

# Minutes

## Professional Standards Committee

Wednesday 16 May 2012, 14.00  
at 6<sup>th</sup> Floor Meeting Room, FHQ, 25 Camden Road

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### Present:

Mrs Wendy Towers  
Mr Lew Adams  
Mr Howard Collins  
Mrs Elizabeth France  
Mr Len Jackson

### In attendance:

Mr Paul Crowther, Deputy Chief Constable  
Mr Alistair Lawson, Detective Superintendent PSD  
Mr Paul Brogden, Chief Superintendent Command Support  
Miss Fiona MacCallum, PSD Analyst (BTP)  
Mrs Kerry McCafferty, HR Business Manager, Futures Programme (BTP)  
Ms Katherine Hogan, Business Support Officer & Minutes (BTPA)  
Miss Lucy Barrick, Business Manager (BTPA)

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### 12/2012 Welcome and Apologies

Non-Agenda

The Committee welcomed Len Jackson to his first meeting as a new member of the Authority. The Chair also thanked DSU Lawson for delivering a counter corruption presentation.

### 13/2012 Minutes of Meeting 25 January 2012

Agenda Item 3

It was noted that the date for the minutes was incorrectly recorded as 2011. Aside from this correction the minutes were approved as an accurate record.

**14/2012 Matters Arising**

Agenda Item 4

It was noted that all of the actions were complete.

An update was requested on whether defibrillators had been distributed and training completed. BTP responded that this was in hand and defibrillators would in all custody suites and staff training completed prior to the Olympics.

**15/2012 Update from the Chair**

Agenda Item 5

The Chair met with DSU Lawson on 2 March. The Police Complaints Commissioner Scotland (PCCS) issue was discussed as a response had been sent but no further correspondence received. The structure of file reviews going forward was also discussed and it was agreed to substitute an indepth presentation on a particular topic for the alternate themed file review as the file reviews were generally proving satisfactory. Other matters discussed were on the agenda.

**16/2012 Quarterly Report**

Agenda Item 6

**New Regulations** - The Home Office was bringing in new police regulations on complaints and misconduct, and amendments to conduct and performance regulations from 22 November 2012. This followed the move to Police and Crime Commissioners and the IPCC stock take. The final versions of the new regulations were being laid before parliament during the week commencing 21 May. The Executive had advised the DfT of the requirement for BTP to bring in and amend its own regulations in November 2011 but clarity around the approval process remained outstanding. The risks to BTP if it continued to refer to current regulations beyond 22 November were being assessed but it was the intention to have the new and amended regulations in place. It was agreed that a joint working party should be established to help progress this work and that drafting of the new regulations should begin now that the final Home Office versions were being laid.

Under the new regulations 'low level complaints' would be determined by a standardised test although the results would inevitably involve subjectivity. The Committee noted that as there would no longer be a right to appeal to the IPCC on the outcome of low level complaints and it was agreed that the joint working party should consider how the Committee would monitor this area in future. The BTP hoped that these changes would aid in encouraging more expedient resolution.

The Committee noted that it would be helpful to understand how many appeals were received against locally handled investigations, how many of these were upheld and any implications for structural change as a result. The appeals figure was reported as being around 30% nationally.

**Firearms** - The BTP agreed to inform the BTPA of the final date of a planned live exercise to take place in the disused Waterloo Eurostar Terminal when confirmed.

**Customer Service / Service Recovery - PSD intended to focus more effort on satisfying complainants by early intervention at local level when dealing with complaints rather than by a lengthy investigation and to conduct more proportionate investigations where appropriate.** The BTPA supported this emphasis. The BTP confirmed that they intended to begin a schedule of workshops at area level to promote this change of emphasis

The Committee supported the move to rationalizing the number and size of SOPs owned by PSD currently and to streamline the applicable policies.

**Reporting and Analysis** - It was noted that reported incidences of incivility had decreased. London South and North East areas still had an above average number of complaints per 100 Officers. PSD explained that in the North Eastern Area previously an Officer had been disciplined for not raising a complaint. It was felt that this had resulted in a culture of over reporting. The London South Area was an area of high arrest rates which may be the reason for the higher number of complaints. The Committee requested further reassurance on this point. BTP advised that they did conduct problem profiles benchmarking against similar forces from time to time and had not found a cause for concern.

