



British Transport Police Authority

Member and Staff Complaints Policy

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Date approved	September 2015
Date last reviewed	Dec 2021
Date of next review	May 2023
Protective marking	OFFICIAL

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Acronyms

BTPA	British Transport Police Authority
BTP	British Transport Police
DfT	Department for Transport
ICA	DfT's Independent Complaints Assessor
IOPC	Independent Police Complaints Commission
PHSO	Parliamentary and Health Service Ombudsman

1. Introduction

This policy provides a framework for the reporting of complaints made in relation to the conduct of the British Transport Police Authority (BTPA) Members and Executive staff.

The BTPA will be professional, helpful and understanding in all its dealings with the public and other bodies. The Authority has set out a Code of Conduct¹ with which all Members are expected to comply. However, it is recognised that there will be occasions when an individual will feel we have not dealt with a situation in an appropriate, timely or adequate manner.

This policy sets out the issues about which someone can make a complaint and the steps which should be taken if someone wishes to make a complaint against either Members or staff of the Authority. All complaints will be treated seriously; however, it should be noted that for complaints made anonymously, it may not be possible to carry out a complete investigation, and it will not be possible to reply.

A summary of this policy appears on our website and is also available in hard copy on request.

1.1. Who the policy applies to

This policy sets out how the BTPA will receive and investigate conduct complaints made against the following people:

- BTPA Members (excluding the Chair).
- BTPA Executive staff (including the Chief Executive)

Authority Members refers to those appointed to the Authority by the Secretary of State for Transport with voting rights. The BTPA Executive refers to staff employed within the BTPA Secretariat.

The Authority has separate policies² for receiving and investigating conduct complaints against senior officers of British Transport Police (BTP), this includes:

- The Chief Constable
- The Deputy Chief Constable
- The Assistant Chief Constables

If a complaint against a BTPA Member or BTPA Executive staff stems from a decision which they made as part of the handling of a complaint against a senior officer, this complaint may need to be progressed in accordance with the provisions of the Police Reform Act 2002. As a rule, complaints which concern conduct allegations against police officers will usually come within the scope of the 2002 Act and therefore need to follow the statutory process.

¹ See Corporate Governance Code Annex 2

² Please refer to our 'Senior Officer Complaints Policy'

Complaints against all other police officer ranks and police staff should be directed to the Professional Standards Department of British Transport Police (contact details are listed in the final section of this policy).

1.2. Who can use the policy

The policy is primarily intended to be used by the Authority's Chief Executive, the Deputy Chair, the Member lead for Professionalism, along with the lead member of staff within the Executive for Professional Standards matters, currently the Head of Governance and Compliance.

The policy is also intended to provide clarity for members of the public about the process of making a complaint against an Authority Member or a member of the BTPA Executive and how the BTPA will consider, and where appropriate, investigate the complaint.

2. Relationship to other policies and documents

- The complaints section on the BTPA website
- BTPA Senior Officer Complaints Policy
- BTPA Members Code of Conduct

3. Responsibilities under the policy

3.1. The Deputy Chair of the Authority

The Deputy Chair of the Police Authority will be the first point of contact for receiving and initially considering complaints against the conduct of BTPA Members and the Chief Executive. Administration of the complaints process will be supported by the Governance team within the BTPA Executive.

The Deputy Chair is also responsible for hearing appeals against decisions made by the Chief Executive.

3.2. The Chief Executive

The Chief Executive of the BTPA will be the first point of contact for receiving and initially considering conduct complaints against a member of the BTPA Executive. Administration of the complaints process will be supported by a member of the team but safeguards will be put in place to ensure that the person who has been complained about is not involved in the handling of any subsequent investigation.

3.3. The Chair of the Authority

The Chair of the Authority will be the first point of contact for receiving and initially considering conduct complaints against the Deputy Chair. Administration of the complaints process will be supported by the Governance Team within the BTPA Executive.

The Chair is also responsible for hearing appeals against decisions made by the Deputy Chair and for determining whether any Member should be suspended.

4. Making a Complaint

4.1. Who can make a complaint

A complaint can be made by a member of the public who:

- Alleges that poor conduct was directed at them.
- Alleges that they have been adversely affected by the conduct even if it was not directed at them.
- 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 written consent for the representative to act.

The Authority can only receive conduct related complaints from members of the public. Serving staff must raise their concerns about the conduct of Members or colleagues via the internal Grievance Resolution Policy.

4.2. What complaints can we investigate

The Authority will deal with complaints about:

- BTPA Members (excluding the Chair) who are considered to have breached the Authority's Code of Conduct.
- Conduct complaints against Executive staff.

