BRITISH TRANSPORT POLICE AUTHORITY

MINUTES
PROFESSIONAL STANDARDS COMMITTEE
TUESDAY 29TH JANUARY 2008

at
6TH FLOOR – FHQ, 25 CAMDEN ROAD

Present: **Mrs W Towers (Chair)**
Mr M Brown
Mr C Foxall

In Attendance: **Mr A Trotter, Deputy Chief Constable**
Mr A Gent, Superintendent, Professional Standards

Mr R Hemmings, Chief Executive & Clerk
Miss L Barrick, Business Support Manager & Minutes
Miss L Greenwood, Admin Assistant & Minutes

Observing **Mr I Dobbs, Chief Executive, Stagecoach**

PART I – NOT PROTECTIVELY MARKED

01/2008 **WELCOME AND APOLOGIES**
Non-Agenda

Mrs Towers welcomed Mr Dobbs who was observing the meeting before his official appointment as an Authority Member.

02/2008 **MINUTES OF MEETING 24TH OCTOBER**
Agenda Item 1

The minutes were approved as an accurate record.

Mrs Towers clarified that she had requested a restricted *section* of the minutes as opposed to a restricted *version* of the minutes.

03/2008 **MATTERS ARISING**
Agenda Item 2

Supt. Gent confirmed that there was a new Analyst in his team, but that staff shortages remained in the administration section. He explained that this problem would be resolved imminently as they were expecting to recruit three new staff following forthcoming interviews.

Supt. Gent reported that the wording of local resolution letters had been reviewed.

RICHARD HEMMINGS, CLERK TO THE BTP AUTHORITY
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Mrs Towers asked if there had been progress in getting any of the Authority Members trained to sit on the panel at Police Appeal Tribunals. Miss Barrick said that Suzanne May had expressed an interest but there were no recent developments, as a training date was awaited from the Association of Police Authorities (APA).

Mr Brown asked if the proposal of dip-sampling by theme was being considered further. Mrs Towers said that this would be considered again when the dip-sampling protocol was embedded. The review of direction and control complaints would also have to be formalised.

04/2008 MATTERS ARISING FROM THE FILE REVIEW

Agenda Item 3

Following the issue of guidance from the APA in relation to dip sampling of files the Committee trialled a revised procedure to review files completed during the past quarter.

The Secretariat identified 20% of the completed files across all categories of complaints and checked certain information in relation to completion of forms, issuing of Regulation 9 notices, timeliness of investigation etc. Committee members then reviewed those files in relation to decision making, proportionality of the investigation, outcome etc.

It was generally agreed that this new process was more effective, the procedural issues were completed more rigorously than had been possible previously, and Committee Members were able to spend more time considering decisions made during the investigations.

As a result of the trial, some adjustments will be made to the sample checklist:

- The covering report review would not be included as this would only be present in very complex cases. It was felt that removing this would allow more time on more relevant areas.
- A separate process was being developed for complaints deemed to be direction and control matters as this was something that the Force was currently progressing.
- Checks on the initial letters to complainants would not include scrutinising whether Force process and standards were detailed in the letter, as IPCC leaflets covering these matters were included.
- The Committee would not be checking whether an officer was advised that a complaint had been made personally before receiving official notice as this was not the BTP process.

The forms completed for each reviewed case will, in future be kept

on a file. This file will be checked by the Committee Chair between Committee Meetings to monitor responses from PSD to queries.

It was noted that the record of the investigating officer was now on the file. This was considered to be useful but was not fully completed in all cases. Supt. Gent also advised that further modifications to the file, e.g. a revision of the file cover, were proposed for the future. These were welcomed as it was considered they would provide greater clarity on the file and greater transparency in relation to the decision making process.

One particular issue was identified as a result of the file review:
The issue of Regulation 9 notices - it would appear to be the practice not to issue Regulation 9 notices in cases where local resolution occurs. In cases where the complaint is resolved very quickly this is understandable, however the committee is mindful of the requirement to ensure the officer is advised that a complaint has been made against them without undue delay and would wish to be assured that PSD follows this requirement.

