

Justice Committee

Railway Policing (Scotland) Bill

Written submission from British Transport Police Superintendents' Association Branch

British Transport Police (BTP) Superintendents' Association Branch represents the 26 officers holding superintendent and chief superintendent ranks, the senior operational leaders in railway policing.

The Branch welcomes the opportunity to contribute to the Scottish Parliament's Justice Committee's call for views on the Railway Policing (Scotland) Bill and offers the following views which we hope will assist the Committee as they scrutinise this important bill. Important in terms of; policing service delivery, the potential implications to the effective operational running of the railway network here in Scotland and across the rest of GB and service to the public and operators.

The impact, if any, which the devolution of railway policing will have in terms of retaining specialist skills and knowledge built up by British Transport Police officers.

If you start from the position that officers who have joined BTP have made a conscious decision to join a specialist force over and above other territorial police forces throughout the country, then you may reach the conclusion that a merger will make retention more difficult to retain specialist policing skills.

BTP officers have had careers of building up specialist railway knowledge, an understanding of the operations of a railway system, which assists and informs the policing approach taken. Officers have an insight and context of a complex operation in a semi-commercial environment and they possess an acute understanding of the significant contribution the railway makes to the wider economy and the many social benefits in the running and operating of an effective railway. Officers are aware that service can easily be disrupted by policing procedures and the public inconvenienced and through their in-depth understanding provide a responsive, tailored risk-based policing service that lessens the impact. Critical to safety is the amassed knowledge of track safety procedures, delivered through annual training and used daily by officers and staff to ensure a good and necessary working knowledge of a very dangerous and hostile environment. The proposed policy would impact on officers' ability to do this and it is likely the training burden would have to be outsourced.

There is little evidence of support in the railway policing workplace for the proposal and responses of wider support through the consultation have not been immediately evident. The uncertainty caused, makes the service profile, raised by the BTP Federation (during the round table session) a further vulnerability to retain specialist skills and exposes further risks in so much as the proposal could be seen by some, as removing choice and so doing will encourage a significant number of officers to seek employment elsewhere. Replacing existing BTP officers from within Police Scotland will quickly reduce the specialism. The railway is a dangerous working

environment and police training has been tailored to take account of this; some of these adaptations include officer safety training; TASER training and 'working at heights' teams, where standard police training has been tailored to include working in dangerous environments and in confined spaces.

It is difficult therefore to come to a conclusion other than, the policy proposal as set out will have an impact in retaining the much valued railway policing that is acclaimed and highly valued by Ministers and others.

The impact, if any, which the devolution of railway policing will have in terms of cross-border security arrangements.

Security arrangements in its widest sense can be applied to everyday policing; the security of passengers and staff, the security of 'specialist trains' and the security requirements of countering terrorism on the railway. It is commonplace for BTP officers to police trains across the border. Existing policing is delivered in a seamless way, which protects the travelling public and prevents disruption to operators of cross-border services. It is worthy of note that all passenger service operators in Scotland are also all cross-border train operators and therefore benefit from existing arrangements. Examples include the regular policing of football supporters travelling between cities and towns in Scotland to towns in the north of England and vice versa. Indeed BTP is currently planning their policing operation for the forthcoming Scotland versus England World Cup qualifier. A further example is the policing of late-night services between border cities and towns to reassure passengers and to prevent anti-social behaviour and to reduce the disruption to train services that might be caused by those types of behaviours. Specialist train services including nuclear trains, MOD trains and indeed the Royal Train are also currently policed in a seamless way by BTP. Introducing arrangements that necessitate the changeover or handing over of command for any of these services would be undesirable. The introduction of any form of dual control at the border increases security concerns; protocols blur lines of accountability and responsibility and open up opportunity for disruption caused by protest.

Current policing arrangements at the border have wider benefits in terms of day-to-day policing for the public and for victims of crime, including after-care where, regardless of the locus and regardless of their residence BTP quickly and effectively working with partners to put in place care arrangements.

Finally, in relation to counter terrorist related matters, bomb hoaxes and bomb threats on major lines of route or targeted at train operators on a single transport network are currently handled by one force – BTP, with a long standing and detailed professional understanding of the railway environment whose operational police procedures have been adapted to lessen the disruption caused by those procedures to both operators and the public.