The general principles of the Authority's Code of Conduct are laid out below:

Members are expected to;

- act in a way that is and will be seen to be fair and transparent, with the highest level of probity;
- deal with fellow members and officers in a constructive and respectful manner;
- exhibit high levels of awareness and action in respect of equal opportunities issues;
- declare their personal and pecuniary interests fully and tailor their involvement in line with the Code, where there is an active conflict with the interests of the Authority;
- share appropriate information in the interests of better corporate governance in compliance with the relevant data protection legislation;
- keep confidential information defined as not suitable for sharing;

- make efficient and appropriate use of the Authority's resources;
- take professional advice on appropriate matters as described in the Code; and
- report improper behaviour by fellow members and officers in compliance with the open and transparent procedures specified.

4.3. How to make a complaint

There are several ways to make a complaint about Members of the Authority and the Executive staff to the Authority. The process is set out in detail on the Authority's website. It is recommended that all formal complaints be made in writing. However, there may be circumstances where this is not possible and on these occasions the Authority will take reasonable steps to capture an accurate and agreed written record of the complainant's verbal complaint.

In order for the Authority to fully consider any complaint and determine an appropriate response the following should be included:

- The name of the Member/staff member that the complaint is referring to;
- A detailed description of the substance of the complaint;
- Contact details for the complainant.

4.4. Complaints that the Authority does not investigate

The Authority will not handle complaints that fall under the following categories:

Complaints that;

- have been made by a serving Member of the Authority or a member of Executive staff.
- are already the subject of criminal proceedings.

5. Making a Complaint against the Chair of the Authority

Any complaints relating to the conduct of the Chair of the Authority should be made to the Secretary of State for Transport (contact details included in section 13 of this policy).

6. The Investigation Process

6.1. Initial response to a complaint

All complaints made to the Authority will be acknowledged in writing. An initial response setting out;

- confirmation of the details of the complaint received;
- how the Authority intends to deal with the complaint;
- the likely timeframe for resolution;
- any further information required to progress the complaint;

will be sent out within 10 days of receipt of the complaint.

The person being complained about will also be notified in writing within this time. The Authority will not involve the person who has been complained about in the handling of any subsequent investigation.

6.2. Initial Assessment of Complaints against Members and the Chief Executive

The Deputy Chair of the Authority will carry out an initial assessment to clarify the following:

- The exact nature of the complaint;
- Whether the complaint is suitable for investigation by the Authority;
- The expectations of the complainant;
- What is the most appropriate course of action to investigate and resolve the complaint;
- Whether the complaint includes any criminal element to be referred to the appropriate police force.

The Chair of the Authority will replace the Deputy Chair in the process described throughout the policy document where a complaint is against the Deputy Chair.

6.3. Investigation of Complaints against Members and the Chief Executive

Where the complaint has been identified as being suitable for investigation by the Authority, the Deputy Chair of the Authority will consider the most appropriate course of action in the circumstances of each case.

During the process of investigation the Deputy Chair will consider the following:

- How the complaint can best be resolved, this may be via an informal process or a formal investigation;
- Whether the complaint requires referral to an appropriate police force for investigation into any criminal element;
- Whether the complaint requires immediate suspension of the person complained about.

If the Deputy Chair is minded to suspend the Member concerned or the Chief Executive the case will be referred to the Chair of the Authority for a decision to be made. The Authority will not suspend a Member or the Chief Executive unless it appears that one or both of the following conditions is satisfied:

- That the effective investigation of the matter may be prejudiced unless the Member concerned is suspended.
- That the public interest, having regard to the nature of the complaint and any other relevant considerations, requires that they should be suspended.

Once a course of action has been agreed, the Authority will write to the complainant to advise them of their decision and the arrangements for keeping the complainant informed of progress.

6.4. Initial Assessment of Complaints against Executive Staff

The Chief Executive in collaboration with the Member lead for Professionalism and the Head of Governance and Compliance, unless there is a conflict of interest, will carry out an initial assessment to clarify the following:

- The exact nature of the complaint;
- Whether the complaint is suitable for investigation by the Authority;
- The expectations of the complainant;
- What is the most appropriate course of action to investigate and resolve the complaint;
- Whether the complaint includes any criminal element to be referred to the appropriate police force.

6.5. Investigation of Complaints against Executive Staff

Where the complaint has been identified as being suitable for investigation by the Authority, the Chief Executive will consider the most appropriate course of action in the circumstances of each case

During the process of investigation, the BTPA will need to consider the following;

- How the complaint can best be resolved, this may via an informal process or a formal investigation;
- Whether the complaint requires referral to an appropriate police force for investigation into any criminal element;
- Whether the complaint requires immediate suspension of the staff member.

