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Dear Margaret

You will recall that the report published by the Justice Committee on 28th April following its Stage 1 consideration of the Railway Policing (Scotland) Bill asked the Scottish Government to provide 6-monthly progress reports to the Scottish Parliament on the work of the Joint Programme Board (JPB).

Following the first update sent to the Justice Committee by the Department for Transport in April 2017 ("BTP Integration Programme Joint Programme Board - Devolving the functions of the British Transport Police in Scotland"); I now attach a second 6-monthly progress report on the work of the JPB.

HUMZA YOUSAF

Scottish Parliament - Justice Committee

Update on the work of the Joint Programme Board - October 2017

During the Parliamentary process of the Railway Policing (Scotland) Act 2017, the Justice Committee asked for six monthly updates on the work of the Joint Programme Board to integrate the British Transport Police in Scotland into Police Scotland; this is the second such update.

Introduction

Following the passage of the Railway Policing (Scotland) Act 2017, work is continuing under the oversight of the Joint Programme Board (JPB) to deliver the detailed arrangements for the integration of the British Transport Police in Scotland into Police Scotland. The JPB is jointly led by the Scottish Government and the UK Government Department for Transport (DfT) with representatives from the Scottish Police Authority (SPA), British Transport Police Authority (BTPA), the British Transport Police (BTP) and Police Scotland.

In progressing integration, the JPB is actively considering and managing the complex implications for the policing of the railway across the whole of Great Britain, ensuring as far as possible that there is no detriment to Scotland or the rest of the UK from the proposed approach. The programme issued a paper in August to JPB members, setting out how the “no detriment” principle will be applied to the work of the JPB.

In integrating railway policing into Police Scotland both governments are focussed on joint key priorities; these are: the fair and reasonable treatment of the affected staff, providing as much clarity as early as possible, and the maintenance of effective, seamless policing so that passengers and rail staff remain protected.

During the Parliamentary process the target integration date was confirmed as 1st April 2019.

The JPB Terms of Reference can be summarised as:

- To provide joint leadership and partnership working in order to deliver the shared objectives of the UK and Scottish governments for the devolution of policing of railways and railway property.
- To deliver the Scottish Government’s intent for the integration of the BTP in Scotland into Police Scotland by a date subject to agreement.
- In doing so, take appropriate account of implications for the policing of the railway across the whole of the UK, ensuring as far as possible that there is no detriment to Scotland or the rest of the UK from the proposed approach.

Key Decisions and Achievements

In the period since the passage of the Act, progress has been achieved in a number of key areas as follows:

- The JPB has agreed that officers and staff will transfer on their current terms and conditions.
- The JPB has agreed that a proposal is developed for submission to the pension scheme trustees that would allow existing officers and staff to continue to have access to their current pension scheme on transfer.
- A planning assumption has been made for the purposes of progressing the drafting of secondary legislation that officers will retain their existing dual status on transfer. In parallel, Police Scotland will undertake due diligence around the implications of this before Scotland Act orders are finalised.
- The timetable for the preparation of Scotland Act orders has been agreed. The Parliamentary timetable will be subject to agreement with the relevant parliamentary authorities.
- Draft provisions to provide the necessary powers for effective cross-border policing have been developed and are being tested with BTP and Police Scotland.
- A first draft training needs assessment has been completed by Police Scotland.
- Principles have been agreed on the approach to transferring contracts and assets and liabilities relating to railway policing in Scotland.
- Police Scotland, SPA, BTPA and BTP have agreed a new mobilisation, transition and transformation programme to deliver the operational and operational support arrangements for the go live date.
- An enhanced communication plan is being activated including the development of a joint Q&A agreed amongst JPB partners setting out the status of the programme's work. This will be regularly updated.

Expectations for the period ahead

In the next six months the following progress is expected:

- Continued and effective engagement with affected officers and staff and their representatives
- Near final drafts of the Scotland Act orders will have been prepared. These will set out arrangements for transferring officers and staff, assets and liabilities and cross-border policing powers.
- There will be a stepping up of engagement with the railway industry, in support of the development of the Railway Policing Agreements and the associate cost allocation model.
- Significant progress on operational integration including solutions for information sharing, ICT and command and control identified.
- Further, more detailed work to understand the costs associated with running railway policing in Scotland.

Priority tasks

There are a number of ongoing tasks and dependencies which the programme is actively managing. The key ones are:

- Finalising a proposal to the pension scheme trustees which maintains access for officers and staff to their current pension benefits.
- Establishing the detail of BTP terms and conditions to ensure they are fully understood and transferred accordingly on their current terms and conditions.
- Due diligence will be carried out by Police Scotland on a range of issues related to finance, assets and terms and conditions.
- Legal resources in DfT and Scottish Government are working together to progress drafting of secondary legislation.
- Further work is being undertaken to develop the Scotland cost and allocation model.

Delivery structure

Police Scotland and the BTP Authority (BTPA) have brought forward plans, which were approved by the JPB on 26 September 2017, to put in place a Mobilisation, Transition and Transformation (MTT) Programme, which will be overseen by a Board jointly chaired by Police Scotland and the BTPA.

The MTT Programme will take forward projects on Assets, Liabilities, Finance/Funding and RPAs, alongside the Operational Integration project which is already led by Police Scotland, in partnership with the BTP. It will see a greater focus devoted to managing the interdependencies between these elements of the programme.

The MTT sits within the overall programme structure overseen by the JPB.

Delivery programme

The delivery programme comprises a series of separate, but interlinked project workstreams, each dealing with specific components of the transfer, led by those with the greatest knowledge and expertise in that area.

As the Programme is now entering its delivery phase, policy and operational decisions are being made and it is vital that messages to staff and officers regarding the delivery of the Programme are consistent and co-ordinated effectively with all Programme partners, to provide maximum assurance as soon as possible.

Three communications sessions with BTP officers and staff have been run by Police Scotland on 1 September 2017 and will be continued in future months. The BTPA sent a letter to all officers and staff in Scotland informing them of decisions made by the JPB, so they were clear about these.

Meetings with the BTPF were held in August/September/October 2017, with a cycle of engagement planned for future months involving Scottish Government, Police Scotland and BTPA.

A meeting with the Transport Salaried Staffs' Association (TSSA) took place in October 2017, also involving Scottish Government, Police Scotland and BTPA.