

Justice Committee

British Transport Police

Written submission from the British Transport Police Federation

1.0 Introduction

- 1.1 The British Transport Police Federation (BTPF) would like to thank the committee on behalf of all BTPF members in being able to provide an officers perspective to this very important policy area. Our members do have concerns over the proposed integration of BTP Scotland into Police Scotland but it has always remained the BTPF position to work with the Scottish Government to seek the best possible outcome for both our members and the travelling public of Scotland.
- 1.2 The BTPF sincerely hopes that the views of those most affected by the proposed integration of the BTP in Scotland into Police Scotland, namely the BTP police officers required to transition into Police Scotland, will be given due consideration in the final decision for integration.
- 1.3 The British Transport Police, in partnership with the eight legacy forces in Scotland, Association of Chief Police Officers Scotland (ACPOS) and railway operators in Scotland, has reduced crime on the Scottish railway network by 56% since 2005 (compared to a reduction in crime of 38% across Scotland nationally).
- 1.4 This considerable achievement is in the face of passenger numbers rising by over 45% since 2005/6. Public satisfaction in the services provided by BTP remain high. These achievements have been recognised and acknowledged by the Scottish Government.
- 1.5 The BTPF welcomes the assurance from the Scottish Government that, should BTP officers transition to Police Scotland, they will suffer no detriment to their current pay and pension arrangements, and that all current protections and privileges would be migrated intact.

2.0 Maintaining BTP as part of a specialist rail function.

- 2.1 The BTP is one of the most inspected and reviewed police forces in the UK. On every occasion since the creation of the British Transport Police Authority (BTPA) in 2001 these reviews have concluded that passengers and the railway industry are best served by a specialist railway policing service. BTP is already accountable to a number of departments and organisations, ranging from the Department for Transport (DFT) through to Her Majesty's Inspectorate of Constabulary (HMIC) inspections (including Scotland), BTPA, the rail industry, their employees, Transport Focus Groups, and the millions of travelling passengers.

- 2.2 One of the last inspections by HMIC Scotland with the BTP Crime Audit resulted in no recommendations being made to BTP Scotland or BTP as a force, which highlights the already significant accountability within current structures.
- 2.3 We would ask that the Justice Committee takes account of the experience and knowledge provided by the BTP in its delivery of policing services to the railway. Passenger satisfaction is up 7 percentage points on the UK average and this no small part down to the successful policing model delivered by BTP. We would seek that these high standards are maintained for the benefit of the travelling public.
- 2.4 Further to point 2.1 the BTP is also accountable to organisations that are external to the policing environment. These are rail industry specific and include the Railway Accident Investigation Bureau (RAIB) and the Office of Rail Regulators (ORR). In the event of major incidents on the rail network, these organisations take primacy until such time as scenes are handed back to the BTP.
- 2.5 Our view for the best way to maintain, as far as possible, the current excellent BTP service is by introducing greater accountability to the SPA through the collaborative setting of future policing objectives. In this way we maintain the excellent service delivery of the BTP while acknowledging the Smith recommendations around greater accountability and the transfer of the functions of the British Transport Police in Scotland but not the dismantling of the BTP in Scotland. This most importantly would provide a greater say in the railway policing of Scotland by the Scottish people and the SPA.
- 2.6 In both the Justice Committee reports (session 4, 2016) and in the Year 1 summary report (Evaluation of Police and Fire Reform 2016) reference is made to both the Police service of Scotland and the Fire Service being on a journey as part of the reform for both organisations. The BTP within its current format is an established and successful model which provides certainty of policing and structure to both the public and the serving officers employed within.
- 2.7 The BTPF feel that the current climate of policing within Scotland does not lend itself at this stage to integrating the BTP and what is a successful model of policing. As previously mentioned Police Scotland as a model is still very much in its infancy with change projects still being undertaken. No evidence to date has been able to state clearly what if any advantage there would be in dismantling the current BTP model of policing in Scotland and integrating it within a geographical routine form of policing.
- 2.8 The BTPF has concerns regarding the potential for interruptions to the level of service provided for estimated 21 million passengers who make cross-border journeys annually. The BTPF believe passengers should expect to receive a consistent level of service from the start to the conclusion of their journey and that this is best delivered by the current model of a national railway policing service.

2.9 A further concern for the BTPF is the potential for BTP officers in Scotland to be abstracted from their core rail policing duties in order to bolster the resilience of Police Scotland. This has the potential to dilute the specialism of BTP officers, and compromise our role within the industry which funds us, as well as with the travelling public.

3.0 Operational Considerations

3.1 An operational concern for the BTPF is the potential for BTP officers in Scotland to be abstracted from their core rail policing duties in order to bolster the resilience of Police Scotland. This has the potential to dilute the specialism of BTP officers, and compromise our role within the industry which funds us, as well as with the travelling public. BTP although specialist in nature by virtue of the environment that it polices still has a community to safeguard and a neighbourhood role. Within the research document entitled 'Evaluation of Police and Fire Reform: Year 1 Summary Report (2016)' mention is made that while Police Scotland has benefitted from the integration of specialist units when dealing with major incidents there are concerns around the ability to deliver more localised neighbourhood style of policing. The BTP in Scotland currently delivers a successful combination of both specialist and neighbourhood style policing within its current model. This may be affected should the status of the BTP in Scotland be changed.

