

Minutes

Professional Standards Committee

Wednesday 25 January 2011, 14.00
at 6th Floor Meeting Room, FHQ, 25 Camden Road

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Present:

Mrs Wendy Towers
Mr Lew Adams
Mr Neil Scales

Apologies:

Mr Howard Collins
Mrs Elizabeth France

In attendance:

Mr Paul Crowther, Deputy Chief Constable
Mr Alistair Lawson, Detective Superintendent PSD
Mr Paul Brogden, Chief Superintendent Command Support
Mr Peter Rowe, Superintendent
Mrs Stephanie Calvert, Complaints Process Manager (BTP)
Mrs Kerry McCafferty, HR Business Manager, Futures Programme (BTP)

Ms Sarah Green, IPCC Commissioner

Ms Katherine Hogan, Business Support Officer & Minutes (BTPA)

Miss Lucy Barrick, Business Manager (BTPA)

01/2012 Welcome and Apologies

Non-Agenda

The Committee received apologies from Mr Collins, Mrs France and welcomed Ms Sarah Green, the new IPCC Commissioner.

02/2012 Matters Arising From the File Review

Agenda Item 1

Matters relating to the file review were discussed in advance of the meeting. Generally the Committee were satisfied with the files. However, there were some examples of weak administration, such as dates of the complaints not matching in all paperwork. There appeared to be a new version of an IPCC letter sent to a complainant relating to an appeal against dispensation which left it unclear as to whether BTP should forward a further reply to the complainant, the Force agreed to check this. There was an example of further complaints being made to the IPCC in an appeal which were not followed up. Also, of two communications to a complainant, one stating the complaint was upheld and the other that it was not upheld. This stemmed from a disagreement between the Area Investigation Officer (IO) and the Professional Standards Department (PSD) which needed to be explored.

Agreed

- BTP to check whether a further response should be sent to complainants on the receipt of IPCC dispensation letters.
- BTP explore file on which both upheld and not upheld decisions were recorded and sent.

03/2012 Minutes of Meeting 26 October 2011

Agenda Item 2

The minutes were approved as an accurate record.

04/2012 Matters Arising

Agenda Item 3

It was discussed that the purpose of item one was to ensure that letters were written in plain English so as to be easily understood by those in receipt who may be unaware of the technical language involved. The BTP explained that they had reviewed their standard letters with this in mind, balancing it with the need to include the official language that was required of the document. In line with the suggestion of the IPCC the BTP agreed to 'user test' its standard letters, which had previously been in-house assessed only.

On item six the BTP submitted to the Committee a problem profile on incivility complaints as this was the most common complaint category. The BTP explained many incivility complaints originated from the point of arrest and as such were a fairly unavoidable part of policing. A further contributing factor was that BTP were often called to deal with altercations between rail staff and members of the public who were already involved in heated confrontations. However, BTP were keen to try and reduce the number of incivility complaints and were looking at how to improve the officer/public interaction.

All other matters had been discharged.

Agreed

- The BTP to 'user test' its standard letters.

05/2012 Update from the Chair

Agenda Item 4

The Chair updated that she had had an introductory meeting with DSU Lawson who had taken over as Head of PSD from DCS Fry. DSU Lawson had discussed his priorities and due to the recent reports issued by the HMIC and IPCC, a focus on integrity issues would be a high priority. DSU Lawson would be submitting an assessment of the possible impact of these reports and any changes required to the Strategic Command Team (SCT) in February, which would include any issues around resources, systems and responsibility for monitoring.

The BTP would be conducting a thorough assessment to identify any potential exposure to corruption enabling them to take any necessary precautions. The BTP outlined that their key exposure was anticipated to be around information leaks, unauthorised PNC checks and similar issues.. Currently the BTP were looking at models instituted by other forces for comparison. The BTP agreed to feedback their findings to the Committee in July.

