

Minutes

Professional Standards Committee

Wednesday 24 October 2012, 14.00
at BTP PSD, 140 Camden Street, London

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Present:

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

Apologies:

Mr Howard Collins

In attendance:

Mr Paul Crowther, Deputy Chief Constable
Mr Alistair Lawson, Detective Superintendent PSD
Mrs Clare Conaghan, HR Operations Manager (BTP)
Mr Tony Thomas, PSD Business Manager
Mr Darren Malpas, T/Detective Chief Inspector PSD

Mrs Lucy Yasin, Authority Business Manager & Minutes

32/2012 Welcome and Apologies

Non-Agenda

1. The Chair gave apologies from Mr Collins who had been called to another meeting.

33/2012 Pre-meeting

Agenda Item 1

2. The pre-meeting had focused on the organisational culture and policy sections of the 2012/13 PSD Business Plan.
3. As part of the background work for the PSD Business Plan for 2013/14 the structure of PSD was being reviewed. DSU Lawson was researching the best structure for BTP and was visiting other forces to gain by their experiences, including Norfolk Constabulary who were considered to be one of the leading forces in this area.

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4. BTP was running a project called Operation Inspire which focused on the culture of the Force. The Force Vision, Mission and Values had been identified as part of this work and the aim was to remind people of the standards expected of them and to provide managers and supervisors with the confidence and tools to manage effectively. Communication was a key element of the project and work was taking place to ensure that all previous vision, mission and value statements were removed and several communications channels were to be used to deliver the Operation Inspire messages. The move to the new Resolution process from the previous Grievance Process also demonstrated a cultural shift to managers being put in a position to manage effectively.
5. It was noted that there was potential for overlap between Operation Inspire and the People Strategy work that was taking place. DSU Lawson advised that he would liaise with colleagues and ensure that the projects complemented one another.
6. The Committee discussed how the pre-sessions could add best value in the future. It was agreed that the next file review would look at service recovery files. For the next thematic sessions two topics were suggested, including a review of how the changed appeal arrangements were working, and meeting the specialist teams in PSD. These were both thought to be useful and the Members would take a decision at the January meeting on how the May pre-session would be used most effectively.
7. **Agreed**
 - 7.1. DSU Lawson to liaise with colleagues to ensure that the Operation Inspire and People Strategy projects complement one another.
 - 7.2. The January 2013 file review to look at service recovery files.

34/2012 Minutes of Meeting 25 July 2012

Agenda Item 2

8. The minutes were approved as an accurate record.

35/2012 Matters Arising

Agenda Item 3

9. PSD continued to have concerns with respect to the suggestion from the Committee that they should provide copies of the Complaint Investigation Reports to officers when they were sent to members of the public. A potential middle ground was that in the emails to the officers advising them of the outcome of the investigation they could offer to forward a copy of the Report should the officer wish to see it

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rather than his happening automatically. DSU Lawson would report back to the next meeting on a solution.

10. The firearms 'live ex' had been delayed owing to difficulties with logistics. An exercise was scheduled to take place using the Hydra Suite in February 2013 as an interim measure. The Committee sought assurance that should an officer discharge their firearm in the interim period that the appropriate arrangements were in place for the management of the post incident procedures. PSD assured the Committee that sufficient arrangements were in place.
11. DSU Lawson updated that the existence of the Subject Intervention System had not yet been widely publicised as PSD was first liaising with staff associations to ensure that they understood how the system worked and its objectives. Once this preparatory work was complete the message would be distributed more widely.
12. All other matters had been discharged or were to be discussed in the meeting.

36/2012 Update from the Chair

Agenda Item 4

13. The Chair had met DSU Lawson between meetings and discussed:
 - 13.1. Department Workload - There had been some changes including the recruitment of an interim PSD Business Manager. A new Chief Inspector was also being appointed for a 6 month period, along with a couple of additions to vetting for a mass PNC/PND screening of all BTP employees. There had not been a screening since 2009 so this was considered timely. The covert section was now passing cases to the overt team once the investigation started as covert measures were no longer required.
 - 13.2. Vigilance Pro - this was discussed later on the agenda
 - 13.3. Olympics - there was only Olympics related complaint with respect to a mutual aid officer which was being dealt with by the officer's home force. The only slight issue was the impact on staff numbers as many people were now taking leave following the Summer restrictions.
 - 13.4. File Review - the Chair looked at the responses to the queries from the last file review. These were discussed in more detail in the pre-session to the Committee meeting.

