In accordance with the invite for views, I duly submit to the Justice Committee: I also understand and have read and agree to the terms and conditions in making this submission.

This submission should be considered as evidence to the Committee and it may be published.

Please consider this submission to be from an individual, it is not the view of the Company (British Transport Police), of which I am an employee.

Introduction

I welcome the opportunity to submit evidence to the Committee, not only as a serving member of Police Staff but also as a member of the travelling public who regularly travels on Scotland’s railway both as a commuter and on long cross border journeys.

Having submitted a response to the consultation in August 2016 it was disappointing to see that the consultation itself was designed with the decision already made, only asking how the integration should best take place rather than seeking honest views and evidence on if it should take place. In addition, the responses were not made available on the consultation hub until after the analysis had been completed and bill drafted, unlike many other ongoing consultations at the time.

The consultation analysis itself notes that there is repeated opposition to the proposed integration yet this seems to have fallen on deaf ears. Whilst I believe that the Smith Commission direction “The functions of the British Transport Police in Scotland will be a devolved matter” must be respected and agree that the BTP / BTPA should be made more accountable to the Scottish Government, this does not mean, nor did the Smith Commission state that BTP should be integrated into Police Scotland.

Therefore, along with many colleagues across the railway industry, it is my professional opinion and personal belief that the railway is a national network and should be policed as such. Therefore the national force should be maintained whilst greater accountability via the SPA is introduced with collaboration on setting of targets and objectives, respecting the recommendation of the Smith Commission without risking any dilution of the specialist service currently provided to the travelling public and railway industry partners.

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.
Should full integration go ahead, the railway industry is at risk of losing over 100 years of railway policing expertise. The committee should note that as well as “specialist skills and knowledge built up by British Transport Police officers” they are also at risk of losing a wealth of specialist skills and knowledge from police staff, who do not appear to be mentioned or recognised properly during this process.

One example of this would be the Crime Scene Examiner (CSE) staff employed by BTP. Not only do they have Personal Track Safety (PTS) accreditation, without which they cannot work on the tracks, they also have specialist training in dealing with railway fatalities, a scene very different to any other all whilst operating in a commercial environment and keeping disruption to a minimum. If these staff are centralised to a Police Scotland CSE department, there is no guarantee that they will not be taken away for other incidents, or that training other CSEs in relevant PTS certification has been considered. Even if they are ringfenced for railway policing, the additional cost of their specialist training and abstractions does not seem to have been taken into account.

Our specialist Operational Planning department would be at risk of centralisation, diluting the specialist railway skills applied when planning events and operational orders. Other functions such as finance and administration would also likely be centralised, again diluting railway specific knowledge and skills. Many BTP staff have been trained in functions additional to their ‘day jobs’ and are deployed as TRiM practitioners for serious incidents or Public Order Loggists for large events. Given the ongoing loss of staff in SPA / Police Scotland, it is likely that the addition of 50+ BTP staff would lead to yet another restructure and further risk of staff losing jobs. This could of course, mean a loss of skills from Police Scotland as well as BTP.

In addition, BTP Scotland currently receives specialist support and resources funded by and based in FHQ London, most notably counter-terrorism. As soon as separation from BTP occurs, we lose access to these resources, which have a specialised railway industry knowledge not held anywhere in Police Scotland.

Understandably, the proposal has been a source of great stress and worry for colleagues, both officers and staff, for a long time now. Experienced officers and staff are now preparing for retirement or looking for alternative employment in the event that we move to Police Scotland. Police staff feel particularly vulnerable given that after almost 4 years in existence, Police Scotland (or the SPA) are still undergoing job losses to voluntary severance.

It is widely known that job standardisation from the legacy forces in Police Scotland have still not been completed. During the last quarter of 2016, Police Scotland announced losses of 81 staff posts in addition to the planned programme of VSS. This has led to a number of police staff taking the decision to leave if integration goes ahead which will undoubtedly leave a huge skills gap in relation to the support of railway policing.

I believe that the committee must consider the organisational state of Police Scotland in terms of losing police staff before even attempting to bring in another organisation to complicate things further.
The impact, if any, which the devolution of railway policing will have in terms of cross-border security arrangements.

In terms of cross border security, BTP currently operates seamlessly because it is a national force with its own command & control, crime and intelligence systems, accessible whether the officer is operating in London, Newcastle, Glasgow or Inverness.

Despite existing for almost 4 years, Police Scotland have still not centralised / standardised their crime recording systems. This would mean that if BTP is integrated into Police Scotland, they would have to operate a Police Scotland system as opposed to a BTP one. Creating an unnecessary border puts the smooth operation of offender management, criminal investigation and of course counter terrorism at risk.

The heightened terror threat and specific risk to transport infrastructures cannot be underestimated and in order to best protect the travelling public of Scotland, the committee must consider that the national force is maintained.

The letter from Michael Mathieson to BTP Federation in December 2016 implies that cross border security should not be affected as “Police Scotland already protect us all as we travel cross border by road, sea or air”. It then goes on to state that “we plan to build on the arrangements in place for other modes of transport to ensure cross-border policing functions continue seamlessly”. This is not a realistic comparison as these modes of transport are so very different. They do not include intermediate stops, can be varied in the event of disruption, they do not attract the same transient nature of offence as the railway.