The Chair mentioned the post incident procedures which were being prepared to investigate any shooting incidents which may potentially arise when the new firearms unit became operational. It had now been agreed that the BTP with assistance from the MPS if necessary would lead the initial response and then hand over to the IPCC in the event of an independent investigation being required . The committee were reminded that such incidents were statistically very rare so rather than build a wasteful 24/7 response capability the BTP would draw in the resources of the Metropolitan Police where appropriate. The Chair had been invited to observe a multi agency 'desk-top' exercise which had been very informative.

The Chair remained concerned about the volume, length and complexity of the standard operating procedures (SOPs) within BTP. This was something that was being reviewed generally across the organisation and DSU Lawson was reviewing those that belonged to PSD.

Agreed

- The BTP to feedback findings on corruption exposure in July.

06/2012 Quarterly Report

Agenda Item 5

On recorded complaints it was noted that there had been a 17% decrease in complaint cases between 2011/12 Q2 and Q3 (from 127 to 105) and that there had been an 8% decrease in complaint allegations over the same period (from 218 to 200). However these decreases followed a 30% increase (98 to 127) and a 46% increase (149 to 218) in the previous quarter respectively.

On Organisational Culture (pg 5) DSU Lawson reiterated his intention to work to embed the Standards of Professional Behaviour in to the culture of the BTP making them a driver for good behaviour by raising their profile. It was hoped that instances of incivility and excessive force may be reduced by this strategy which would hopefully reduce some of the costs associated with civil claims and administration of complaints.

It was explained that Local Resolution would not be discontinued as had been previously suggested and the BTP will continue to use the Local Resolution process in addition to Locally Handled Investigations.

The IPCC noted that investigations generally tended to have too wide a scope and take too long. Ms Green explained that this was a problem with many forces, and that they wished to encourage proportionality as this would be better for both complainants and officers by encouraging efficiency. IPCC case workers had held workshops with some other forces taking staff through case studies and proportionate responses to help clear up any misunderstanding of what was expected.

The Chair and DSU Lawson agreed to meet outside of Committee to discuss how to present data on recorded complaints over a two year period on future quarterly reports.

It was noted that complaints per 100 officers varied between areas and it was explained that the figures were based on the number of allegations rather than cases. It was agreed that for the next meeting the report would also include figures for number of incidents resulting in complaints to enable the committee to compare both results.

On the percentage of locally handled enquiries (LHE) allegations upheld / not upheld the Committee expressed concern with the wide range between areas. The Committee were advised that in the case of the North Western Area the figure of 100% LHE complaints not upheld had been subject to a mini review and found to be correct. The BTP agreed to carry out a mini review on LS as well. It was agreed that the number of cases constituting each percentage figure would be included on the table in brackets for clarity.

The committee discussed Police Appeal Tribunals and the sanctions available to the Tribunal. Police Appeal Tribunals could not refer cases back to the original hearing panel. The BTPA would write to the Home Office about the difficulties this caused.

Agreed

- The Chair and DSU Lawson to meet out of committee to discuss complaint data presentation.
- BTP to include complaint incidents per 100 officers at the next meeting.
- BTP to carry out a mini review of LHE complaints upheld / not upheld for LS area.
- On the LHE allegations upheld/not upheld table the number of cases to be included in brackets next to the percentage figure for clarity.
- BTPA to write to the Home Office on the sanctions open to Police Appeals Tribunals.

07/2012 Grievance & Employment Tribunal Update

Agenda Item 6

For the period 1 April 2011 to 30 November 2011 80 grievances were recorded, of which 41 remained live on the day of the meeting. It was manually confirmed that there were no grievances in Scotland over this period. The BTP agreed that on future reports they would provide further narrative on anything of note.

On review of the average time to resolve a grievance, it was explained that those cases taking over 70 days could be affected by legitimate factors such as staff being off sick, the case being sent off area or a stay being agreed between parties. The Force agreed that in future the actual number of cases would be added to the paper alongside the percentage of cases for clarity. It was also agreed that for the next meeting comparative data from other forces would be provided.

On Grievances by Category 'Pay, Conditions, Contract' presented the highest number of grievances (up to 57%) per area. This was due to incidents such as requests for flexible working hours being rejected. The figure for 'Bullying' on London South (40%) was currently being reviewed by SCT.