37/2012 Quarterly Report

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Agenda Item 5

14. DSU Lawson advised the Committee that a new Analyst had been recruited and started the previous week. Therefore, the requested amendments to the Quarterly Report would be fully implemented for the next report.
15. Following the move to the Wide Area Network (WAN) a test switch on of the Vigilance Pro software was taking place. It was expected that this would be fully functional by quarter 4.
16. There had been a significant increase in the number of complaint cases recorded in the quarter, however, this followed a significant decrease from the previous quarter. The previous decrease had been thought to be a result of the implementation of the Service Recovery Model, however until further data was available it was not clear whether the decrease had been an anomaly. The trend data showed a steady rise in complaints since the significant drop in period 4 when Service Recovery began but the overall number of complaints remained lower than the pre-period 4 figures.
17. PSD had not been able to identify any obvious explanation for the increase since the last quarter, but noted from previous years that there was a tendency for there to be a Summer spike in complaints. The main spike had been in August.
18. PSD confirmed that all the Service Recovery disposals were logged on Centurion, as the data formed part of the Subject Intervention Database. It was further confirmed that complaints where organisational failings were found to be the source were also being recorded.
19. The high proportion of complaints compared to employees on the London South Area continued. London South had been working with Learning and Development focusing on those officers who were attracting complaints and providing additional training. If this was successful it would be rolled out forcewide.
20. An error on the locally handled enquiries table with respect to disposals was noted. This would be rectified and the correct version sent to Members.
21. Although there was an increase in conduct cases for the quarter the trend was a downward one. It was suggested that the strong stance that BTP had taken with respect to conduct which had resulted in a number of dismissals may help explain this.
22. Section 60 was missing from the stop and search table. It was requested that this be included in the future.

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23. The number of allegations received through the Confidential Anonymous Reporting System (CARS) had doubled since the last quarter. The majority of the allegations were included in the 'other' category. PSD reassured the Committee that the matters were in hand and related to an issue in one particular area.
24. At the time of the meeting the IPCC involvement in investigations was as follows:
 - 24.1. 1 Independent investigation
 - 24.2. 1 Managed investigation
 - 24.3. 1 Supervised investigation
 - 24.4. 1 Referred
25. **Agreed**
 - 25.1. The corrected version of the locally handled enquiry disposals table to be sent to Members.
 - 25.2. Section 60 complaints to be included the stop and search complaint table.

38/2012 Grievance & Employment Tribunal Update

Agenda item 6

26. There had been no Tribunals over the Olympics period which had allowed the HR team time to prepare for a 15 day case which had been listed to start in September. Unfortunately owing to a scheduling error by the Tribunal this did not go ahead and had now been scheduled for 2013. The positive to arise from this was that the judge had conducted a pre-case hearing and agreed for some witness statements to be taken in private. However, there would be additional costs for BTP as Counsel would have to read the case notes again closer to the time.
27. It was noted that the North Eastern Area had a spike of grievances under the 'Pay, conditions and contract terms' category. The Committee asked BTP to review these grievances and report back with more context.
28. The new Resolution Standard Operating Procedure would be replacing the Grievance Resolution SOP shortly. This would place more emphasis on trying to resolve disputes informally. Those disputes that were resolved informally would not be recorded as this would be normal management process. Only formal grievances would be recorded.
29. The Committee noted that the report had improved with more data but some further trend data would be helpful to their role.

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30. Agreed

- 30.1. Charts for allegations as well as tables to be included in the report for the next meeting to allow trends to be more easily identified.
- 30.2. BTP to review the North Eastern Area spike of grievances under the 'Pay, conditions and contract terms' category and report back to the Committee on context.

