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Dear Mr Cortes

Thank you for your letter following our recent meeting; I would like to provide a number of points of reassurance to the questions you have raised. I am keen to continue these meetings and work together with the Transport Salaried Staffs' Association to ensure railway policing in Scotland has a strong and robust future that delivers high safety standards for the rail industry, passengers and staff; and give a triple-lock guarantee to secure the jobs, pay and pensions of railway policing officers and staff in Scotland.

One of the strategic aims of police reform was to protect and improve local services under increasing financial constraint, by driving efficiencies within support services and not cutting front line services. As such, a voluntary redundancy/voluntary early retirement scheme was submitted and approved to facilitate those staff wishing to leave as part of the organisational change.

The dynamic is very different with regard to the integration of BTP in Scotland into Police Scotland. The transfer of specialist railway policing to Police Scotland is not about reducing costs of officers or staff in Scotland. Integration ensures that the railway policing function is accountable, through the Chief Constable and the Scottish Police Authority, to the people of Scotland. Our aim is to build on the skills, knowledge and experience of the BTP and enhance railway policing in Scotland with direct access to the local, specialist and national resources of Police Scotland.

The BTP in Scotland is funded through contributions from the railway industry whereby Network Rail and train/freight operating companies pay for the policing services they receive. The costs of railway policing in Scotland will continue to be fully funded by the rail industry. In addition, the Scottish Government is seeking to maintain and enhance the current railway policing service provided – which will require retaining, and building upon, the valuable skills, knowledge and experience of BTP officers and staff.

We fully recognise the importance of providing early clarity to BTP officers and staff on terms and conditions following integration and will continue to engage with officer and staff associations and representatives in order to determine a way forward that provides appropriate protections. The Scottish Government consider that the transfer is not likely to fall within regulation 3(5) of the Transfer of Undertakings (Protection of Employment) (TUPE) Regulations 2006, because it is a transfer of administrative functions between public authorities. Accordingly, it is not a “relevant transfer” for the purposes of the TUPE

Regulations and those regulations therefore do not apply. We intend, however, to abide by the Cabinet Office Statement of Practice on Staff Transfers in the Public Sector (COSOP), in particular by ensuring so far as possible that the transfer (including terms of transfer) is developed through secondary legislation and, the staff transferred are treated as if TUPE had applied. This will provide certainty as to the terms on which staff are transferred.

The Scottish Government will ensure that pension entitlement is maintained without detriment upon integration. This will be achieved by considering options in line with the Scottish Government's established principle that public service pensions should be affordable, sustainable and fair. I recognise that BTP officers and staff would prefer to retain their existing arrangements, and we are engaging with the British Transport Police Authority and Railways Pension Scheme trustees to ensure the best outcome for all. It is hoped that agreement will be reached well in advance of integration.

Police Scotland has set out its intention to maintain a specialist railway policing function within the broader Police Scotland function and has made clear that they will honour the significant personal commitment that BTP officers and staff in Scotland have made to choose a career in railway policing on integration into Police Scotland.

The Chief Constable of Police Scotland stated in a letter to the Cabinet Secretary for Justice that *"I recognise the importance of providing assurance that following the integration of British Transport Police officers and staff into Police Scotland, there will be a level of 'protection' afforded to allow their retention within the business area of 'Railways Policing,' however this will not inhibit the voluntary movement of officers between this function and other Police Scotland business areas to promote personal and corporate development."*

Officials have engaged with TSSA on three occasions to discuss the integration of BTP in Scotland into Police Scotland and understand TSSA's concerns, particularly around terms and conditions and pensions. The assurance given to you by officials that there are no plans to reduce staff numbers amongst BTP staff was correct; and our clear focus is on delivering improved accountability and integration of operational policing rather than on reducing staff or officer posts in Scotland.

I look forward to our regular future meetings and confirm my strong commitment to work together with the Transport Salaried Staffs' Association to ensure railway policing in Scotland has a strong and robust future that delivers high safety standards for the rail industry, passengers and staff; and give a triple-lock guarantee to secure the jobs, pay and pensions of railway policing officers and staff in Scotland.

As our next meeting on 6 December is a joint meeting with the BTP Federation and Michael Matheson. I have also copied it to the chief constables of Police Scotland and the British Transport Police so that their officers and staff are aware of these reassurances and the efforts we will continue to make to provide them with an assured career and future in railway policing in Scotland.


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