

**AN AGREEMENT**

under section 26 of the Police Reform Act 2002

**BETWEEN**

**THE BRITISH TRANSPORT POLICE AUTHORITY**

**AND**

**THE DIRECTOR GENERAL OF THE INDEPENDENT OFFICE FOR  
POLICE CONDUCT**

## **I. Preamble**

1. The Director General of the Independent Office for Police Conduct (“the Director General”) is appointed under the *Police Reform Act 2002*<sup>1</sup> (“the 2002 Act”). The Director General’s statutory function is to secure suitable, efficient and effective arrangements for the handling of complaints, conduct matters and death or serious injury (“DSI”) matters involving persons serving with the police, with an appropriate degree of independence, and in which the public have confidence in relation to police forces in England and Wales. Part 2 of the 2002 Act provides for the handling of complaints, conduct matters and DSI matters involving persons serving with the police.
2. By virtue of Part 3 of the *Railways and Transport Safety Act 2003*<sup>2</sup> (“the 2003 Act”), the British Transport Police Authority (“the BTP Authority”) maintains a police force known as the British Transport Police Force (“the BTP Force”). The BTP Force has jurisdiction throughout Great Britain (England, Wales and Scotland).
3. Pursuant to section 27 of the 2003 Act, the BTP Authority employs civilian members of staff (“civilian staff”) to support the BTP Force. Civilian staff are under the direction and control of the chief officer of the BTP Force (“the chief officer”).
4. Pursuant to sections 36 and 37 of the 2003 Act, the BTP Authority has the power to make regulations about the governance, administration and conditions of service of members of the BTP Force and civilian staff which apply (with or without modification) regulations made under sections 50 and 51 of the *Police Act 1996*. The BTP Authority has made regulations under sections 36 and 37 of the 2003 Act about the conduct, efficiency and effectiveness and the maintenance of discipline of both former and serving members of the BTP Force and civilian staff; the suspension of members of the BTP Force; the establishment of procedures for the taking of disciplinary proceedings in respect of both former and serving members of the BTP Force, including procedures for cases in which such persons may be dealt with by dismissal.
5. Article 4 of the *Independent Police Complaints Commission (Forces Maintained Otherwise than by Local Policing Bodies) Order 2013* (“the 2013 Order”) requires the establishment and maintenance of procedures similar to the procedures provided for by or under Part 2 of the 2002 Act in relation to any constable or special constable of the BTP Force and any employee of the BTP Authority.
6. The Director General and the BTP Authority (“the parties”) each has the power to enter into an agreement under section 26(1) of the 2002 Act to establish and maintain such procedures.

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<sup>1</sup> As amended by the Serious Organised Crime and Police Act 2005, the Police and Justice Act 2006, the Criminal Justice and Immigration Act 2008, the Police Reform and Social Responsibility Act 2011, the Police (Complaints and Conduct) Act 2012, the Crime and Courts Act 2013, the Anti-Social Behaviour, Crime and Policing Act 2014 and the Policing and Crime Act 2017.

<sup>2</sup> As amended by the Criminal Justice and Immigration Act 2008, the Criminal Justice and Immigration Act 2008 and the Policing and Crime Act 2017.

7. IN PURSUANCE of section 26(1) of the 2002 Act and the 2013 Order, and with the approval of the Secretary of State for the Home Department given under section 26(4) of the 2002 Act, the parties agree as follows:

## **II. Citation, commencement and extent**

8. This Agreement may be cited as the *British Transport Police Authority and the Director General of the Independent Office for Police Conduct Agreement 2020/B* and shall come into effect 14 calendar days after the date it is signed by the parties.
9. In accordance with sections 26(8) and 29(8) of the 2002 Act, this Agreement extends to England and Wales only, including the sea and other waters within the seaward limits of the territorial sea adjacent to England and Wales.

## **III. Transitional Provisions**

10. Subject to paragraph 11, *the British Transport Police Authority and the Director General of the Independent Office for Police Conduct Agreement 2020* (“the 2020 agreement”) is terminated.
11. Nothing in this agreement shall apply and the 2020 agreement shall continue to have effect in circumstances where:
  - (a) a complaint, conduct matter or DSI matter came to the attention of the appropriate authority before the date on which this agreement comes into effect and which on that date is the subject of ongoing procedures under Part 2 of the 2002 Act in accordance with the 2020 agreement (“a pre-commencement matter”) or is the subject of ongoing proceedings under the 2015 Regulations;  
or
  - (b) a complaint, conduct matter or DSI matter comes to the attention of the appropriate authority after the date on which this agreement comes into effect but is related to a pre-commencement matter.
12. But this agreement shall apply where, on or after the date this agreement comes into effect, the Director General:
  - (a) determines under section 13(B) of the 2002 Act, as applied by this agreement, that a complaint, conduct matter or DSI matter is to be re-investigated; or
  - (b) makes a direction under section 28A of the 2002 Act, as applied by this agreement, in relation to a matter.

