
BRITISH TRANSPORT POLICE AUTHORITY

MINUTES
PROFESSIONAL STANDARDS COMMITTEE
MONDAY 20TH APRIL 2009

at
G2 – FHQ, 25 CAMDEN ROAD

Present: Mrs W Towers (Chair)
Mr I Dobbs
Mr R Culley

Apologies: Mr C Foxall

In Attendance: Mr A Trotter, Deputy Chief Constable
Mr E Carroll, Detective Chief Superintendent
Mr A Gent, Detective Superintendent

Mr P Haddock, Deputy Chief Executive
Miss R Pazos, Administration Assistant & Minutes

13/2009 WELCOME AND APOLOGIES

Non-Agenda

Apologies were received from Mr Foxall.

14/2009 MINUTES OF MEETING 26TH JANUARY 2009

Agenda Item 1

Mr Culley asked how a complaint was defined as vexatious. DCS Carroll explained that a complaint could only be deemed “vexatious” if assessed by the IPCC itself as such. This was not a matter delegated to Forces.

The minutes were approved as an accurate record.

15/2009 MATTERS ARISING

Agenda Item 2

Actions from the meeting on 26 January had been discharged or were in the process of being so.

16/2009 MATTERS ARISING FROM THE FILE REVIEW

Agenda Item 3

Following the file review after the meeting a few matters were noted and referred to Professional Standards for their responses to be added to the forms. These forms will subsequently be checked as is the current practice.

17/2009 QUARTERLY REPORT

Agenda Item 4

The Chair noted that in the last three quarters, the complaint cases had risen. There was concern that continuing rises in complaints may damage public confidence. DCS Carroll isolated an increase of vexatious complaints as one factor – about one in five of the increase. The Professional Standards Department was interested in following up the trends in complaints in other forces as compared with BTP. There was also a feeling that the publicity around the (Home Office) *Policing Pledge* and the particular wording used may be driving up the number of complaints. This raised the distinction as to when an issue is a complaint or a Quality of Service issue. These issues were to be discussed by ACPO on 21 April.

The proportions for complaints on incivility were noted with a need for some analysis. DCS Carroll referred to an article (distributed) on L Area on this very issue. The Deputy Chief Constable felt it was something to be raised with Area Commanders. It was unclear whether there was a generational divide amongst staff on how to handle the public and whether improving civility could be addressed through training.

The Chair requested that more data on complaint cases by month table should be added on the report.

The Chair noticed that on the recorded complaints by category table, 'c other assaults' had risen over the last three quarters. DCS Carroll would soon have a meeting with ACPO and would raise the issue if it would be possible to have another look at other assaults category. The Chair agreed to keep this on the agenda.

Mr Culley asked whether BTP used Taser. The Deputy Chief Constable replied that the Force did not use them currently but this was something that was under discussion. There is a consensus that the use of tasers is not only a non-lethal alternative to the use of firearms but that it generally presents less of a risk of injury than the use of a baton. Mr Haddock informed the Committee that Assistant Chief Constable Pacey had been asked to bring a paper on BTP and the use of tasers to the July (20th) meeting of the Stakeholder Relations and Communications Strategy Committee.

Mr Dobbs suggested that the rail industry would have concerns about the deployment of taser, particularly on trains. This concern would centre around how the travelling public would view use of the railways if the use of tasers became a feature of policing the network.

The Chair noted the new category of Police/Public encounter under the context from which complaints arise.

Mr Dobbs asked for an update in regards to case C0/110/08. It looked as though there had been ongoing delays. DCS Carroll and Det. Supt.

Gent would look at the case and come back to the Committee with an update.

In regards to the forthcoming hearings table, the Chair would like to see a more detailed table, for example dates of the hearings. Det. Supt. Gent confirmed the reason why some of the dates were not on the table was because they did not have a set date. Det. Supt. Gent confirmed that a few hearings were under Taylor Regulations. In the next meeting DCS Carroll would provide more information, the report will include the dates of the hearings and which regulations they are under.

Agreed

- **DCS Carroll would produce to the Committee comparisons on complaints with other forces and any relevant feedback from ACPO meeting.**
- **DCS Carroll to amend the years complaint cases by month table from 2006-2008 to 2007-2009.**
- **DCS Carroll to provide more information on complaint cases by month table.**
- **DCS Carroll to check whether other assaults category trend is reflected in other forces.**
- **DCS Carroll to check on the context from which complaints have arisen table, if there are any categories missing on the alphabetical list.**
- **DCS Carroll and Det. Supt. Gent would look at the discussed case and come back to the Committee with any feedback.**
- **DCS Carroll would provide at the next meeting, the available dates for the forthcoming hearings and which regulations they are under.**

18/2009 2009/0 PSD PLAN AND UPDATE ON 2008/09 PSD PLANS

Agenda Item 5

DCS Carroll distributed to the Committee Professional Standards Departmental Plan 2008/09 and 2009/10.

DCS Carroll confirmed that there were 38 green and 4 amber actions on the 2008/9 Plan. All four amber actions would be carried over the following year. The Force would be compiling updates.

DCS Carroll spoke of one of the amber PSD plans: ensure compliance with victim's code of practice and witness charter plan. There was a proposal for the Criminal Justice Units to take on PSD cases being discussed. They would keep the Committee informed.

