

BRITISH TRANSPORT POLICE AUTHORITY

BTPA MEMBERS AND STAFF CONDUCT COMPLAINTS POLICY



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Acronyms

BTPA	British Transport Police Authority
BTP	British Transport Police
DfT	Department for Transport

British Transport Police Authority

BTPA Members and Staff Conduct Complaints Policy

1. Introduction

This policy provides a framework for the reporting of complaints made in relation to the conduct of British Transport Police Authority (BTPA) Members and secretariat staff.

BTPA will strive to be professional, helpful and understanding in all its dealings with the public and other bodies. The Authority has set out a Code of Conduct (see appendix A) with which all Members are expected to comply. However, it is recognised that there will be occasions when an individual will feel we have not dealt with a situation in an appropriate, timely or adequate manner.

This policy sets out the issues about which someone can make a complaint and the steps which should be taken if someone wishes to make a complaint against either Members or staff of the Authority. All complaints will be treated seriously, however it should be noted that for complaints made anonymously, it may not be possible to carry out a complete investigation, and it will not be possible to reply.

A summary of this policy appears on our website and is also available in hard copy on request.

1.1. Who the policy applies to

This policy sets out how the BTPA will receive and investigate conduct complaints made against the following people:

- BTPA Members (excluding the Chair)
- BTPA secretariat staff (including the Chief Executive, Treasurer and Deputy Chief Executive)

BTPA Members refers to those appointed to the Authority by the Secretary of State for Transport with voting rights. BTPA secretariat staff refers to the support staff employed in the BTPA Secretariat.

The Authority has separate policies¹ for receiving and investigating conduct complaints against senior officers of British Transport Police (BTP), this includes:

- The Chief Constable
- The Deputy Chief Constable
- The Assistant Chief Constables
- The Director of Finance and Corporate Services

¹ Please refer to our 'Senior Officer Complaints Policy' and 'Senior Staff Complaints Policy'

- The Human Resources Director

Complaints against all other police officer ranks and police staff should be directed to the Professional Standards Department of British Transport Police (contact details are listed in section 12 of this policy).

1.2. Who can use the policy

The policy is primarily intended to be used by the Authority's Chief Executive, Deputy Chief Executive, Deputy Chair and Chair of the Professional Standards Committee, along with the Authority's lead member of staff for Professional Standards, currently the Business Support Manager.

The policy is also intended to provide clarity for members of the public about the process of making a complaint against a Member of the BTPA or a member of the secretariat staff and how the Authority will consider, and where appropriate, investigate the complaint.

2. Relationship to other policies and documents

- The BTPA website's Complaints section
- BTPA Senior Officer Complaints Policy
- BTPA Senior Staff Complaints Policy
- BTPA Members Code of Conduct
- BTP Grievance Resolution Policy

3. Responsibilities under the policy

3.1. The Deputy Chair of the Authority

The Deputy Chair of the Police Authority will be the first point of contact for receiving and initially considering complaints against the conduct of BTPA Members and the Chief Executive. Administration of the complaints process will be supported by the Authority Secretariat team.

The Deputy Chair is also responsible for hearing appeals against decisions made by the Chief Executive.

3.2. The Chief Executive

The Chief Executive of the Police Authority will be the first point of contact for receiving and initially considering conduct complaints against BTPA secretariat staff. Administration of the complaints process will be supported by the Authority Secretariat team. The Authority will not involve the person who has been complained about in the handling of any subsequent investigation.

3.3. The Chair of the Authority

The Chair of the Authority will be the first point of contact for receiving and initially considering conduct complaints against the Deputy Chair. Administration of the complaints process will be supported by the Authority Secretariat team.

The Chair is also responsible for hearing appeals against decisions made by the Deputy Chair and for determining whether any Member should be suspended.

4. Making a Complaint

4.1. Who can make a complaint

A complaint can be made by a member of the public who:

- Alleges that the conduct was directed at them
- Alleges that they have been adversely affected by the conduct even if it was not directed at them
- 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 written consent for the representative to act.

