



British Transport Police Authority

Senior Officer Complaints Policy

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1. Introduction

This policy explains how the British Transport Police Authority (“the Authority”) deals with complaints made by the public against senior officers of the British Transport Police (BTP).

The Authority is the independent statutory body responsible for securing an efficient and effective police service for the railways and is responsible for dealing with complaints and allegations of misconduct against senior officers¹ of BTP.

In the main police officers perform their duties in a diligent and satisfactory manner, there are, however occasions when members of the public feel let down by police officers and the Authority regrets if this situation occurs in relation to a BTP officer. In such situations it is important to deal with such matters quickly, proportionately and effectively and to focus on learning and improvement for officers and the BTP.

2. What complaints does the Authority investigate?

The Authority can deal with complaints about the conduct of senior officers of BTP of the ranks of Assistant Chief Constable, Deputy Chief Constable or Chief Constable.

All Officers must abide by the Standards of Professional Behaviour (see Annex A) when carrying out their duties. A conduct complaint relates to an allegation that a person serving with the police may have behaved in a manner which breaches these standards.

Complaints against senior officers who have retired from the police service can also be considered if the complaint concerns their conduct whilst in service.

Complaints against officers of the rank of Chief Superintendent and below and police staff should be made directly to BTP via its Professional Standards Department. Any such complaints received by the Authority will be acknowledged and passed to BTP for investigation.

There will be times where a complaint names a Chief Officer, but the complaint is actually about something where authority has been delegated to another officer or staff member within the Force. Where the BTPA receives a complaint for which it is not the appropriate authority, it will forward the complaint to the appropriate authority advising the complainant accordingly.

Similarly, Chief Officers will have responsibility for ensuring that the organisation has policies and procedures in place to support operational activity. This not necessarily mean that a complaint against a policy decision will constitute as a complaint about

¹ Senior officers are – the Chief Constable, Deputy Chief Constable and Assistant Chief Constables

the conduct of that individual. This is an assessment which the Authority will undertake at the point of receipt. Typically complaints about the direction and control of BTP such as operational management decisions, general policing standards or organisational decisions such as the location and management of resources will be dealt with by BTP.

3. How to make a complaint

A complaint about the conduct of a person serving with the police can be made by a member of the public who:-

- was the victim of the alleged conduct;
- alleges that they have been adversely affected by the conduct even if it was not directed at them; or
- claims that they witnessed the conduct

A complaint can also be made by someone acting on behalf of any of the above persons, providing they have given their clear and unambiguous written consent for the representative to act. This is waived in the case of parents or guardians of someone under sixteen years old.

There are several ways to make a complaint about a senior officer, you can contact Authority directly by letter, email or telephone, a solicitor can forward your complaint to Authority on your behalf or you can forward a complaint to the Independent Office for Police Conduct (IOPC) if your complaint relates to a matter arising in England or Wales.

4. What happens when a complaint is made

When the Authority receives a complaint about a senior officer in BTP the complaint will be logged, and the Authority must decide: -

- whether to make an official record of the complaint; and
- if it should be referred to the IOPC, Police Investigations and Review Commissioner (PIRC) or the Procurator Fiscal.

5. Recording a complaint

The Authority is not required to make an official record of a complaint in certain circumstances and if the complaint is not recorded the complainant will be told why and the right of appeal explained.

6. Referral to the IOPC, PIRC or Procurator Fiscal

BTP provides policing services across England, Wales and Scotland and the Authority may be required to refer certain complaints to the IOPC for matters arising in England or Wales or to the PIRC or Procurator Fiscal for matters arising in Scotland.² As a result, the Authority may be required to deal with complaints in slightly different ways depending on the origin of the complaint.

The Authority must refer to the IOPC any conduct matter relating to senior officers. The definition of a conduct matter is any matter that is not, and has not been the subject of a complaint, where there is an indication (whether from the circumstances or otherwise) that a person serving with the police may have committed a criminal offence or believed in a manner which would justify disciplinary proceedings.