05/2008 QUARTERLY REPORT

Agenda Item 4

The new trend analysis gave monthly totals rather than the previous quarterly figures, Mrs Towers noted that there was a wide variation of monthly figures over the quarter which she found surprising. She suggested that the tables on page two were unnecessary. The Deputy Chief Constable agreed saying that the bar charts were more appropriate. Mrs Towers noticed that there had been a steady increase in completed complaints and asked Superintendent Gent if he could account for this.

Superintendent Gent indicated that problems within the administration stage of the process had been responsible for a slower completion rate but that performance had improved following better administration processes and supervision. He added that there was also a higher throughput with more incoming complaints.

Mr Brown asked whether the increase in misconduct allegations was a result of encouragement within areas and increased use of Safecall. Mr Brown added that it should be considered whether numbers were emerging in the expected areas.

Supt. Gent responded that this may still increase as some Areas had further work to do. Police Staff complaints were also still being incorporated into Centurion from HR. He reported that record-keeping was not necessarily the problem, but that there were now better reporting procedures.

Mr Foxall drew attention to recent figures that suggested misconduct was potentially an issue of greater significance than the Committee had previously detected. He added that the chart could

show an increase in complaint trends and that if sustained could indicate a complaint problem. He asked for comments on this. Mrs Towers suggested that the Committee continue to receive and observe the figures for six to twelve months.

Supt. Gent reported that of the figures for 2005 to 2006, complaints per case were low. He added that ACPO were developing a recording standard. He asserted that he was still expecting to see this plateau out and he did not believe there was any evidence of a surge or an underlying problem.

Mrs Towers suggested that the bar chart should be removed from page four as it was unnecessary and a list would be more helpful. In the second paragraph of page five it was suggested that a table should replace the narrative. Mrs Towers advised that it would be interesting to know if there were any areas of significance in the complaint categories and put forward the suggestion that comparisons might be made according to geographic area.

Mr Hemmings noted that there had been no Stop and Search complaints in the Scotland area.

Regarding the ethnicity of complainants in Section two, Mrs Towers observed that the twenty-five percent representing non-white complainants could be disproportionate. She reflected that this was somewhat dependent on geographic area. Supt. Gent said that an analyst would have to examine this. Mrs Towers maintained that it would be useful to do this from data accumulated over one year, perhaps looking at London Underground as a sample. With regard to the statistic for “white/mixed”, it was estimated to be too early to merit meaningful commentary other than the known issues.

On the matter of civil claims, Mrs Towers asked for the residuals. Mr Dobbs asked whether seven complaints was a rise or a blip. The Deputy Chief Constable responded that he could not be certain at this time, but he would monitor this. He said that the Force was working with revenue officers so he was not surprised by this increase. He also described an increase in hate crime, in particular with incidents involving verbal comments.

The Service Level Agreement for the Quarterly Report was agreed with the caveat that it would be reviewed in the future.

Agreed:

- **The tables on page two to be removed.**
- **On page four it would be beneficial to replace the bar chart with a list and on page five to replace the narrative with a table.**
- **The Committee to continue to receive and monitor the misconduct figures for six to twelve months.**
- **An analyst at Professional Standards to look into**

the percentage of non-white complainants according to geographic area.

- **The residuals to be included for civil claims.**
- **Service Level Agreement agreed.**

06/2008 **UPDATE ON PSD DEPARTMENTAL PLAN**

Agenda Item 5

Supt. Gent confirmed that 31 actions had been completed. He said that the policy and protocol for deaths following police contact and primacy for deaths occurring in and around railways would not be completed, as this would be done in consultation with the IPCC and other forces, which meant that it would roll onto the next planning year.

Mr Hemmings informed the Committee that the issues surrounding the Scottish Commissioner had been resolved as a document of agreed protocol had been signed. However, the cost of the Scottish Commissioner remained an unresolved issue, as there was a possibility that the BTP would have to pay for any investigations they were involved in. Mrs Towers requested that the Committee be presented with an update on the changes occurring in Scotland, as this was an issue on which the Committee needed to be informed. She also requested a copy of the agreement.

