

British Transport Police Authority

Dip Sampling Complaint Files Protocol

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Revision History

Date Revised	Version	Summary of Changes	Author
April 2009	1.0	Initial document creation	L. Barrick
May 2011	2.0	Committee amendments made and released as final	L. Barrick
May 2014	3.0	Revised following changes to dip-sampling agreed by the People and Standards Committee	L. Yasin

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1. The Rationale for Dip-Sampling

Under s15 of the *Police Reform Act 2002*, local policing bodies are required to keep themselves informed of the handling of public complaints and misconduct matters by their forces. This is part of the general responsibility that local policing bodies have to ensure that their forces are efficient and effective. Dip-sampling, therefore, fulfils an important 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 conduct and 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 conduct and complaints management processes and will be conducted by members of the Authority's People and Standards Committee (PSC) prior to its April and October meetings.

The Executive will clearly identify and communicate the roles and responsibilities of those members conducting the review and provide training/mentoring where necessary. The Executive 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 and conduct management processes. 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 or conduct matter, and could influence the complaints or conduct process, they should excuse themselves from scrutinising that particular file. Whilst dip-sampling is an oversight process 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 dip sample.

3. Dip-sampling styles and proportions

The PSC will conduct dip-sampling on a six-monthly basis before its April and October meetings. The dip-samples will be outcome focused with all complaints (including direction and control) and conduct files completed during the last quarter split into the various outcome categories, i.e. for complaints local resolution, local investigation, dispensation, withdrawn, upheld or not upheld and for conduct case to answer or no case to answer.

The PSC will look at 10 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 sampled remains proportionate to the total.

The PSC may decide on occasion to conduct a themed dip sample. This may be the case where a particular complaint or conduct allegation category or a particular group of employees has become a cause for concern. In these cases the time period and percentage of files to be sampled will be informed by the circumstances at the time.

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.

5. What to look for

When reviewing files the following are the following table details the principal areas that should be considered:

Area for consideration	Notes
Was the conduct/complaint administered in accordance with Regulation ¹ and process?	<p>For complaints, is it a complaint under the Police Reform Act? Is it a conduct complaint or direction and control?</p> <p>Was the conduct/complaint dealt with by the 'appropriate authority' according to legislation?</p> <p>Was the matter referred to the IPCC, PIRC or Procurator Fiscal? Should it have been?</p> <p>Was the agreed policy/process followed and correctly documented?</p> <p>Is the complaint form present and does it contain sufficient detail to identify the officer and allegations?</p> <p>Were notices served in accordance with regulation and did they contain sufficient information?</p> <p>Where a complaint was withdrawn was it appropriate to discontinue any investigation? Is there any evidence that the complainant understood the process?</p> <p>Was the officer/complainant advised of their appeal right?</p>
What was the degree of responsiveness?	<p>Was the matter acknowledged quickly?</p> <p>Were the officer/complainant supplied with sufficient information about how the matter would be dealt with?</p> <p>Did the officer, complainant and any other interested party receive updates in accordance with procedure?</p> <p>Were any unique needs/circumstances of the officer/complainant taken accommodated?</p>
Was the time and resources applied to resolution of the matter appropriate and proportionate?	<p>What approach was taken?</p> <p>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?</p> <p>Was this appropriate and proportionate considering the allegations and the potential outcome if proven?</p> <p>Whatever approach was taken, was it completed in a timely fashion? If there was a delay what was the reason for this?</p> <p>Was the approach clearly documented?</p> <p>Was the officer/complainant and any other interested party advised of the outcome in the agreed timeframes?</p>
Was the conclusion of the matter appropriate, proportionate and supported by evidence?	<p>Does the Investigating Officer's Report contain sufficient information and reasoning to support the conclusion reached and is this supported by the evidence?</p> <p>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?</p>
Do any changes need to be made to improve in the future?	<p>Does the complaint or the way it was investigated indicate any trends?</p> <p>Are there opportunities to improve police service delivery either in the complaints management process or broader? Has the Force identified and actioned those opportunities?</p> <p>Were any quality of service or human rights issues identified? If so, were they properly addressed and actioned?</p>

¹ BTP (Complaints and Misconduct) Regulations 2014 and BTP (Conduct) Regulations 2014

There are forms to complete when sampling a file to ensure consistency of approach. These can be found at Annex A.

6. What to do with the information

Following the sample the Head of PSD will be requested to attend a meeting with the Committee to review the findings 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 PSC meetings and a record of the dip-sampling process will be filed.

7. Statement to the Authority

Following the Sample 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 conduct and 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 dip sample 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 to be attached