When a complaint concerning a senior officer is referred to the IOPC, the IOPC will first determine whether there is an indication that the senior officer may have committed a criminal offence or behaved in a way which would justify the bringing of disciplinary proceedings. If there is, the IOPC is obliged to determine whether to conduct a directed or independent investigation.

Where the Authority refers a complaint to the IOPC, the complainant will be advised of this decision in writing.

7. How does the Authority deal with recorded complaints?

The Authority will carry out an assessment to consider how the complaint can best be resolved. For cases where the Authority can satisfy itself that the conduct complained of, if proven, would not justify the bringing of disciplinary proceedings this may involve a local resolution.

The procedure to be followed in local resolution will be agreed with the complainant and the Authority will aim to provide a satisfactory and adequate response to the concerns expressed by the complainant.

If the complaint is considered to be more serious then it will be subject of a directed or independent investigation by the IOPC.

Where an investigation has taken place, the complainant will be provided with a copy of the investigation report unless to do so would prejudice criminal proceedings or national security, is not in the public interest or would have a disproportionate adverse effect.

² There are currently no Senior Officers in Scotland

8. Keeping the complainant informed

The Authority will keep complainants informed of the progress made in relation to their complaint. The key points of communication are:-

- decision of how the complaint will be progressed within 10 working days;
- a four-weekly basis progress report of any ongoing investigation; and
- the final outcome in relation to the complaint

In the case of an IOPC investigation, the IOPC will directly update the complainant and Authority every 28 days.

The Authority will correspond with complainants in writing by e-mail or telephone; however where an alternative method of communication is requested for accessibility reasons the Authority will make every reasonable effort to meet this request.

9. Appeals

The IOPC is the relevant review body where the complaint is about the conduct of a senior officer based in England or Wales.

Where the investigation of a complaint has been carried out independently or has been managed by the IOPC there is no right of appeal.

There is no right of appeal against the outcome of the local resolution process. A complainant however does have the right to appeal to the IOPC if they did not agree to the local resolution process or believe that the process was not carried out in the agreed manner. Appeals must be made to the IOPC within 28 days of the occurrence of what the complainant believes has gone wrong with the local resolution process.

10. Contact Details

Complaints against the Chief Constable, Deputy Constable and/or Assistant Chief Constables in British Transport Police can be made to:

British Transport Police Authority
Ivason House
8a London Bridge Street
London
SE1 9SG
Email: calvert.yasin@btp.police.uk

Complaints against officers of other ranks should be made to:

Professional Standards Department

British Transport Police
FHQ
25 Camden Road
London
NW1 9LN

psd@btp.police.uk

For general advice about making police related complaints contact the Independent Office for Police Conduct (IOPC).

<https://policeconduct.gov.uk/>

IOPC Tel: 0300 020 0096

Please note that this policy can be made available in alternative languages/formats on request.

Annex A: Standards of Professional Behaviour³

Honesty and Integrity

Police officers are honest, act with integrity and do not compromise or abuse their position.

Authority, Respect and Courtesy

Police officers act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy.

Police officers do not abuse their powers or authority and respect the rights of all individuals.

Equality and Diversity

Police officers act with fairness and impartiality. They do not discriminate unlawfully or unfairly.

Use of Force

Police officers only use force to the extent that it is necessary, proportionate and reasonable in all the circumstances.

Orders and Instructions

Police officers only give and carry out lawful orders and instructions.

Police officers abide by police regulations, force policies and lawful orders.

Duties and Responsibilities

Police officers are diligent in the exercise of their duties and responsibilities.

Confidentiality

Police officers treat information with respect and access or disclose it only in the proper course of police duties.

Fitness for Duty

Police officers when on duty or presenting themselves for duty are fit to carry out their responsibilities.

Discreditable Conduct

Police officers behave in a manner which does not discredit the police service or undermine public confidence in it, whether on or off duty.

Police officers report any action taken against them for a criminal offence, any conditions imposed on them by a court or the receipt of any penalty notice.

Challenging and Reporting Improper Conduct

Police officers report, challenge or take action against the conduct of colleagues which has fallen below the Standards of Professional Behaviour.

³ BTP (Conduct) Regulations 2020 Schedule 1