3.2 Senior managers within BTP have extensive experience in leading specialist teams working in a specialised policing environment. The concern for the BTPF is that this may not be reflected in the skills and experience of senior managers within Police Scotland. Therefore, there are likely to be cost and abstraction implications in order that relevant training can be provided.

3.3 Such a lack of knowledge and experience could also have wider cost implications. Service delays resulting from fatalities lead to fines for the Train Operating Companies. BTP's understanding of the railway environment allows it to achieve, on average, a handback time of 90 minutes after a fatality has occurred on the network, whilst still respecting the dignity of the deceased and fulfilling its statutory requirements. . Analysis has shown that geographic forces, on average, take over 50% longer to hand back the railway to operators, which causes extra delay and cost to passengers and train operators.

3.4 BTP officers have an affinity with the industry that it serves and this arises from time spent within the specialist railway environment building up skills and knowledge of the industry that come from working within. This offers a service to the public which is far more than just policing. BTP officers because of their working environment are able to not only protect the public in the traditional sense of the justice arena but also by assisting them with queries related to the rail environment. Our preferred option would be for BTP officers to remain as part of BTP, but with a greater level of accountability to the SPA and the travelling public in Scotland. This would result in the SPA playing an integral part in the setting of future policing objectives for the BTP in Scotland.

- 3.5 BTP officer placements within the industry provide an advisory role on crime prevention, share public order knowledge, and perform safeguarding roles. At present this is added value we provide to the industry, though it has proved to be a valuable resource to guide and advise on best practice to maximise safety and efficiency. The SPA should ensure a similar provision of expertise, both to protect rail industry and for public safety.
- 3.6 The indirect benefit to the economy of the current successful operating model could be undermined were the travelling public or the Train Operating Companies to experience a crisis of confidence. Indeed, the benefits to the economy of a safe rail network has been recognised by the Scottish Government.
- 3.7 Policing priorities on the railway are different to those of policing generally. The rail industry expects to see a return for the service which they are funding, and BTP officers with a proven knowledge and affinity for the industry environment must balance objectives that impact on security and safe travel for passengers with those objectives that ensure the smooth running of trains.
- 3.8 Delays to the rail industry create a domino effect. Trains and passengers are affected not just at the location of any given incident, but could be just as inconvenienced many miles away because of the knock on effect. If not managed safely and efficiently, such incidents can become both dangerous and expensive to the Train Operating Companies and passengers.
- 3.9 There is a great responsibility given to policing the railway network to ensure safe but speedy passage to trains and passengers. Any failure to properly control such incidents could significantly impact on working relationships. BTP is tasked with providing sufficient resources to the rail network to ensure confidence from both the Train Operating Companies and the public that we can ensure business as usual in the quickest and safest way possible.

BTP has the foundations in place to ensure that all incidents are policed in a timely fashion, and are communicated without delay to the industry. The SPA needs to ensure these provisions are preserved and maintained so the rail industry and passengers alike retain clear and open channels of communication, and the SPA can effectively manage expectations of railway policing, and understand the priorities of passengers and the industry.

4.0 The future of BTP Officers within Scotland

- 4.1 Our preferred option would be for BTP officers to remain as part of BTP, but with a greater level of accountability to the SPA and the travelling public in Scotland. This would result in the SPA playing an integral part in the setting of future policing objectives for the BTP in Scotland.
- 4.2 It is important to note that BTPF members in Scotland are contracted employees, the BTPF would welcome clarity on the legal mechanism for transferring employees from contracted employee status to Crown Servant status. Without this clarity and detail uncertainty will prevail which may have a

cost implication for the Scottish Government later if there were legal challenges around redundancy or indeed officers wishing to leave because of a fundamental change to their terms and conditions. It is imperative that we receive this clarification at the earliest opportunity.

- 4.3 The BTPF feel legislation relating to terms and conditions, and pensions, should be made clear at the earliest possible opportunity and agreed in advance of Primary legislation. There is already a degree of uncertainty amongst BTP officers and that uncertainty could lead to early retirement, resignation or transfer into other areas of the BTP within the UK. This could have a knock on effect in how rail policing is delivered in Scotland and could present issues for Police Scotland in terms of back filling posts and the training that would be required to accomplish that.

Transparency in the design of the workplace transfer at an early stage would go a long way to alleviate concerns from BTP officers in Scotland and provide considerable reassurance and would help to cement trust in a proposition that to make it clear BTP officers in Scotland do not want. Any assurance from the Scottish Government that there will be no detriment should a transition to Police Scotland take place will be gratefully received by our members in Scotland.

