

**Report to:** Police Authority  
**Agenda :** 7  
**Date:** 31 January 2013  
**Subject:** Professional Standards Committee  
**Sponsor:** Committee Chair  
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**For:** Information

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## 1. Purpose of paper

- 1.1 To report on the key matters arising out of the Professional Standards Committee meeting that took place on 23 January 2013.

## 2. Background

- 2.1 Following Member feedback it was agreed that full minutes would be circulated out of Committee with the Authority receiving highlight reports from the Committees and Groups.
- 2.2 This report provides the highlights from the Professional Standards Committee meeting that took place on 23 January 2013. Full minutes will be circulated to iPads once finalised.

## 3. Service Recovery File Review

- 3.1 Service recovery is a new method for dealing expediently with low level complaints and has been in place force-wide since September 2012. Service recovery follows the below process:
  - an early assessment is made of what has happened and how serious the incident is;
  - where the assessor is satisfied that the matter is not serious and could be resolved by explanation, apology or an acknowledgment that the situation could have been better handled, the matter is dealt with through service recovery, pro-actively seeking to recover the service and the confidence of the aggrieved person;
  - contact is made within 24 to 48 hours and the matter resolved.
- 3.2 The Committee was provided with all the completed service recovery files since its introduction in September. The Committee reviewed a random sample and were satisfied all had been appropriate for service recovery. There were some

improvements to be made to the files, and the dataset needed to be improved for analytical purposes, but overall the Committee felt that service recovery was working well.

- 3.3 The Committee agreed that at its next pre-meeting session it would focus on the integrity and counter corruption work that was taking place following the HMIC ‘Without Fear or Favour’ Report and other reports published in this area. This would be incorporated with a visit to the Counter Corruption Unit.

#### **4. BTP Quarterly Update Report**

- 4.1 The downward trend for complaints continues, whilst conduct matters have increased over the last 2 quarters, but this follows a significant decrease. London South continues to have a high proportion of complaints compared to the percentage of officers that it represents. It was suggested that this could partly be a result of their high arrest and detection rate. Further work was to be done to explore this theory.
- 4.2 The subject intervention process continued to work well and PSD were confident that this was targeting the right people. The focus was now on the quality of interventions. There was a lot of interest from other forces and HMRC to adopt the method for their purposes.
- 4.3 A mass Police National Computer (PNC) and Police National Database (PND) screening was planned but had been delayed owing to staffing pressures in PSD. The staffing issues had arisen as a number of people were leaving or due to retire in the near future, and three people were away on sick or maternity leave. PSD were working closely with their HR Business Partner to build resilience and ensure continuity.
- 4.4 PSD was making good progress against its 2012/13 Business Plan, although this had slowed recently as a result of staff sickness. The 2013/14 Business Plan was under development and would have 3 key strands, with a focus on educating, supporting and coaching to help embed learning.

#### **5. ET and Dispute Resolution Update**

- 5.1 The number of employment tribunal claims and grievance allegations had significantly reduced in the last 12 months compared with the previous 12 months. Wales and West and London South continued to have a higher proportion of the grievances than they represented a percentage of staff. It was explained that there did not appear to be any specific issues in either of these areas that were the basis for this.
- 5.2 The Committee asked for more information on the reasons for delay in grievance cases that took more than 3 months to resolve.

- 5.3 It was noted that BTP had introduced a new Dispute Resolution Standard Operating Procedure (SOP) which replaced the Grievance Resolution SOP in January. This put more of a focus on managers trying to resolve matters at the informal stage and was compared with the service recovery initiative for use internally.

## **6. Regulations**

- 6.1 BTPA and MoD Police Committee had a meeting with Home Office officials on Monday 14 January with respect to “appropriate authorities” in complaint and conduct matters. BTPA and MoD stated the case for the status quo and Home Office officials were supportive of this. Home Office officials are now preparing a submission to Ministers. It has been requested that this be completed as soon as possible to allow BTPA to send final versions to the IPCC lawyers to enable sufficient time for sign off of the s26 agreement should any further issues arise. Once this issue has been finalised the only further steps for the England and Wales Regulations are the BTP Conference with the Federation and Authority approval. The Conference is not anticipated to raise any issues as the Regulations have already been shared with the Federation and positive feedback received.
- 6.2 The Scotland Complaints and Misconduct Regulations present more of an issue. The Regulations need to reflect the changes that will come into effect with the move to the Police Investigations and Review Commissioner (PIRC), who takes over from the Police Complaints Commissioner Scotland (PCCS) on 1 April 2013. Exactly how the PIRC will work is not yet clear which is preventing the BTP (Complaints and Misconduct) (Scotland) Regulations from being finalised, and the Executive is working with the Scottish lawyers and ACC McCall to progress this.
- 6.3 It was therefore agreed that the date of 1 April 2013 be adopted as the new target for implementation of the new Regulations.

## **7. Legislation**

- 7.1 Fast track legislation has been making its way through the Houses of Parliament which will give the IPCC the power to compel police officers to give evidence in the Hillsborough investigation where they are only required as witnesses. Presently officers can only be compelled to give evidence where they are the subject of a case. BTP is named as an additional policing body to which this legislation will apply and BTPA was given until Friday 18 January to comment. A response was sent advising that both BTPA and BTP had no issues with the proposed legislation.

## **8. Custody**

- 8.1 Independent Custody Visiting reports from BTPA's partners continued to provide positive reports of BTP custody facilities and the treatment of detainees.
- 8.2 Police detainee healthcare will be commissioned and delivered through a partnership with local Home Office police forces and the local NHS Commissioner from April 2015. BTP has no option but to move to this commissioning approach. BTP currently has a contract with the Metropolitan Police Service (MPS) for healthcare provision but the MPS have discussed increasing the cost of this very significantly from around £140k per annum to £1.25m. Work to look at an interim arrangement, should it be required, is underway.
- 8.3 There is also a significant amount of work taking place looking at mental health provision and more effective ways of managing people than taking them into police custody under section 136 of the Mental Health Act. Police custody should be the last resort in these cases as it was far from the best environment for the individuals involved. A piece of work was also taking place looking at early interventions in custody where a detainee may cause him/herself harm and any patterns or trends to help guide custody staff as to when to be on alert.

## **9. Recommendations**

- 9.1 That Members note the contents of this report.