The number of Employment Tribunals was in line with the last quarter (of which 8 are live). It was noted that the data would become more useful over time when comparative data became available and that with the recent restructuring, redundancies and changes to recruitment procedures, it was a positive indication that the numbers of employment tribunals had not risen.

The BTPA requested that the BTP identify a way of comparing information on anomalous figures using historical information and noting any particular initiatives in place.

Agreed

- BTP to provide narrative on figures of note in future reports.
- BTP to add the real number of cases to the percentage figures on average time to resolve.
- BTP to provide comparative data from other forces on at the next PSC.
- BTP to identify a way of comparing information on anomalous figures using historical information and noting any particular initiatives.

08/2012 Strategic Business Plans.

Agenda item 7

The Business Plan was progressing well with no concerns to note.

It was noted that risk management would no longer report into PSD. The BTP expressed that they would not be continuing with the development of the PSD Charter as they felt it was restrictive without adding the required value. It was agreed that BTP would bring a short paper discussing different options to the next meeting.

Agreed

- BTP to provide a short paper on alternatives to the PSD Charter to the next meeting.

09/2012 Executive Update

Agenda Item 8

In the last quarter the BTPA had received six complaints, which had been passed to PSD as the appropriate authority, and no grievances.

The newly opened Mayor's Office for Policing and Crime had sent apologies to the BTPA as owing to IT difficulties they could not access their ICV database to produce the quarterly reports. However they advised that there had been no significant issues.

A conduct matter had been referred from the BTPA to the IPCC who would be supervising the investigation. BTPA was in the process of appointing an Investigating Officer.

The PCCS had referred a recommendation which the BTP had declined to implement to the BTPA for comment. This PCCS had recommended that *"Notices of Investigation issued to BTP officers who were subject to a conduct investigation be amended to make clear that any statements provided by officers should be prepared and submitted independently of one another"*. The Committee noted that they had sympathy with the request, however they were not of the view that the BTP should change their policy solely in Scotland or nationally whilst other forces were not.

The IPCC advised that they would not expect the no conferring rule to be applied across the board, only as prescribed by the firearms manual and in article 2 (right to life) situations. It was agreed that the BTPA would respond to the PCCS outlining this discussion.

Agreed

- BTPA to respond to PCCS outlining the discussion with IPCC on officers conferring.

10/2012 Custody

Agenda Item 9

BTP Report on Legislative Compliance in relation to Custody facilities

The new custody SOP had been reviewed and was designed to be read in conjunction with PACE and should mitigate any potential corporate manslaughter issues as long as it was carefully followed. All those officers dealing with custody had completed accredited NPIA training.

Regional custody suites currently report to FHQ. If any issues were identified BTP would then escalate these and deal with them, either by closing the custody unit or by improving the issue. It was noted that Hammersmith was closed currently due to lack of operational need not because it had attracted any reportable issues.

Not all custody suites currently had defibrillators but these were in the process of being rolled out to all suites with level 3 training being completed alongside. The BTP explained that they currently used the traditional method of CPR although they may decide to review adopting a 'hands only approach' at a later date.

BTPA Report on Legislative Compliance in relation to custody facilities

The BTPA provided reassurance to the Committee that all policies and procedures required to fulfil BTPA's duties around custody were in place. The BTPA had arrangements in place for independent custody visiting (ICV) which was now also mandatory in Scotland.

The Committee were satisfied that both BTP and BTPA were fulfilling their statutory duties. It was agreed that the six-monthly reports on custody would be brought to the Committee in addition to the ICV reports which were received at each meeting.

Agreed

- The BTP to provide six-monthly reports on its custody facilities to the Committee. The first of these to be produced for the July meeting.

11/2012 AOB

Non-agenda

The Chair noted that this was Mr Scales' final meeting and thanked him for his contribution to the Committee's work. The Committee wished him well in his move to Australia.

Date of Next Meeting - 16 May 2012

File Review 12.00 - 14.00, Meeting 14.00 - 16.00

Signed.....

Chairman