

Minutes

Performance and Delivery Committee

Wednesday 8 September 2021 at 10.30am via Microsoft Teams

Present:

Craig Mackey (Chair)
Andy Cooper
Martin Richards
Stella Thomas

Apologies:

None

In attendance:

British Transport Police Authority Executive

Hugh Ind (Chief Executive)
Sarah McGarel (Deputy Chief Executive & Chief Financial Officer)
Stephanie Calvert (Co-Head of Governance and Compliance)
Sam Elvy (Head of Strategy, Planning and Engagement)
Lynsey Marshall (Finance, Audit and Risk Manager)
Jon Newton (Analyst)
Alistair MacLellan (Board Secretary / Minutes)

British Transport Police

Adrian Hanstock (Deputy Chief Constable)
Rachael Etebar (Director of People and Culture)
Allan Gregory (T/Assistant Chief Constable)
Tracey Martin (Director of Finance and Commercial Services)
Julie Mann (Force Crime & Incident Registrar)
Nadia Connor (Head of Justice Solutions)
Vanita Patel (Head of Analytics)
George Tabcart (Risk Management Lead)

Apologies

Agenda Item 1

1. There were no apologies.

Declarations of Interest

Agenda Item 2

2. There were no declarations.

Minutes

Agenda Item 3

3. **RESOLVED**, that the minutes of the meeting held on 7 May 2021 be approved as a correct record.

Actions

Agenda Item 4

4. Members considered a report of the Board Secretary regarding actions arising from previous meetings and agreed that action 6 – 11/2021 could be closed.
5. **RESOLVED**, that the report be noted.

Risk Profile

Agenda Item 5

6. Members considered a report of the BTPA Finance, Audit and Risk Manager regarding the risk profile and the following points were made.
 - a. Members noted that the risk profile would be refreshed following a review by the Audit and Risk Assurance Committee at its September 2021 meeting, to ensure that residual risk(s) were addressed as far as possible and making the strategic risks more dynamic.
 - b. In response to a comment from a Member regarding the use of cash reserves (Risk A6 – Financial Sustainability) both the Chief Financial Officer and the Director of Finance and Commercial Services noted that use of reserves was being reviewed by Audit and Risk Assurance Committee (cash reserves) and Strategy and Planning Committee (Medium Term Financial Plan) respectively.
7. **RESOLVED**, that the report be noted.

Legitimacy

Agenda Item 6

Legitimacy Overview

Agenda Item 6.1

8. Members considered a report of the Chief Executive that provided an overview of the Full Authority's oversight of legitimacy and the following points were made.
 - a. The Chief Executive noted that the report demonstrated the broad area that legitimacy encompassed, which required decisions to be made regarding what the Committee scrutinized, and how often. The strands on the agenda at Items 6.2 – 6.4 illustrated the rhythm the Authority was

aiming for in order to cover all relevant aspects of legitimacy, albeit each of the strands was at a different stage of development.

9. **RESOLVED**, that the report be noted.

Custody Data Q1 2021/22

Agenda Item 6.2 (previously 6.4)

10. Members considered a report of the T/Assistant Chief Constable regarding custody data Q1 2021/22 and the following points were made.

- a. The T/Assistant Chief Constable introduced the report, noting that the juvenile action arising from the January 2020 HMICFRS inspection has been inserted on to 4Action. The T/Assistant Chief Constable highlighted key points within the report, including the increase of unique detentions from 565 to 707 in 2021/22, which represented an increase on COVID-era figures. There had been 82 submissions for use of force in custody of which 58 (71%) were actively or aggressively resisting.
- b. In response to a question from a Member, the T/Assistant Chief Constable noted that quality of custody for vulnerable persons was overseen by the Audit and Risk Assurance Committee, underpinned at local level by Force risk assessment(s).
- c. The Chief Executive concluded by noting that Members had undertaken a deep dive of custody data at their May 2021 meeting and the slide at this meeting was deliberately light touch as a result, albeit designed to ensure Members retained oversight of custody data throughout the year. The Chief Executive encouraged Members to conduct site visits and noted the Executive was on hand to facilitate these (Action 12/2021).

11. **RESOLVED**, that the report be noted.

Justice Outcomes

Agenda Item 6.3 (previously 6.2)

12. Members received a briefing on justice outcomes delivered by the Force Crime & Incident Registrar and Head of Justice Solutions and the following points were made.

- a. The Force Crime & Incident Registrar provided a summary of justice outcomes framework(s) since the current system's introduction in 2014, noting that the framework was intended to ensure a more victim-focused approach.
- b. The Head of Justice Solutions briefed Members on the 8 justice outcomes measured by the Force, defining and providing context for each outcome.

The Head of Justice Solutions noted that a Scrutiny Panel was empowered to scrutinize decisions made resulting in an outcome, subject to a challenge from the victim. Finally, the Head of Justice Solutions noted that one-third of all out of court disposals lacked ethnicity data which meant that she was reluctant to draw conclusions on their use versus different ethnic groups. Her concern over the lack of data had been raised with the Force.

- c. The Force Crime & Incident Registrar concluded the briefing by noting the assurance work had demonstrated that processes around conditional cautions and community resolutions appeared sound, with limited scope for improvement. The assurance work had also found confirmation that victims had been consulted.
- d. The Chief Executive welcomed the briefing, noting that a view should be reached on how the Authority continued to assure itself on justice outcomes. Members agreed that it would be appropriate for the Executive to provide a regular briefing on Board Intelligence on dip sampling carried out by the relevant scrutiny panel (Action 13/2021).
- e. In response to a question, the Force Crime & Incident Registrar noted that a separate audit report covered Scotland, which could be shared with Members (Action 14/2021). Scotland had been deliberately excluded from the briefing given the Procurator Fiscal, rather than the Force, had the key decision-making role.

