

## British Transport Police Authority

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### *Senior Officer Complaints Policy*

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## **1. Introduction**

This policy explains how the British Transport Police Authority (“the Authority”) deals with complaints made by the public against senior officers of the British Transport Police (BTP).

The Authority is the independent statutory body responsible for securing an efficient and effective police service for the railways and is responsible for dealing with complaints and allegations of misconduct against senior officers<sup>1</sup> of BTP.

In the main police officers perform their duties in a diligent and satisfactory manner, there are, however occasions when members of the public feel let down by police officers and the Authority regrets if this situation occurs in relation to a BTP officer. In such situations it is important to deal with such matters quickly, proportionately and effectively and to focus on learning and improvement for officers and the BTP.

## **2. What complaints does the Authority investigate**

The Authority can deal with complaints about the conduct of senior officers of BTP of the ranks of Assistant Chief Constable, Deputy Chief Constable or Chief Constable.

All Officers must abide by the Standards of Professional Behaviour (see Annex A) when carrying out their duties. A conduct complaint relates to an allegation that a person serving with the police may have behaved in a manner which breaches these standards.

Complaints against senior officers who have retired from the police service can also be considered if the complaint concerns their conduct whilst in service.

Complaints against officers of the rank of Chief Superintendent and below and police staff should be made directly to BTP via its Professional Standards Department. Any such complaints received by the Authority will be acknowledged and passed to BTP for investigation.

The Authority does not deal with complaints about the direction and control of BTP such as operational management decisions where there is no issue of conduct, general policing standards or

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<sup>1</sup> Senior officers are – the Chief Constable, Deputy Chief Constable and Assistant Chief Constables

organisational decisions such as the location and management of resources.

### **3. How to make a complaint**

A complaint about the conduct of a person serving with the police can be made by a member of the public who:-

- was the victim of the alleged conduct;
- alleges that they have been adversely affected by the conduct even if it was not directed at them; or
- claims that they witnessed the conduct

A complaint can also be made by someone acting on behalf of any of the above persons, providing they have given their clear and unambiguous written consent for the representative to act. This is waived in the case of parents or guardians of someone under sixteen years old.

There are several ways to make a complaint about a senior officer, you can contact Authority directly by letter, email or telephone, a solicitor can forward your complaint to Authority on your behalf or you can forward a complaint to the Independent Police Complaints Commission (IPCC) if your complaint relates to a matter arising in England or Wales.

### **4. What happens when a complaint is made**

When the Authority receives a complaint about a senior officer in BTP the complaint will be logged and the Authority must decide:-

- whether to make an official record of the complaint; and
- if it should be referred to the IPCC, Police Investigations and Review Commissioner (PIRC) or the Procurator Fiscal.
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### **5. Recording a complaint**

The Authority is not required to make an official record of a complaint in certain circumstances and if the complaint is not recorded the complainant will be told why and the right of appeal explained.

## **6. Referral to the IPCC, PIRC or Procurator Fiscal**

BTP provides policing services across Great Britain and the Authority may be required to refer certain complaints to the IPCC for matters arising in England or Wales or to PIRC or Procurator Fiscal for matters arising in Scotland. As a result the Authority may be required to deal with complaints in slightly different ways depending on the origin of the complaint.

The Authority will refer complaints against senior officers arising in England and Wales to the IPCC where any of the following allegations are involved:-

- allegations of conduct resulting in death or serious injury;
- serious assault or serious sexual assault;
- serious corruption;
- criminal offence or other behaviour aggravated by discriminatory behaviour; and/or
- serious arrestable offences.

The Authority may also refer complaints to the IPCC if there are other exceptional circumstances that may have a significant impact on public confidence or where there are other serious concerns.

When a complaint is referred to the IPCC, the IPCC will then determine the whether and how a matter should be investigated. Where it is determined that a complaint should be investigated the options available are:-

- Local Investigation – The appropriate authority will investigate the complaint without external assistance.
- Supervised Investigation – The Investigating Officer will be approved by the IPCC who will also agree the terms of reference for the investigation but overall responsibility for the investigation remains with the appropriate authority.
- Managed Investigation – The Investigating Officer will be approved by the IPCC who will also set the terms of reference for the investigation and have overall responsibility.
- Independent Investigation – The IPCC will conduct the investigation independent of the appropriate authority.

Where the Authority refers a complaint to the IPCC the complainant will be advised of this decision in writing.

The Authority is required to refer complaints relating to alleged criminal conduct by a senior officer in Scotland to the Procurator Fiscal. On referral to the Procurator Fiscal the Authority will continue the investigation under the direction of the Procurator Fiscal until

such time as it is advised that the alleged criminal matter has been fully investigated and resolved.

For the majority of complaints it will be clear whether the matter should be investigated under the system set up for England and Wales or under the system set up for Scotland. On the rare occasion when there may be some uncertainty, the Authority will decide an appropriate approach based on the specifics of the individual case.

## **7. How does the Authority deal with recorded complaints**

The Chief Executive of the Authority and Chair of the People and Standards Committee will consider how the complaint can best be resolved, this may be by local resolution, a dispensation or an investigation.

