completed complaints files

	Area to review	**Checks to make**
1	Whether the complaint addressed correctly under the relevant legislation	Should it have been referred to the IPCC or Procurator Fiscal?
2	Complaint form	Completed correctly with sufficient information?
3	Covering report submitted by officer completing complaint form	Is there sufficient information to detail the complaint and the officer if identified?
4	If the complaint is deemed a 'direction and control' issue	Is there sufficient justification for the complaint to be considered a 'direction and control' issue? Is the matter being complained about the result of an officer adhering to Force policy or was it an issue of that officer's actions/judgement? The more senior the officer, the more likely it is that the complaint relates to a decision they have made about setting or interpreting policy rather than what that policy is. Care should be taken in determining whether Direction and Control is actually that rather than a senior officer making poor or inappropriate judgements.
5	Acknowledgement of receipt of complaint	Letters to complainant on receipt – timely and responsive in terms of process description, rights and force standards? Is the investigating officer identified to complainant?
6	Subject officer issued with notice detailing what they can expect from the investigation and how it will be handled?	Timely? Is sufficient detail on notice to reflect the nature of the complaint? Is the officer advised personally that a complaint has been made prior to him/her receiving official notice?
7	Initial contact with complainant by investigating officer	Timely, sufficient and appropriate communication, responding given any particular needs of the complainant (e.g. illness, language)?
8	If locally resolved or dispensed	Was process followed and fully documented?

		Was decision to resolve locally justified?
9	If withdrawn	Was it appropriate to withdraw? Did the complainant understand the complaints process?
10	Complainant's concerns	Are these clearly defined along with the complainant's wishes?
11	Investigating officer's report	Is it structured, concise, balanced and fair? Is it an accurate account of the complaint and investigation? Does it address the complainant's concerns and key issues? Does the report pick up the appropriate learning issues?
12	The final response to the complainant and the officer	Timely, responsive, conclusive? Whether they have an appeal right?
13	Quality audit/service delivery/human rights	Any issues identified? Were they properly addressed and actioned?
14	Number of days to complete investigation from 'live' date	A reasonable period since commencement? Reason for delay?
15	Does the complaint or the way it was investigated indicate any trends?	Are there opportunities to improve police service delivery either in the complaints management process or broader? Has the Force identified and actioned those opportunities?
16	Was the process proportionate to the complaint?	Considering the seriousness of the allegations were the appropriate number of witnesses identified and interviewed; were sufficient enquiries carried out; was the level of resources used appropriate; was sufficient physical and medical evidence collected; were the decisions explained and justified?
17	Justification of the outcomes of the complaint process?	Is the approach, review and conclusion appropriate and supported by evidence?

Annex 2

Inspection of Police Complaint File

This complaint file has been reviewed by the Professional Standards Committee at their meeting of _____

Comments by the Panel/Committee are appended below:

Requests for additional information from the Professional Standards Department, if any, are below:

Response from the Professional Standards Department to any requests for additional information:

Signed: _____

Name: _____