Her Majesty's Inspectorate of Constabulary protocol with British Transport Police and British Transport Police Authority

Introduction

This protocol sets out the agreed relationship between Her Majesty's Inspectorate of Constabulary (HMIC) and the British Transport Police (BTP) and British Transport Police Authority (BTPA), in respect of the provision of inspection services.

Although it is intended that this protocol will be adhered to, it is recognised that not all eventualities can be catered for in advance. Parties to this protocol agree to adopt a pragmatic approach where necessary, at the most appropriate level, to ensure a productive working relationship.

Roles and responsibilities

HMIC is an independent inspectorate, inspecting policing in the public interest, and rigorously examines the efficiency and effectiveness of police forces and authorities to tackle crime and terrorism, improve criminal justice and raise confidence. HMIC inspects and regulates all 43 police forces in England and Wales together with other major policing bodies such as the Serious Organised Crime Agency, the Police Service of Northern Ireland and the British Transport Police.

Relevant legislation

Railways and Transport Safety Act 2003

Section 63, Railways and Transport Safety Act 2003 places a statutory duty on HMIC to inspect and report to the Secretary of State on the BTP both regularly and in response to a specific request. Section 63(7) has the effect that the BTP Authority are responsible for the cost of inspections.[1]

HMIC will continue to be responsible for inspections of the BTP as a whole. Within Scotland, HMIC Scotland has a statutory duty to inspect the BTP and report to the Secretary of State in so far as the BTP operates in Scotland (Section 63(8)).

[1] Explanatory notes to the Railways and Transport Safety Act 2003

Freedom of Information Act 2000

From January 2012, HMIC is a named authority and complies with the FOIA 2000. Any reports/correspondence in respect of HMIC inspection reports may be published, unless statutory exemptions apply.

Single point of contact

HMIC will:

- Identify a named Inspector of Constabulary (or in the case of a vacancy, an Assistant Inspector of Constabulary) who will be the lead Inspector for the force/organisation on behalf of the Chief HMI.

- Identify a named Lead Staff Officer (and a supporting Staff Officer) who will act as the primary link with BTP

BTP will:

- Identify a named ACPO/equivalent officer to be the strategic lead for HMIC matters on behalf of BTP.

- Identify a single point of contact (and an alternate) who will be the contact point for the Lead Staff Officer.

Routine liaison

HMIC will:

- contact the BTP SPOC and BTPA jointly once per quarter by way of personal visit. The purpose of this contact is to ensure HMIC retains an understanding of the issues affecting the BTP and BTPA. It will also be an opportunity for the BTP to provide HMIC with a written update on any recommendations from previous inspections.

- HMIC will not charge for activity judged to represent 'routine liaison' (i.e. unconnected with a specific piece of inspection work).

BTP will:

- provide HMIC with a written update on any recommendations from previous inspections. This will provide the opportunity for the LSO to brief the HMI on the action taken and to agree (or not) whether any of the recommendations can be regarded as 'closed'.

- further inspection work undertaken to review recommendations from previous reports, will be chargeable activity (see below).

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Inspection process

Agreement on inspection topics and scheduling

- The cycle will begin in late Q3/early Q4 of the financial year with a strategic meeting between HMI and BTP/BTPA leads to discuss inspection requirements. The timing of this meeting is to allow HMIC to include BTP/BTPA requirements into the annual programme of work for the subsequent financial year. It also provides an opportunity to keep the BTP/BTPA appraised of wider programmed inspections in England and Wales; and enables the BTP/BTPA to make budget provision to meet the estimated cost for inspection activity. The meeting will also review the cost of inspection work already undertaken in that financial year.

- This meeting will agree the broad outline terms of reference and timetable for any planned inspection (e.g. the month/quarter in which work will take place, which may be guided by a national timetable or BTP/BTPA requirements).

- It will be for the HMI to determine the rank and skills of the inspection staff assigned to conduct BTP inspections (which has a consequent impact on the cost of the work undertaken).

- BTP will be responsible for ensuring that the BTPA is consulted and informed as necessary about HMIC engagement throughout the inspection cycle.

- The LSO and the BTP SPOC are jointly responsible for agreeing on behalf of their respective organisations, the final timetable for any inspection, unless this is pre-determined by a national HMIC inspection programme.

National inspection programme

- The BTP may be inspected as part of a national inspection programme (i.e. an inspection that includes all/some Home Office forces, such as ASB). In this event, there will be a Programme Director and nominated national lead officers. The BTP SPOC may therefore receive information or requests for data otherwise than from the LSO. Nevertheless, the LSO will be kept informed of national inspections and, except in exceptional circumstances, will undertake the BTP inspection on behalf of the national Programme Director.

- The LSO will act as the conduit for any queries from the BTP/BTPA to the national programme

- Reference to ‘LSO’ in the ‘Specific inspection timetable section’ below includes reference to a national lead officer.

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Ad hoc inspection

- Nothing in this protocol prevents HMIC or the BTP/BTPA from initiating inspection activity in response to an immediate identified need (e.g. in the event of a specific incident or when the respective Secretary of State/Police Authority/Committee directs/requests inspection activity).

- In this event, the inspection programme, timetable and charging will be agreed between HMIC and the BTP/BTPA.

Inspection timetable

At least six weeks before the inspection

- The terms of reference for the inspection will be finalised with the BTP/BTPA. The LSO will be responsible for ensuring the HMI's agreement; the SPOC will be responsible for co-ordinating the BTP/BTPA consultation and agreement.

    - The methodology to be used by HMIC will be agreed with the BTP/BTPA. This will include: the assessment criteria which, depending on the inspection topic, could include reference to ACPO Minimum Standards, Specific Grading Criteria or a bespoke framework;.