### **Local resolution**

Complainants may be offered the option of resolving a complaint quickly and satisfactorily through local resolution. Complainants have to agree that local resolution should be pursued. The procedure to be followed in local resolution will be agreed with the complainant and the Authority will aim to provide a satisfactory and adequate response to the concerns expressed by the complainant.

### **Dispensation**

In certain circumstances the Authority can apply to the IPCC, in relation to complaints arising in England and Wales, for permission to handle the complaint outside the normal procedure, this could include taking no further action in respect of the matter. This is known as a dispensation. For example a dispensation can be requested where there has been an undue delay in bringing a complaint or where the BTPA cannot contact the complainant.

### **Investigation**

If the Authority determines that the complaint should be investigated, it will appoint a person to carry out the investigation. The selection of an investigating officer in the case of a complaint against a senior officer is subject to restrictions, including that he or she must not be a member of BTP.

The investigating officer will submit a report to the Authority, or the IPCC where appropriate, and the Authority or the IPCC, as appropriate, will decide what action is to be taken in relation to the complaint, including whether the matter should be referred to a misconduct meeting or hearing.

If a complaint against an officer is upheld, either in full or in part, there are a number of remedies :-

- management action, which could include re-training;
- misconduct proceedings which may result in no further action, management action, written warning, final written warning or dismissal; or
- no further action against an individual but lessons to be learned for the organisation.

Where an investigation has taken place the complainant will be provided with a copy of the investigation report unless to do so would prejudice criminal proceedings or national security, is not in the public interest or would have a disproportionate adverse effect.

## **8. Keeping the complainant informed**

The Authority will keep complainants informed of the progress made in relation to their complaint. The key points of communication are:-

- acknowledgement of the original complaint within 3 working days;
- decision of how the complaint will be progressed within 10 working days;
- a four-weekly basis progress report of any ongoing investigation; and
- the final outcome in relation to the complaint

The Authority will correspond with complainants in writing rather than by e-mail or telephone; however where an alternative method of communication is requested for accessibility reasons the Authority will make every reasonable effort to meet this request.

## **9. Appeals**

### **England and Wales**

A complainant may appeal to the IPCC against the Authority's decision not to record a complaint or against the outcome of a complaint that has been investigated by the Authority or has been supervised by the IPCC. Appeals must be made within 28 days of notification of the appropriate decision directly to the IPCC.

Where the investigation of a complaint has been carried out independently or has been managed by the IPCC there is no right of appeal

There is no right of appeal against the outcome of the local resolution process. A complainant however does have the right to appeal to the IPCC if they did not agree to the local resolution process or believe that the process was not carried out in the agreed manner. Appeals must be made within 28 days of the occurrence of what the complainant has alleged has gone wrong with the local resolution process.

### **Scotland**

A complainant may request a review of the handling of a complaint about police conduct by the PIRC; however the PIRC is unable to review the handling of complaints involving allegations of criminal conduct which should be directed to the Crown Office and the Procurator Fiscal Service.

There is currently no time limit for requesting a review from the PIRC though the original investigating body should have completed its investigation.

## **10. Contact Details**

Complaints against the Chief Constable, Deputy Constable and/or Assistant Chief Constables in British Transport Police can be made to:

Chief Executive  
British Transport Police Authority  
5<sup>th</sup> Floor North  
The Forum  
74-80 Camden Street  
London  
NW1 0EG  
Tel: 020 7383 0259  
Email: [lucy.yasin@btp.pnn.police.uk](mailto:lucy.yasin@btp.pnn.police.uk)

Complaints against officers of other ranks should be made to:

Head of Professional Standards  
British Transport Police  
FHQ  
25 Camden Road  
London  
NW1 9LN  
Tel: 020 7830 8828

For general advice about making police related complaints contact the Independent Police Complaints Commission (IPCC).

[IPCC Website](#)

IPCC Tel: 0300 020 0096

Please note that this policy can be made available in alternative languages/formats on request.

## **Annex A: Standards of Professional Behaviour<sup>2</sup>**

### **Honesty and Integrity**

Police officers are honest, act with integrity and do not compromise or abuse their position.

### **Authority, Respect and Courtesy**

Police officers act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy.

Police officers do not abuse their powers or authority and respect the rights of all individuals.

### **Equality and Diversity**

Police officers act with fairness and impartiality. They do not discriminate unlawfully or unfairly.

### **Use of Force**

Police officers only use force to the extent that it is necessary, proportionate and reasonable in all the circumstances.

### **Orders and Instructions**

Police officers only give and carry out lawful orders and instructions.

Police officers abide by police regulations, force policies and lawful orders.

### **Duties and Responsibilities**

Police officers are diligent in the exercise of their duties and responsibilities.

### **Confidentiality**

Police officers treat information with respect and access or disclose it only in the proper course of police duties.

### **Fitness for Duty**

Police officers when on duty or presenting themselves for duty are fit to carry out their responsibilities.

### **Discreditable Conduct**

Police officers behave in a manner which does not discredit the police service or undermine public confidence in it, whether on or off duty.

Police officers report any action taken against them for a criminal offence, any conditions imposed on them by a court or the receipt of any penalty notice.

### **Challenging and Reporting Improper Conduct**

Police officers report, challenge or take action against the conduct of colleagues which has fallen below the Standards of Professional Behaviour.

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<sup>2</sup> BTP (Conduct) Regulations 2008 Schedule 1