The Chair asked the Committee to look at the 2009/10 Plan and if anyone had any comments that he would be happy to discuss these at the next meeting.

Agreed

- **The Committee to look at Professional Standards Departmental Plan 2009/10. Comments/ Feedback are welcomed.**

19/2009 SECRETARIAT UPDATE

Agenda Item 6

The Chair spoke to the paper. Two complaints had been received. One of the complaints was in regards to the treatment of railway enthusiasts on stations; however, this was aimed more at rail staff than BTP Officers and was passed on to the Force for a response.

In regards to appeals cases, the Chair confirmed that one case that had been heard on the 2nd of December 2008 was experiencing a delay as the QC's statement of determination remained outstanding. Mr Haddock informed the Committee that Miss Barrick was continuously chasing this. The Chair said that she would contact the QC to chase up the statement of determination.

Agreed

- **The Chair said that she would get in contact with the QC to chase up the statement of determination of Atherton's case.**

20/2009 UPDATE ON TAYLOR IMPLEMENTATION

Agenda Item 7

DCS Carroll updated the Committee on the Taylor Implementation. He said it was working well. PSD was – as expected – providing advice to areas when sought. The number of misconduct cases had risen.

Confidential, anonymous email to report complaints by staff was being used and was proving to be useful. Mr Dobbs asked if the e-mail was being operated by BTP e-mail domain. DCS Carroll confirmed that it was but added PSD were (as intended) unable to identify the author to preserve confidence in the system.

21/2009 HIGH PROFILE CASES

Agenda Item 8

The Chair asked for an update of high profile cases.

DCS Carroll advised that a report from the IPCC on one case was expected soon

There had been publicity surrounding a case where both BTP and Essex Police had been criticised by the IPCC. A member of BTP staff had resigned. There was some confusion as to what was meant when train drivers were asked to run on alert. DCS Carroll said he would check the procedure to be followed by drivers when they were asked to watch the track.

DCS Carroll informed the Committee that the IPCC had asked for access to BTP's CCTV network and that this was based on a misapprehension. CCTV was invariably the property of train operating companies.

DCS Carroll spoke of the Vimto case, delays in which were of concern to the Committee. He confirmed that the case had taken 18 months to complete. Mr Carroll stated that much of the delay had been generated

by the officers concerned and expressed the view that Taylor Regulations would not have produced a quicker result. The Deputy Chief Constable reiterated that the case was more serious than reported in the media – theft of property and thereby compromising the position of those officers if later giving evidence in court against defendants and the contaminating in this case of forensic evidence.

The Chair posed the question on how the Committee might review such cases with the accompanying media management, reputational impact and lessons to be learned. DCS Carroll assured the Committee that PSD had a good working relationship with the BTP Media Department to this end.

The Deputy Chief Constable informed the Committee that in regards to the G20 that the MPS, City Police and BTP were putting together a team to work on gathering any information for all Forces. This would help to see if there was any evidence of misconduct by BTP officers.

There were two complaints currently, one was direction and control which was being dealt with and the other complaint included an allegation of assault. There remained the possibility for those Forces involved in the Operation of civil claims.

Agreed

- **DCS Carroll to check what is understood by drivers when asked to implement a trackside check for obstacles.**
- **DCS Carroll to update the Committee on any G20 complaints or claims that arise or progress.**

22/2009 IPCC PERFORMANCE FRAMEWORK

Agenda Item 9

DCS Carroll updated the Committee on the IPCC framework.

23/2009 PSD EXTERNAL COMMUNICATIONS

Agenda Item 10

DCS Carroll distributed to the Committee a printed page from the Force's website; this paper explained what the PSD did and also had a contact list.

The Chair asked if the Force had input any new information on the website. DCS Carroll confirmed that there was a new entry on the internet explaining who PSD were and also providing an overview of the Committee.

In respect of the Committee's activities, Mr Haddock said that BTPA was in the process of updating their website. Members felt that a record of their meetings should appear on the website with prior checking of content with PSD.

DCS Carroll would give an update of what the Force has done with external & internal communications around Professional Standards.

Agreed

- **DCS Carroll to give an update of what the Force has done with external & internal communications with regard to Professional Standards.**
- **Lucy Barrick to consider how a record of meetings could be published on the website,**

24/2009 DIP-SAMPLING REVIEW

Agenda Item 11

The Chair fed in comments on the detailed structure of the checklist. The Committee confirmed they were comfortable and happy with the format.

Mr Culley raised a point about improving the orderly organisation of files to allow those accessing them to navigate round the contents more easily. DCS Carroll said that IPCC had described the Force’s files to be good. DCS Carroll and Det. Supt. Gent would look at this and give Mr Culley’s feedback to the Complaints Process Manager.

Agreed

- **DCS Carroll and DC Gent would look at to see how they could improve the complaint files.**

25/2009 AOB

Agenda Item 12

DCS Carroll distributed to the Committee papers of a review of BTP BME personnel who were the subject of complaints between 1st April 08 & 30 Sept 2008. If the Committee had any comments on this paper DCS Carroll would be happy to discuss this at next Professional Standards Meeting.

DATE OF NEXT MEETING – 28th July 2009, File Review 12.00 – 14.00, Meeting 14.00 – 16.00

Signed.....

Chairman