13. **RESOLVED**, that the report be noted.

Use of Force Data Q1 2021/22

Agenda Item 6.4 (previously 6.3)

14. Members considered a report of the T/Assistant Chief Constable regarding use of force data Q1 2021/22 and the following points were made.

- a. The T/Assistant Chief Constable noted that the report highlighted the wealth of use of Force data available, which was reported to the Force-level Use of Force Board. The T/Assistant Chief Constable highlighted the fact that despite taser being carried in 19.9% of use of force cases, they were only used in 2.7% of cases.
- b. A Member welcomed the clarification regarding the low use of taser and commented that the Force should be proactive in its public messaging that often the deployment of taser alone – and not necessarily its use – was highly effective in de-escalating incidents.
- c. In response to a comment from the Chief Executive, both the Force and Executive agreed to provide Members with a summary of external scrutiny the Force was subject to, alongside an oversight map (Action 15/2021).

15. **RESOLVED**, that the report be noted.

Policing Plan Performance Q1 2021/22

Agenda Item 7

16. Members considered a report of the Deputy Chief Constable regarding Policing Plan Performance Q1 2021/22 and the following points were made.

- a. The Deputy Chief Constable introduced the report, highlighting that serious offences remained unusually low. An increase in violence in Scotland had prompted joint working with Police Scotland to address staff assaults in particular. Lifesaving interventions were at their highest for three years, which was significant given there was no corresponding reduction in fatalities. One future focus for the Committee could be on passenger vulnerability as the network got busier post-COVID. The high incidence and national prominence of sexual offences meant the Force was conscious of the need to remain focused on addressing issues such as unwanted sexual behaviour. Finally, there was an increasing trend in football violence which had the potential to detract from the Force's ability to focus on victim outcomes.
- b. In response to a question from a Member, the Deputy Chief Constable and Director of People and Culture noted that the emphasis on reporting unwanted sexual behaviour had moved to online and/or social media reporting. Members would be provided with the Force's social influencers' report in this area (Action 16/2021).
- c. A Member noted that [redacted] did not appear to be an issue on the rail network at present, which appeared to validate the Force's approach to date.

17. **RESOLVED**, that the report be noted.

Finance and Commercial Performance Q1 2021/22

Agenda Item 8

18. Members considered a report of the Director of Finance and Commercial Services regarding Finance and Commercial Performance Q1 2021/22 and the following points were made.

- a. The Director of Finance and Commercial Services introduced the report, noting that the Force was overspending on core, and underspending on enhanced police service agreement(s) (EPSAs). In terms of workforce and pay, the Force was facing a higher-level of vetting failures and occupational health issues, both of which were being addressed by Force HR.

- b. The Director continued, noting in terms of Q1 that the calls for service from [redacted] was being met in full from the core Police Service Agreement (PSA) resource— a mechanism would need to be developed to address this in order to demonstrate to [redacted] the full cost of the service provided to them. On Projects, [redacted] was now making progress after a slow start.
- c. The Director continued, noting on cashflow that the Force was forecast to end the year on just over £30m, which posed a question of how to maximize that cash position. The Director noted an emerging risk of £700k related to the [redacted] which was being treated as a contingent liability that could be considered as a cost to be met from reserves.
- d. The Director continued, noting there was potential for the Force to secure £10m of additional DfT funding that could be applied to Baskerville House (£6m) and critical estates remediation work (£4m).
- e. The Director concluded by noting that income of £650k associated with the compulsory purchase order for [redacted] was expected, and that the forthcoming national insurance increase from April 2022 would be factored into the forthcoming Medium-Term Financial Plan.
- f. A Member encouraged the Force and Executive to engage with the Home Office to establish if any easement for national insurance obligations was planned for Home Office forces, that could also be applied to the Force (Action 17/2021).
- g. The Chief Financial Officer commented on the report in general and cautioned on relying on securing the £10m of DfT additional budget cover. Baskerville House would continue even if the additional funding did not come to fruition but the £4m for the estates remediation work was not yet budgeted for.
- h. The Chair commented that recruitment appeared to be an issue across UK policing which had implications for the Force's current recruitment plan. Moreover the Force should be mindful that issues requiring resolution through the MTFP, alongside national items such as Emergency Services Network (ESN), had the potential to limit the Force's ability to pursue change.
- i. The Director of People and Culture assured Members that the Force was reviewing intake numbers and trends. Turnover was static at present, with a high incidence of late stage drop outs from new joiners who pursued more lucrative opportunities. The Force was therefore reviewing whether its time allocation to fill vacancies was realistic. The biggest concern was around vetting with a large increase in potential officers failing both fitness and drugs tests.

19. **RESOLVED**, that the report be noted.

Any Other Business

Agenda Item 9

Deputy Chief Constable Adrian Hanstock

20. Members reiterated their thanks and farewell to the Deputy Chief Constable, who would remain in post until November 2021.

Meeting Evaluation

Agenda Item 10

21. The Chair encouraged Members and attendees to submit meeting evaluation points to the Board Secretary outside of the meeting.

The meeting ended at 12.44pm

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