The Authority can only receive conduct related complaints from members of the public. Serving staff must raise their concerns about the conduct of Members or colleagues via the BTP Grievance Resolution Policy.

4.2. What complaints can we investigate

The Authority will deal with complaints about:

- BTPA Members (excluding the Chair) who are considered to have breached the Authority's Code of Conduct.
- Conduct complaints against Secretariat Staff

The general principles of the Authority's Code of Conduct are laid out below:

Members are expected to;

- act in a way that is and will be seen to be fair and transparent, with the highest level of probity;
- deal with fellow members and officers in a constructive and respectful manner;
- exhibit high levels of awareness and action in respect of equal opportunities issues;
- declare their personal and pecuniary interests fully and tailor their involvement in line with the Code, where there is an active conflict with the interests of the Authority;
- share appropriate information in the interests of better corporate governance in compliance with the relevant data protection legislation;
- keep confidential information defined as not suitable for sharing;
- make efficient and appropriate use of the Authority's resources;
- take professional advice on appropriate matters as described in the Code; and
- report improper behaviour by fellow members and officers in compliance with the open and transparent procedures specified.

The Authority has separate policies² for receiving and investigating conduct complaints against senior officers of British Transport Police (BTP) as detailed in section 1.1.

4.3. How to make a complaint

There are several ways to make a complaint about Members of the Authority and the secretariat staff to the Authority. The process is set out on the Authority's website and a hard copy version is available on request.

It is recommended that all formal complaints be made in writing. However, there may be circumstances where this is not possible and on these occasions the

² Please refer to our 'Senior Officer Complaints Policy' and 'Senior Staff Complaints Policy'

Authority will take reasonable steps to capture an accurate and agreed written record of the complainant's verbal complaint.

In order for the Authority to fully consider any complaint and determine an appropriate response the following should be included:

- The name of the Member/staff member that the complaint is referring to
- A detailed description of the substance of the complaint
- Contact details for the complainant

4.4. Complaints that the Authority does not investigate

The Authority will not handle complaints that fall under the following categories:

Complaints that;

- have been made by a serving Member of the Authority or a member of secretariat staff
- are already the subject of criminal proceedings

5. Making a Complaint against the Chair of the Authority

Any complaints relating to the conduct of the Chair of the Authority should be made to the Secretary of State for Transport (contact details included in section 12 of this policy).

6. The Investigation Process

6.1. Initial response to a complaint

All complaints made to the Authority will be acknowledged in writing within 5 working days of receipt.

An initial response setting out;

- confirmation of the details of the complaint received;
- how the Authority intends to deal with the complaint;
- the likely timeframe for resolution;
- any further information required to progress the complaint;

will be sent out within 10 days of receipt of the complaint.

The person being complained about will also be notified in writing within this time. The Authority will not involve the person who has been complained about in the handling of any subsequent investigation.

6.2. Initial Assessment of Complaints against Members and the Chief Executive

The Deputy Chair of the Authority will carry out an initial assessment to clarify the following:

- The exact nature of the complaint
- Whether the complaint is suitable for investigation by the Authority
- The expectations of the complainant
- What is the most appropriate course of action to investigate and resolve the complaint
- Whether the complaint includes any criminal element to be referred to the appropriate police force.

The Chair of the Authority will replace the Deputy Chair in the process described throughout the policy document where a complaint is against the Deputy Chair.

6.3. Investigation of Complaints against Members and the Chief Executive

Where the complaint has been identified as being suitable for investigation by the Authority, the Deputy Chair of the Authority will consider the most appropriate course of action in the particular circumstances of each case.