The decision to suspend may only be taken by the Chief Executive after consultation with the Authority. The BTPA will not suspend a member of staff unless it appears that one or both of the following conditions is satisfied:

- That the effective investigation of the matter may be prejudiced unless the member of staff concerned is suspended.

- That the public interest, having regard to the nature of the complaint and any other relevant considerations, requires that they should be suspended.

Once a course of action has been agreed, the Authority will write to the complainant to advise them of their decision and the arrangements for keeping the complainant informed of progress.

7. Keeping the Complainant informed

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

- Acknowledgement of the original complaint.
- Initial decision of how complaint will be progressed within 10 working days
- On a monthly basis inform the complainant of the progress of the ongoing investigation.
- The final outcome of the investigation.

The BTPA will usually correspond with complainants in writing rather than by email or telephone; however where an alternative method of communication is requested for accessibility reasons the BTPA will make every reasonable effort to meet this request.

8. Managed customer contact

There are occasions when contact with a small minority of customers will need to be managed in accordance with different procedures from the ones described above. These procedures seek to limit the negative impact which unreasonable behaviour may have on the BTPA's operations, its resources, and the wellbeing of its staff.

The BTPA recognises that some customer contact will arise from unsatisfactory, even frustrating situations. However, there can be no justification for aggressive or disruptive behaviour, or for deliberately abusing the functions of the Authority.

9. Appeals determined by the BTPA

A complainant may appeal against the BTPA's decision in relation to either the handling of the complaint or the outcome of an investigation into a complaint within 28 days of being informed of the BTPA's decision. If the decision was made by the Chief Executive an appeal should be made to the Deputy Chair of the Authority, if the decision was made by the Deputy Chair an appeal should be made to the Chair of the Authority. In cases where the Deputy Chair referred the matter to the Chair to determine whether to suspend a Member of the Authority or the Chief Executive appeals should be directed to the Secretary of State for Transport.

A final appeal decision letter shall be sent to the complainant, informing them of the decision, who made the decision and their right of appeal against the outcome to the DfT. The letter should include details of how to get in touch with the DfT's Independent Complaints Assessor (ICA).

10. Escalating the Complaint to DfT

Where the BTPA has dismissed an appeal, or where an appeal is upheld but the complainant feels the resolution is not satisfactory, then a complainant can ask to have the complaint referred to the Department for Transport Independent Complaints Assessor (ICA) appointed by the Department's ministers.

Where the BTPA has dismissed an appeal, or where an appeal is upheld but the complainant feels the resolution is not satisfactory, then a complainant can ask the Department for Transport to refer the matter to an Independent Complaints Assessor (ICA) appointed by the Department.

BTPA will refer the complainant to the DfT complaints team to pass to ICAs:

Dftcomplaints@dft.gsi.gov.uk

Complaints Team
Department for Transport
D/04, Ashdown House
Sedlescombe Road North
St Leonards on Sea
East Sussex
TN37 7GA

More information on the work of the ICA: -

<https://www.gov.uk/government/collections/independent-complaints-assessors-for-the-department-for-transport>

To ensure transparency, any recommendations that the ICA issues about the BTPA will be considered by the Audit and Risk Committee.

11. Parliamentary & Health Service Ombudsman

For the purposes of service complaints, the BTPA comes under the jurisdiction of the Parliamentary & Health Service Ombudsman. This means that any complaints which remain unresolved by the BTPA or the DfT can ultimately be referred to the PHSO.

The Independent Complaints Assessor appointed by the DfT will provide information to complainants about how to refer the matter to the PHSO.

Any recommendations that the PHSO issues about the BTPA will be considered by the Audit and Risk Committee.

12. Monitoring and Reviewing this Policy

The policy will be subject to review on an bi-annual basis.

13. Contact Details

Complaints
British Transport Police Authority
25 Camden Road
London NW1 9LN

Calvert.Yasin@btp.police.uk

For complaints against BTPA Members and the Chief Executive, please address these to the Deputy Chairman.

For complaints against BTPA Executive staff, please address these to the Chief Executive.

For complaints against the Chair of the Authority and appeals against any decision made by the Chair please write to:

Rt Hon Secretary of State for Transport
Department for Transport
Great Minster House
76 Marsham Street
London
SW1P 4DR

For complaints against police officers below the rank of assistant Chief Constable please write to:

British Transport Police
Professional Standards Department
25 Camden Road
London
NW1 9LN

psd@btp.pnn.police.uk