Agreed

- **Mr Hemmings to provide a copy of the document containing the agreed protocol as signed by the Scottish Commissioner.**
- **An update be presented to a future meeting on the changes occurring in Scotland and implications for BTP.**

07/2008 **SECRETARIAT UPDATE**

Agenda Item 6

Progress on an FOI request and an appeal were reported, details in the restricted minutes.

08/2008 **UPDATE ON TAYLOR RECOMMENDATIONS**

Agenda Item 7

Supt. Gent reported that a commencement date was expected for September and NPIA training arrangements were being made. However, the Force was developing its own training programme for which a pilot course was being carried out.

Mr Hemmings informed the Committee that he was in discussion with the DfT as to whether Taylor applied to BTP in Scotland. He said that formal regulations may need to be implemented, and that this would be known by the next meeting.

09/2008 DIRECTION AND CONTROL COMPLAINTS

Agenda Item 8

Supt. Gent notified the Committee that few matters had been forwarded to the PSD and the PSD had no direct role in their investigation. Mrs Towers expressed her concern that the record of the number of Direction and Control complaints might not be accurate. Supt. Gent assured the Committee that the complaint-handling policy was being redefined, in particular regarding the policy for dealing with complaints about direction and control. Mrs Towers recommended that this should remain on the agenda so it could be observed in order to identify how the complaints should be recorded.

Agreed:

- **Direction and control complaints to stay on the Committee's agenda.**

10/2008 COMPLAINTS AGAINST BME OFFICERS

Agenda Item 9

Supt. Gent updated that an analysis was being carried out over six months to be shared with support groups. He anticipated that the report would not show disproportionate results and that it would be brought to the next meeting.

Agreed

- **Supt. Gent to bring the report to the next meeting.**

11/2008 PROBLEM PROFILE – WALES AND WESTERN AREA

Agenda Item 10

Mr Foxall stated that the analysis did not produce a clear explanation of the reasons, and requested a covering note be included in future so that it was clear what the purpose of the paper was. He also felt that the paper should not include officers' names, as this was a level of information that was not required by the Committee. He suggested stronger middle management might improve the situation.

The Deputy Chief Constable said that no conclusions were to be drawn from the papers as they were allegations that may come to nothing.

Supt Gent suggested that a meeting with the Area Commander would be helpful for informed directions of where to look. Mr Brown stressed that the names of the officers would not need to be known. Mrs Towers agreed that not much detail would be necessary and a simple summary of information would be better.

Mr Dobbs commented that this would be useful in identifying weaknesses in command structure; how staff are managed and who are their direct supervisors, and that a commentary would be helpful

to the Committee. The Deputy Chief Constable agreed that a professional commentary from an analyst would be beneficial.

Agreed

- **To include a cover paper in future.**
- **To leave out officers' names from the report to the Committee.**
- **To add a commentary from an analyst.**

12/2008 DIP-SAMPLING PROTOCOL

Agenda Item 11

Mrs Towers suggested that it would be difficult to conduct a thorough audit identifying all the evidence and potential witnesses of the total 20% of cases sampled and suggested a smaller sample of the 20% should be identified for such an audit.

Mr Foxall recommended that the Committee take stock of the situation after a couple of meetings. Mr Hemmings said that he would discuss the dip-sampling arrangements with his colleagues at other police authorities.

Supt. Gent reflected that the focus of the approach could potentially change when looking at different categories.

Agreed

- **Mrs Towers and Supt. Gent to discuss outside the meeting how to amend the proportionality issue.**
- **Mr Hemmings is to talk to other police authorities about dip-sampling arrangements.**

13/2008 AOB

Agenda Item 12

Details are provided in the restricted section of the minutes.

DATE OF NEXT MEETING - Tuesday the 29th of April at 2.00pm.

Signed…….

Chairman