    - the distribution of the final report and the protective marking applied to the report;.

    - Where appropriate, whether 'critical readers' will be included in reviewing the final draft report, but this may extend the time to produce the final report (see below);

    - Unless determined by a national programme (and BTP is being inspected as part of that programme), the timetable for submission of a draft HMIC report to the BTP for a factual accuracy check will be agreed by the LSO and SPOC.

- In line with the terms of reference, the LSO will issue a request for any initial information required (e.g. strategy papers or data) with a return date of 20 calendar days from the date of the issue of the request, unless otherwise agreed with the LSO.

- The SPOC will ensure any data required is returned by the agreed date.

At least four weeks before the inspection

- The LSO will notify the SPOC of the fieldwork requirements, including any site visits, interviews or reality checks that will be required (e.g. on-site data interrogation).

- The SPOC will provide the LSO with any nominated on-site or specialist contact points (e.g. the force Crime Registrar). Where this is appropriate and

more efficient to the conduct of the inspection, the LSO may deal direct with the nominated specialist. In this event the nominated on site or specialist contact point will ensure the SPOC is kept informed. In addition the LSO will also keep the SPOC apprised of progress of the overall inspection programme.

At least two weeks before the inspection

- Unless it has been agreed that another person is taking on this task on behalf of the BTP, the SPOC will provide the LSO with a final programme for the inspection fieldwork, together with any on-site liaison points, and the address/postcode of the fieldwork location. The programme at each site, unless previously agreed with the LSO:
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    - should begin no earlier than 8.30am and conclude no later than 5pm;
    - allow a minimum 30 minutes between interviews; include a lunch break
    - focus groups of staff will consist of a minimum of 6 and a maximum of 8 members of staff unless this is clearly unachievable due to the number of staff working in a particular area;
    - the mix of ranks for focus groups will be specified by the LSO in advance but would not usually combine supervisors with more junior staff;
    - an office base should be available for HMIC staff to use, in addition to any other rooms used for interviews.
    - HMIC will provide details of the fieldwork staff and where they will be deployed.

During the inspection

- The SPOC will remain the designated contact point for any enquiries or additional data required by the inspection team.
- The LSO will advise the SPOC of any new fieldwork requirements (e.g. document requests or further interviews). The SPOC will make every effort to ensure these requirements are met before the inspection team depart. Where this is not possible, the LSO and SPOC will agree how these inspection requirements will be met.

After the inspection

- At the conclusion of the fieldwork, the LSO will provide a ‘hot debrief’ to a person nominated by the BTP at a mutually agreed time/date. This will consist of a verbal debriefing of the key points emerging during the fieldwork, but without prejudice to any final report.

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Draft inspection report

- The LSO will submit the final draft report to the BTP by the agreed date to confirm it is factually correct. This does not invite comment on judgement or recommendations which remain the preserve of the HMI.

- The BTP SPOC will ensure that the report is reviewed by the appropriate persons in force and/or BTPA and any comments/amendments are notified to the LSO within 10 working days from the date of receipt.

- In the event of any dispute over factual accuracy (e.g. evidence collected by HMIC which is at variance to the BTP understanding) the matter will be passed to the HMI and BTP strategic lead for resolution.

- If agreed beforehand, the LSO will circulate the final (corrected) draft version of the report to 'critical readers' and allow five working days for their comments to be received. Only in the event that comments make a substantial and significant change to the conclusions or recommendations will the force be notified.

Final inspection report

- The LSO will submit the final report to the HMI, amended as necessary to take account of force comments, within 10 working days beginning with the date of receipt of comments from the force (or 15 days if critical readers are consulted).

- If comments relating to factual accuracy, or other pertinent factors means further fieldwork is required this can be extended through agreement between the HMI and the BTP.

- The HMI will decide what engagement is necessary with the BTP/BTPA in respect of the report. It is for the HMI to determine when the report is sent to the BTP and/or any other persons. However, it is anticipated that the report will be made available to the BTP within 10 working days of receipt from the LSO.

Recommendations

- The BTP will confirm in writing whether the recommendations have been accepted; if not, the BTP will advise the HMI of the reasons (see reference to FOIA above).

- The HMI and the BTP strategic lead will agree, in writing, whether and when a review of the recommendations will be undertaken.

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Updating progress on recommendations

- The BTP will provide the HMI with an update on progress to implementing the recommendations as part of routine liaison (see above). This will be provided quarterly, in writing, by the BTP lead and may be channelled through the SPOC (see Regular Liaison above).

- Updates will be provided until the HMI is satisfied that the recommendation has been 'actioned' sufficiently so that it can be treated as 'closed' or a formal review is undertaken.

- As part of this 'closure' process, the HMI may direct that the LSO conducts additional fieldwork or 'reality testing' in the BTP. This will be arranged between the LSO and SPOC; and will sit outside the above inspection timetable.

Formal review of recommendations

- Where a formal review of progress towards implementing recommendations is undertaken, the above timetable will be followed as far as practicable, but can be varied through agreement.

- Formal review activity will be chargeable.

Costs

- The BTPA is responsible for meeting the reasonable costs of the HMIC inspection. The BTPA have agreed a fixed fee approach to inspection. How these days will be used will be agreed between HMIC and the BTPA at the time the inspection programme is agreed.

- There will be no costs to the BTPA for regular or ad hoc liaison as outlined above.

- Irrespective of the charging arrangement, the BTPA will be responsible for any specialist fees incurred (such as surveys) as agreed in advance by the BTPA.

- Any ad hoc or emerging inspection activity undertaken in response to an immediate need or direction by the Secretary of State will be costed and charged in addition to the annual programme.

Invoices

HMIC will invoice BTPA quarterly as agreed.

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