- 4.4 Should any transition of BTP officers to Police Scotland take place, consideration should be given to:

4.4.1 Pay scales, BTP officers endured a two-year incremental pay freeze as outlined in the Winsor Report (2011). The pay scales in England and Wales now only have 7 pay points compared to the Scottish equivalent which has 11. Any transfer onto the Police Scotland pay scale could have a detrimental impact on certain officers depending on their length of service, which also has a knock-on effect on their pensions.

4.4.2 Officers in receipt of unsocial hours allowance. Police Scotland did not adopt this Winsor recommendation, and retain the Competency Related Threshold Payment. If BTP Scotland officers are required to have a 12-month period of proving their competence to qualify for CRTP (and not receive the unsocial hours' allowance) this would in essence become a significant pay cut.

4.4.3 BTP officers are also protected by a 'movement of officers' policy. In the event of a transition to Police Scotland, this protection should remain in place to prevent BTP officers being moved into areas where Police Scotland lacks resources. Clearly, if officers agree to volunteer to move due to career opportunities then they should be entitled to surrender their protection.

4.4.4 Finally, there are officers who are protected by legislation for their travel, and travel for their families. This entitlement to staff travel and privilege travel should not be removed, but the question is whether

ATOC will uphold these entitlements in the event of officers no longer being directly employed within the rail industry.

- 4.5 These are but a few of the concerns that will affect the retention of staff and officers, who may well view the loss of such protections and entitlements as reason enough to seek alternative employment.
- 4.6 BTPF believe the negotiations around terms and conditions should begin in earnest, and at the earliest opportunity. The BTPF is to date grateful for some informal discussions with government representatives around this issue but the detailed content thus far is lacking and does not create confidence in the process.

5.0 Pension Matters

- 5.1 There are currently three main pension schemes that affect members of the BTPFSF, namely the 1970 (30 year), 2007 (35 year) and the CARE (career average) schemes. None of the three pension schemes mirror exactly any of the Home Office schemes or Police Scotland schemes, but the closest is the CARE scheme. Police Scotland only offers Career Average Schemes to new joiners. The Smith Commission report was very clear that there should be no detriment suffered arising out of any devolution issues, officers currently in either of the BTP 1970 or 2007 schemes would suffer a detriment if moved to a career average scheme.
- 5.2 Additionally there is the issue of employer contributions, trustees, the set-up of the pensions' management committee, 1970 and 2007 scheme members paying different levels of contributions in comparison to Police Scotland colleagues.
- 5.3 Pensions are a major concern for many BTP officers, who would need precise figures with regards to the yearly cost for the employer contributions for the 1970 and 2007 schemes. They would need reassurance that these two schemes will continue in their present state. Obviously, this is less problematic for those officers who are on the CARE scheme than the 1970/2007 schemes.
- 5.4 There is potential for considerable financial detriment to BTPF members, and a clear difference in contribution levels between the BTP scheme and Police Scotland's scheme.
- 5.5 The BTPF scheme is a private trust scheme, and the potential for detriment extends beyond current serving officers as these changes will not just affect BTP Scotland officers, but BTP officers and retired officers on schemes that they leave. Scottish officers will no longer be contributing to the support of the retired officers in Scotland, leaving BTP to pay for retired Scottish officers without further contributions from BTP officers in Scotland.
- 5.6 BTP pensions allow officers to benefit from continuing to work past 55 without detriment to their pensions. In fact, those officers choosing to work past the

age of 55, and in some cases past 60, may have already taken their pension and may be still contributing to their scheme. This could create problems, and age discrimination may become an issue because of any pension alterations.

- 5.7 Additionally, there may be officers protected by the equality act who are able to continue working in a role that offers reasonable adjustments. SPA should continue with those adjustments, and allow those officers to continue employment. The SPA should provide assurances for those in roles currently provided with reasonable adjustments under the Equality Act.

6.0 Financial Implications

- 6.1 There is potential for a significant cost implication from pension assimilation from the different pension schemes of BTP officers. If the Scottish Government were to become a participating employer for the purposes of managing the pension schemes then there may be a further cost implication around the negotiation of complexities with the Railway Pension Company Trustee Limited (RPCTL)
- 6.2 SPA would also be expected to manage the estimated £92 million pension liability currently administered by the BTPA.
- 6.3 BTPF members have redundancy/resettlement conditions within their T&C's, which should also transfer across with any transition of BTP officers in Scotland to Police Scotland as part of the no detriment assurance from Scottish Government.
- 6.4 There are also a number of other protections and privileges currently afforded to all BTP officers, including the free travel provision for officers and their families, which alone has an estimated value of approximately £20,000 per officer.
- 6.5 In the event of any transition, additional training costs may impact Police Scotland in a time of tight fiscal responsibility in policing. These costs will be ongoing, and given the potential loss of BTP Scotland officers through retirement, illness or resignation due to uncertainty about any proposed transition, there will be significant initial training costs associated with the specialised BTP work environment.

British Transport Police Federation
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