Devolving railway policing and causing the introduction of dual controls at the border with different bomb threat categorisation arrangements introduces an element of risk. The proposal will cause Police Scotland and BTP to think very differently on how they police at the border. For the former in a fast moving and dangerous alien environment and in a way that tailors police procedures so as not to

disproportionately disrupt the travelling public, train operators or the wider economy and the latter forcing them to consider, for fast-time security arrangements where another police force is involved and has to be consulted on decisions relating to bomb threats and hoaxes.

BTP has knowledge and experience of such a scenario of this with the Channel Tunnel, however cross border policing between Scotland and England is of a much greater order.

The impact, if any, on ensuring consistency in delivering passenger safety and maintaining confidence within railway policing.

A merger into a much larger and more complex organisation will bring pressures on the specialism of railway policing. There is a conflict between the need for standardisation (legacy forces) and the need to maintain and improve specialist railway policing. Over time it is acknowledged that a natural consequence of the policy proposal will be for future officers to be selected for railway specialism, from the wider generalist force. The very railway-focussed approach that is different; has to be different to be agile and responsive to a commercial industry that is a value-adding public-good will, over time recruit from a generalist area of policing where policy and procedure is standardised and needs to be standardised. So, consistency will emerge. However the consistency will be with general policing, all of the adaptation that has made railway policing so successful is unlikely to endure and confidence will decline.

The possibility that officers tasked with railway policing in Scotland may be abstracted from their core rail policing duties in order to support wider operational roles within Police Scotland.

It is highly likely that officers with railway policing responsibilities in Scotland in the future will be abstracted from core rail policing duties. This conclusion is founded on the current everyday experience where BTP officers do respond to calls for service from the public and others outside of the railway environment.

The difference at present is, when BTP officers make an arrest on behalf of Police Scotland and process prisoners at Police Scotland custody facilities, the prisoner and the investigation is handed over to Police Scotland officers who take on the responsibility, thus allowing BTP officers return to the railway. It is difficult to envisage in any future operations how or why custody staff would not expect railway policing officers to continue with the investigation for the arrest that they have made through to its full and natural conclusion. Therefore rail policing officers will be abstracted for much longer periods away from their core duties. It is also difficult not to expect Police Scotland duty officers in control rooms and on divisions faced with trying to resource numerous calls not to allocate / task the closest units, which may on many occasions be railway policing officers in stations and on trains thereby abstracting them from the core duties to operate outside the railway.

Whether there will be any difficulties in setting up new railway policing agreements with railway operators.

Policing agreements in the current framework are negotiated between the BTP Authority and passenger or freight train operators. BTP senior officers and staff have significant input to the scoping and scale of these, building on multiple variables and professional judgement honed over many years and establish the skills, quantity of officers, resources and other assets that may be required to provide the service detailed in the policing agreements. BTPA and BTP officers have many years of experience in formulating and agreeing these agreements, so new skills will be required for this at the Scottish Police Authority and within Police Scotland. A consequence of this change can already been seen, where financial impact statements published alongside the Bill reveal plans to increase the railway policing budget and cost to industry and the taxpayer by RPI / CPI. This has not been the position adopted so far and while useful to clarify funding in the early days, when the new railway policing skills are maturing it could be argued such a formulaic approach stymies innovative thought around delivering value for money from this policing service.

The implications, if any, for BTP officers who are currently contracted officers when they are transferred to Crown Servant status including any implications with regard to terms and conditions and pensions.

The lack of clarity offered on this aspect of the policy proposal to deal with transferring officers from BTP in to Police Scotland has caused great uncertainty for officers and staff.

It remains unclear whether negotiations will take place on contractual elements or whether there would be a proposal to remove these contracted rights. The implications of the proposal to individual BTP officers are immediately apparent and there could be a significant liability or legal challenge as a result. BTP officers hold an unusual, nay unique employment position in policing insofar as they are contracted employees and appointed as constables. The contracted employee status they hold and benefit from, includes a contract of employment with the BTPA (their employer) and this details negotiated safeguards including redundancy and resettlement arrangements, movement of officers from police post to police post (given the geographic spread of the railway) free and reduced rate travel (first and standard) including family members and often into retirement.

In addition, BTP officers are members of a funded pension scheme that is part of a much larger railway pension scheme. This scheme is designed to provide benefits in line with local police force pension arrangements including 30, 35 year and CARE schemes. However there are significant differences in the schemes including contribution rates, accrual rates, the timing of when benefits may be drawn down, flexibility and options around taking benefits and the period when indexation begins.

Unless there is a careful and considered approach to these very personal and potentially financially impactive elements through a clear and transparent transfer mechanism, officers and staff will continue to feel vulnerable.

British Transport Police Superintendents' Association Branch
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