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Margaret Mitchell MSP  
Convenor  
Scottish Parliament Justice Committee

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## **Devolution of Railway Policing**

Dear Margaret

Following my appearance at Justice Committee on 18 September regarding British Transport Police and the devolution of railway policing, I committed to providing you with an update on progress.

During that appearance, I stated that all options for the enhanced accountability of railway policing in Scotland would be re-considered. My officials have been working with stakeholders to explore further the options for enhanced accountability to the Scottish Parliament. The options discussed ranged from voluntary information-sharing agreements to exploring new governance and accountability mechanisms.

### **Stakeholder engagement**

I remain committed to seeking stakeholder input to the appraisal. As part of this process, I opened a stakeholder event on 6<sup>th</sup> November 2018. Attendance included representatives of the British Transport Police (BTP), British Transport Police Authority (BTPA), British Transport Police Federation (BTPF), Scottish Police Authority (SPA), Police Scotland, Department for Transport, the rail industry, Her Majesty's Inspectorate of Constabulary Scotland and Audit Scotland. This was a highly constructive event and the findings and feedback have helped shape the options and identify initial design principles, opportunities, risks and next steps. Collaborative working with stakeholders has continued following the event to further develop the options.

### **Design Principles**

Each of the options are being considered in relation to the following design principles which were developed at the stakeholder event on 6 November and agreed at the Joint Programme Board on 6 December:

- Addressing the democratic deficit in Scotland
- Meaningful accountability and transparency for railway policing in Scotland
- Safe and effective management and operational delivery of railway policing in Scotland

- Designed on best value principle and provide an appropriate mechanism to ensure value for money.

### **Initial consideration of the presented options**

Last month's event demonstrated a general consensus among stakeholders that legislation currently in force could be used to create an arrangement that facilitates a stronger oversight role for SPA in relation to railway policing in Scotland. Both the SPA and BTPA have committed to exploring that option further and discussing how it might work in practice.

I have asked SPA and BTPA to further consider how this can be done, ensuring a stronger oversight role for SPA.

### **Clarity for BTP staff and officers**

I remain committed to keeping the commencement date of the Railway Policing (Scotland) Act 2017 under review. However, I recognise that BTP staff and officers in Scotland deserve clarity and stability going forward and I am confident that exploring the above mentioned arrangement in further detail will provide a viable medium term option to enabling governance and accountability of the delivery of railway policing in Scotland. This will also allow both the SPA and BTPA to focus their resources on their respective transformation and change agendas.

Whilst integration remains this Government's long-term goal, there is a general acceptance that an interim model should be sufficiently ambitious to deliver in practice, in accordance with the identified design principles. To provide the necessary stability to BTP officers and staff, this process will also require consideration of appropriate timescales to settle in an interim model before any external scrutiny and review. SPA and BTPA will continue to work together to provide further detail around the option.

It is now important to give both the SPA and BTPA sufficient time to discuss at Board level Any interim model that impacts on the role or governance arrangements of both the SPA and BTPA must be properly considered by their respective Boards to ensure it is feasible, that all risks are identified with plans in place to mitigate these and, appropriate resources identified to ensure they have organisational capability and capacity to deliver. As work develops, I will of course keep the Committee informed.

A communication to staff and officers to this effect will also be issued. I hope this information is helpful.



**HUMZA YOUSAF**