39/2012 PSD Business Plans

Agenda Item 7

31. These had been discussed in the pre-meeting.

40/2012 Executive Update

Agenda Item 8

32. BTPA had received no complaints, conduct matters, grievances or police appeal tribunal requests in the quarter.
33. Independent Custody Visiting reports continued to be positive but there remained some communication issues. There were some questions with respect to defibrillator training which were taken away.

[Afternote: BTP confirmed that the majority of custody staff had completed their module 3 first aid training, which included use of defibrillators. Those that had not or were due a refresher were booked on courses in November and December. Supt. Peter Rowe has been assigned as SPOC to the Police Authority for custody matters and BTPA has received the closure dates to the end of the calendar year.]

41/2012 Draft BTP Regulations for approval for recommendation

Agenda Item 9

34. Mrs Yasin introduced the paper giving a brief history of the requirement for the regulations, the process for making them and summarising the key changes from the 2008 regulations.
35. Since the paper had been written an issue had been raised by the IPCC, who had advised that they would not be prepared to sign off the new Section 26 Agreement, which referred to the new 2012 Regulations, until they had sight of the final approved regulations. The regulations would not be finalised until mid-November as they were going through the consultation process, and the Home Office final versions had also not been released at the time of the meeting. As such, it was unlikely that the IPCC would be able to progress the Agreement through the stages required for sign off by the Home Secretary in the short space of time available.

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36. The Committee were advised that the new Regulations could not come into force until the Section 26 Agreement had been signed. Therefore, there was a strong likelihood that BTP would not be able to move to the new regulations on 22 November in line with Home Office forces. This did not create any particular issues for BTP however as the 2008 regulations would continue to be extant until such a time that the 2012 Regulations came into force, which was expected to be before the end of the calendar year. Once the 2012 Regulations were in force these would revoke the 2008 Regulations.
37. The Committee had reviewed the summary of amendments to the Regulations and were supportive of these. They agreed that retaining the appropriate authority arrangements (i.e. BTPA for senior officers and the Chief Constable for all others) was the correct approach as BTPA continued to be the appointing body for all senior officers. The Committee requested that BTPA try and keep a Police Authority Member on a Police Appeal Tribunal.
38. A further complicating factor in the case of the BTP (Complaints and Misconduct) (Scotland) Regulations 2012 was that the Police Complaints Commissioner Scotland (PCCS) was due to become the Police Investigations and Review Commissioner from 1 April 2013. This would require further changes to the Regulations and advice was being taken from Scottish lawyers as to whether these changes could be dealt with in the new version that was under development to come into force by the end of the calendar year. However, it was not expected that this would not be possible as the exact functions of the PIRC were understood to still be under discussion.
39. The Committee agreed that if the changes could be written into the Regulations that were to come in by the end of the calendar year with a later commencement date this was the best way forward. However, if this was not possible then the new regulations should be still be brought in with all the other 2012 Regulations and a further version should be developed to replace or amend these from 1 April 2013.
40. **Agreed**
 - 40.1. That the appropriate authorities should remain in their current form i.e. BTPA for senior officers and the Chief Constable for all others.
 - 40.2. That in establishing the Conference, the Authority nominates *the Chief Executive, the Head of Professional Standards, the Employee and Diversity Manager and Authority Business Manager* to meet with the British Transport Police Federation.

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- 40.3. To recommend the draft Regulations at Appendices A-E to the full Authority, and that the Authority authorise the Chief Executive to make any minor amendments as a result of the staff association consultation and to signal the Authority's making of the Regulations on the Authority's behalf.
- 40.4. If the changes for the PIRC could be written into the new version to commence later in the calendar year this was the best way forward. However, if this was not possible the 2013 Regulations should still come in and a further version should be developed to replace or amend these from 1 April 2013.

42/2012 IPCC Section 26 Agreement for approval for recommendation

Agenda Item 9

41. The Agreement was approved for recommendation to the full Authority.

Date of Next Meeting - 23 January 2013**File Review 12.00 - 14.00, Meeting 14.00 - 16.00**

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