#### **IV. Interpretation**

13. In this agreement:

*“a member of the BTP Force”* means a constable of any rank, appointed in accordance with sections 21, 22, 23 and 24 of the 2003 Act or a special constable appointed in accordance with section 25 of the 2003 Act;

*“a person serving with the BTP Force”* means a member of the BTP Force and any member of the civilian staff;

*“a person serving with the police”* has the meaning given to it by section 12(7) of the 2002 Act;

*“complaint”* has the meaning given to it in section 12(1) – (1B) of the 2002 Act;

*“conduct matter”* has the meaning given to it section 12(2) of the 2002 Act;

*“DSI matter”* has the meaning given to it section 12(2A) – (2D) and section 29 of the 2002 Act;

*“the appropriate authority”* has the meaning given to it in regulation 5(3)(f) of the 2020 (Complaints and Misconduct) Regulations;

*“the 2015 Regulations”* means the British Transport Police (Complaints and Misconduct) Regulations 2015; the British Transport Police (Conduct) Regulations 2015; the British Transport Police (Performance) Regulations 2015 and the British Transport Police (Appeals Tribunals) Regulations 2015 as amended by the British Transport Police (Complaints & Misconduct, Conduct, Performance and Police Appeals Tribunals) (Amendment) Regulations 2017 made by virtue of sections 36 and 37 of the 2003 Act;

*“the 2020 Regulations”* means the British Transport Police (Complaints and Misconduct) Regulations 2020; the British Transport Police (Conduct) Regulations 2020; the British Transport Police (Performance) Regulations 2020 and the British Transport Police (Appeals Tribunals) Regulations 2020 made by virtue of the sections 36 and 37 of the 2003 Act;<sup>3</sup>

*“the 2020 (Complaints and Misconduct) Regulations”* means the British Transport Police (Complaints and Misconduct) Regulations 2020; and

*“the 2020 Statutory Guidance”* means the Independent Office for Police Conduct Statutory Guidance on the Police Complaints System.

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<sup>3</sup> Appended to this agreement

**V. Application of Part 2 of the 2002 Act, the Police (Complaints and Misconduct) Regulations 2020 and 2020 Statutory Guidance to persons serving with the BTP Force**

14. It is the intention of the parties that from the date that this agreement comes into effect the 2020 Regulations shall apply (where appropriate) to persons serving with the BTP Force.
15. By virtue of the 2020 (Complaints and Misconduct) Regulations and subject to the modifications set out therein, Part 2 of the 2002 Act and the *Police (Complaints and Misconduct) Regulations 2020*<sup>4</sup> shall apply to a person serving with the BTP Force as they are applied to a person serving with the police.
16. The Director General shall exercise the functions, duties and rights either imposed on or granted to him or her, pursuant to Part 2 of the 2002 Act and the *Police (Complaints and Misconduct) Regulations 2020* as if a person serving with the BTP Force were a person serving with the police.
17. Any duties or obligations imposed by Part 2 of the 2002 Act on a local policing body shall be treated as if they were imposed on the BTP Authority.
18. Any duties or obligations imposed by Part 2 of the 2002 Act on a chief officer shall be treated as if they were imposed on the chief officer of the BTP Force.
19. The 2020 Statutory Guidance and any further guidance issued by the Director General under section 22 of the 2002 Act shall apply (where relevant) to all persons serving with the BTP Force as if those persons were persons serving with the police and the BTP Authority as if it were a local policing body.

**VI. Standards of Professional Behaviour to be Applied**

20. Where this agreement applies by virtue of paragraphs 11 or 12 above:
  - a) the Standards of Professional Behaviour to be applied to members of the BTP Force are those contained within Schedule 2 to the British Transport Police (Conduct) Regulations 2020.
  - b) the standards to be applied with regard to the conduct of civilian staff are the same as those applied to members of the BTP Force and are set out in the BTP Police Staff Discipline policy.

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<sup>4</sup> SI 2020/02

Approved by



Kit Malthouse MP, Minister for Crime and Policing

Date: 21/12/2020

On behalf of the Secretary of State for the Home Department

**Signatures of the parties**

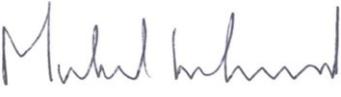


Signed by

Hugh Ind, C.E.O.

Date: 21/12/20

On behalf of the British Transport Police Authority

Signed: 

Date: 21/12/20

By the Director General of the Independent Office for Police Conduct