During the process of investigation the Deputy Chair will consider the following;

- How the complaint can best be resolved, this may be via an informal process or a formal investigation
- Whether the complaint requires referral to an appropriate police force for investigation into any criminal element
- Whether the complaint requires immediate suspension of the person complained about

If the Deputy Chair is minded to suspend the Member concerned or the Chief Executive the case will be referred to the Chair of the Authority for a decision to be made. The Authority will not suspend a Member or the Chief Executive unless it appears that one or both of the following conditions is satisfied:

- That the effective investigation of the matter may be prejudiced unless the Member concerned is suspended
- That the public interest, having regard to the nature of the complaint and any other relevant considerations, requires that they should be suspended

Once a course of action has been agreed, the Authority will write to the complainant to advise them of their decision and the arrangements for keeping the complainant informed of progress.

6.4. Initial Assessment of Complaints against Secretariat Staff

The Chief Executive in collaboration with the Chair of the Professional Standards Committee will carry out an initial assessment to clarify the following:

- The exact nature of the complaint
- Whether the complaint is suitable for investigation by the Authority
- The expectations of the complainant
- What is the most appropriate course of action to investigate and resolve the complaint
- Whether the complaint includes any criminal element to be referred to the appropriate police force.

6.5. Investigation of Complaints against Secretariat Staff

Where the complaint has been identified as being suitable for investigation by the Authority, the Chief Executive and Chair of the Professional Standards Committee will consider the most appropriate course of action in the particular circumstances of each case

During the process of investigation the Authority will need to consider the following;

- How the complaint can best be resolved, this may via an informal process or a formal investigation

- Whether the complaint requires referral to an appropriate police force for investigation into any criminal element
- Whether the complaint requires immediate suspension of the staff member

The decision to suspend may only be taken by the Chief Executive of the Authority after consultation with the Chair of the Professional Standards Committee. The Authority will not suspend a member of staff unless it appears that one or both of the following conditions is satisfied:

- That the effective investigation of the matter may be prejudiced unless the member of staff concerned is suspended
- That the public interest, having regard to the nature of the complaint and any other relevant considerations, requires that they should be suspended

Once a course of action has been agreed, the Authority will write to the complainant to advise them of their decision and the arrangements for keeping the complainant informed of progress.

7. 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 5 working days
- Initial decision of how complaint will be progressed within 10 working days
- On a monthly basis inform the complainant of the progress of the ongoing investigation.
- The final outcome of the investigation

The Authority will usually correspond with complainants in writing rather than by email 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.

8. Repetitious and Vexatious Complaints

When the Authority considers a complaint to be repetitious or vexatious it will take no further action.

A repetitious complaint is one which:

- Is substantially the same as a previous complaint, or conduct matter or;
- Contains no new allegations which significantly affect the case or;
- Contains no new evidence to support the complaint

A vexatious complaint will be a complaint which is;

- Without foundation
- Which is intended, or tends, to vex, worry, annoy or embarrass.

9. Appeals

A complainant may appeal against the Authority's decision in relation to either the handling of the complaint or the outcome of an investigation into a complaint within 28 days of being informed of the Authority's decision. If the decision was made by the Chief Executive an appeal should be made to the Deputy Chair of the Authority, if the decision was made by the Deputy Chair an appeal should be made to the Chair of the Authority. In cases where the Deputy Chair referred the matter to the Chair to determine whether or not to suspend a Member of the Authority or the Chief Executive appeals should to be directed to the Secretary of State for Transport.

10. Monitoring and Reviewing this Policy

The policy will be subject to review on an annual basis.

11. Contact Details

British Transport Police Authority
5th Floor North, The Forum
74-80 Camden Street
London
NW1 0EG

Telephone: 020 7383 0259
Fax: 020 7383 2655

For complaints against BTPA Members and the Chief Executive please direct these to the Deputy Chairman.

For complaints against BTPA secretariat staff please direct these to the Chief Executive.

For complaints against the Chair of the Authority and appeals against any decision made by the Chair please write to:

Rt Hon Secretary of State for Transport
Department for Transport
Great Minster House
76 Marsham Street
London
SW1P 4DR

For complaints against police officers below the rank of assistant chief constable please write to:

British Transport Police
Professional Standards Department
25 Camden Road
London
NW1 9LN

12. Appendices