Section 5 of the proposed Railway Policing Bill withdraws the functions of BTP officers in Scotland altogether. Thus, after any integration, and BTP England & Wales officer suddenly has extremely limited powers. They would only have the power of arrest for any offence that happened in Scotland. What should these officers do if they witness an offence that does not merit arrest? They have no power to request details for a follow up enquiry. There is a risk that BTP E&W officers will stop policing trains north of the last English station, so these trains would be without officers until arrival at the first Scottish station.

There is no provision for safe and effective policing of cross border services. This puts the safety of passengers and rail staff at risk as well as risking the service currently provided to victims of crime. As well as the day to day policing of the railway, specialist operations such as Royal Trains and Nuclear Movements become are also at risk as there will be an unnecessary barrier in what was previously a singular network.

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

BTP has a specialised understanding of the railway industry that benefits both our passengers and our stakeholders alike. This is evidenced by a network carrying in
the region of 21 million passengers on cross border journeys per year, with a passenger confidence rating that is higher than that of England and Wales. The loss of a dedicated, specialised, national force poses a risk to the confidence BTP has worked so very hard to earn.

The text 61016 service launched by BTP has proved invaluable in allowing victims to report crimes or incidents safely and discretely whilst en-route to their destination. This service belongs to BTP and would not be accessible to passengers should BTP Scotland be integrated. Even if there was an agreement put in place for it to be used, the service would still be owned by BTP and therefore incur an additional cost. There would also be a delay in reports being received as they would go via a BTP control centre before coming to Police Scotland. And as legacy force systems are still in place, where would they be sent to? Who would deal with them and how would this be regulated?

Rail staff from all operators and members of the transport unions have already raised and voiced their concerns at the risk to their safety at work and the impact of potential disruption on the railway. They are already losing confidence in the proposed model of railway policing and the Scottish Government as a result of this proposal. With the already failing Abellio Scotrail franchise there is a real risk of industrial action from rail unions.

*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.*

There is a real concern from BTP officers, staff, trade unions and railway colleagues / stakeholders that although the intention to ‘ringfence’ railway policing resources has been voiced, in reality it has not been thought through nor is it reasonably practicable.

Glasgow Central is a perfect example of this. As one of BTPs ‘Category A’ or ‘Hub’ stations in the city centre, the crime rate in the surrounding streets is extremely high. Conversely, the crime rate inside the station is exceptionally low as there is a dedicated, specialist police presence in the station. Realistically, if a BTP officer is closest to an incident occurring on Gordon Street or Union Street, when under the Police Scotland command, they are going to be deployed to that incident, rather than waiting for a non-railway resource to turn up.

When an incident occurred from the window of the Grand Central hotel, BTP officers were first at the site outside the station. The incident was immediately handed over to Police Scotland who preserved the scene and investigated accordingly. However, as BTP officers will become Police Scotland – it is unlikely they would just be able to ‘hand an incident back’ they would more than likely have to see it through to conclusion. This would take them away from their core railway duties, leaving the station and network open to criminal activity.

*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.*
It is again disappointing to see that this fails to recognise the different terms and conditions of Police Staff.

We currently benefit from a pension scheme where we contribute 10.06% as employees and our employer (BTP) contributes 15.09%. The scheme in Police Scotland for staff comes under LGPS and has an employee contribution on a sliding scale with an average of about 6.3% whereas the employer is only 5%. As yet, we have no confirmation of the Scottish Governments intentions around our pensions, although options are currently being looked at.

BTP Staff do not want to leave the current RPMI scheme. However with a well-publicised financial shortfall of £200 million (confirmed by Scotland’s own Auditor General) and the fact that staff posts are still being decimated in Police Scotland after almost four years leaves us with absolutely no confidence in our job security, should integration occur.

BTP Staff are afforded annual leave and salary benefits that are largely better than those currently provided by the SPA. We are also made acutely aware by our SPA staff colleagues that even after all this time, standardisation of job descriptions and salaries are still not complete. Although we are aware the Scottish Government decreed that there would be no compulsory redundancies, 4 years of VSS does not bode well for the addition of more staff.

Despite letters from the Cabinet Secretary for Justice and the Transport Minister to BTP Federation and TSSA there is still no clarity on exactly how they intend to deal with police staff. It was immediately obvious to staff and officers that they were largely cut and pasted from each other. It is also regrettable that the “triple lock guarantee” mentioned in the letter has no substance. Unfortunately all communication from the civil servant lead on the workforce project has ceased and their reassurances in the past have thus far proved empty.

We have heard from trade unions and SPA colleagues how police officers are being given desk jobs to perform the support function once delivered by staff who are now redundant. It is widely believed that if integration happens, another restructure would take place with a view to removing the benefits of a BTP contract within 12 months. Not only does this place the jobs of all specialist BTP staff at risk, it also means yet another period of anxiety and uncertainty for the SPA staff in Police Scotland.

This poses a real risk to the health and wellbeing of staff and could have a detrimental effect on sickness figures for both organisations.

**Conclusion**

It is my professional belief that, in order to do what is best to protect the travelling public of Scotland and support Scotland’s railway industry, the options for devolution must be reconsidered.

The specialist service BTP currently provide to the railway must at the very least be maintained. I agree with the Scottish Governments view that greater accountability to
Scotland needs to be achieved however I wholeheartedly disagree with the way they are doing it. Accountability can be ensured and enforced both legislatively and administratively without breaking up a specialised, national force. BTP has been reviewed on countless occasions, many discussion the option on integration into a home office force. The conclusion has always come back the same way: that a specialist national force should be maintained. However this does not seem to have even been considered and no other option but full integration has been discussed. I would ask that the committee takes the above into account when considering this decision.

Lucy Milton
31 January 2017