### **Agreed**

- Lucy Barrick to coordinate a joint working party with BTP PSD to meet to discuss and begin drafting new regulations, to assess how the PSC would monitor low level complaints and otherwise map the process of moving on to new regulations
- BTP to provide statistical information on how many appeals were received against locally handled investigations, how many of these were upheld and any implications for structural change resulting.
- BTP to confirm date of the Firearms Live Exercise to the BTPA when known
- BTP to provide information explaining why the London South and North East Areas consistently incur an above average number of complaints per 100 Officers.
- The Committee requested that the locally handled investigations table show more than one quarter.

- The Committee to be advised what the subject of the Judicial reviews were.

## **17/2012 Grievance & Employment Tribunal Update**

### Agenda item 7

It was noted that the number of tribunals involving BTP had gone down whilst they had gone up nationally. The BTP attributed this to robust management rather than settling cases where the BTP have felt that the management decisions in question were correct. The BTP confirmed that they sometimes pursued costs (but were only able to claim up to the value of £10,000) where the case has been vexatious. Whilst this did not cover the costs of the case two had recently been awarded which would serve as a deterrent to those considering pursuing frivolous claims.

The Committee noted a gradual year on year rise in the grievance figures. BTP had been looking at the cause of grievances and noted that grievances were often followed a change in supervisor and thus supervisory style. The Force also advised that it was working to improve its case management. It was agreed that in future papers the table at 2.2 would include progression data and that the grievances data outlined would put into table form.

Benchmarking data had been provided which showed BTP to have a high grievance rate per 1000 headcount compared with other forces. The Committee requested further information and more detailed analysis on the comparative data on page seven, especially of those forces of similar size including Hertfordshire and West Merica Police to help understand the context. For example, it was not explained whether lower grievance figures in other forces were affected by using a mediation process before entering the formal grievance process meaning that they were not counted,.

It was noted that the BTP had not yet spoken to the BTP Federation about upcoming transfer to a new Dispute Resolution procedure, but that the BTP were planning to speak to all staff associations in the near future.

### **Agreed**

- BTP to provide further information on comparative grievance data with other forces to help understand the context.
- BTP to include progression data on Employment Tribunals on future papers
- BTP to produce grievance data in the form of a table in future to be more readily accessible

## **18/2012 PSD Business and Strategic Plan**

### Agenda Item 8

It was explained that the new Business Plan was much more streamlined than previous drafts. The Committee welcomed the current focus on proportionate investigations and it was agreed that the BTP would explore possibly reporting on a small number of strands within the business plan in detail at each meeting, whilst tracking the others,.

DSU Lawson advised that it was no longer the intention to produce a strategic plan for PSD as the Business Plan was considered sufficient and addressed the strategic objectives. The Committee was content with this position.

### **Agreed**

- BTP agreed to explore reporting on a small number of strands of the Business Plan to the most appropriate BTPA meeting whilst tracking the others,.

### **19/2012 Executive Update**

#### Agenda Item 9

On conduct matters it was noted that Thames Valley Police, conducting an investigation on behalf of the BTPA (supervised by the IPCC) had passed their report to the IPCC on 4 May 2012, as such the final version was expected to be received at BTPA in the next few days.

It was noted that Merseyside Independent Custody Visits (ICVs) had commenced. The BTPA had not received a formal ICV report from Merseyside but had been advised that there were no problems highlighted so far. As the ICV Report from the Mayor's Office had not yet been received the BTPA agreed to produce and circulate a summary out of committee on receipt.

A draft copy of the *BTPA Memorandum of Understanding between BTPA and BTP Referrals of Conduct and Complaint Allegations and DSI matters* was submitted to the Committee for comment and approval. BTP requested that language around the appropriate staff member to receive referrals at the BTPA to be clarified for completeness. It was noted that referral should not restrict any action to be taken to preserve evidence and the BTPA agreed to clarify this. It was noted that the regulations around handling complaints against senior Staff (those at Assistant Chief Constable level and above) could potentially change when new regulations come into force. However, this was not expected to affect BTP/BTPA as BTPA continue to have responsibility for recruiting staff of this level so it would be logical for BTPA to continue to handle any complaints. It was agreed that after the above minor adjustments were made to the language of the document it would not need to seek further approval at Committee.

**Agreed**

- The BTPA Executive to produce and circulate a summary of the ICV from the Mayors Office out of committee
- The BTPA Executive to continue to chase Merseyside police for their written IVC report
- BTPA to clarify language around referrals in Appendix C

**20/2012 AOB**

Non-agenda

There was no AOB.

**Date of Next Meeting - 25 July 2012**

**File Review 12.00 - 14.00, Meeting 14.00 - 16.00**

Signed.....

Chairman