

# The integration of the British Transport Police in Scotland into Police Scotland: A review of the evidence

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## Introduction

Following the referendum on Scottish Independence in September 2014, Lord Smith of Kelvin was appointed to lead a commission to agree on new powers to be devolved to the Scottish Parliament. The Smith Commission report was published on 27 November.<sup>1</sup> Recommendation 67 of the report states: 'The functions of the British Transport Police in Scotland will be a devolved matter.' In June 2016, the Scottish Government stated that railway policing in Scotland would be integrated into Police Scotland, and opened its plan to public consultation. The Railway Policing (Scotland) Bill was published on 9 December 2016. It is anticipated that integration will be completed by 1 April 2019.

The proposed integration of British Transport Police (BTP) has been subject to extensive debate, with views put forward, both for and against the plan. The key questions are, first where the interface should lie, as to maximise the effectiveness and efficiency of railway policing on both sides of the border, bearing in mind that performance on one side will invariably impact on the other. As SNP MSP Stewart Stevenson put it, 'Unless we have a single police force covering this whole island that does everything that all police forces do, there will be interfaces'.<sup>2</sup> Second, will the benefits of integration outweigh the costs? And third, can integration be achieved at no-detriment to railway policing in England and Wales, as required by the Smith Commission?

At the time of writing there are major gaps in the evidence-base on integration in Scotland. For example, it is unclear whether there will be a detrimental impact on railway policing in Scotland, or England and Wales, or how the risks will be mitigated. Looking at efficiency, detailed costings are not available. There are also concerns around governance and accountability, and the policy-making process to date, including the degree of consensus building. Against this background, the aims of the report are first, to provide an overview of the key issues relating to the integration of railway policing in Scotland. And second, to identify key questions arising from these issues.

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<sup>1</sup> [The Smith Commission Report](#) (27 November 2014)

<sup>2</sup> See: Scottish Parliament [Official Report Justice Committee](#) 1 November 2016 (col. 24).

The review is structured in five parts. Part one sets out an overview of BTP, a timeline of events to date, and evidence from previous reviews of the BTP. Part two looks at operational and strategic issues. Part three examines efficiency and value for money. Part four looks at workforce and HR issues, and part five looks at governance and accountability.

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## Executive Summary

The proposed integration of BTP has been subject to considerable debate, with views put forward, both for and against the plan. Independent analysis of responses to the Scottish Government consultation on integration showed that the majority of respondents opposed integration.<sup>3</sup> Concerns have also been reported in the media.<sup>4 5</sup> Risks raised to date include a negative impact on cross-border services, reduced competence in tackling UK issues, including terrorism, reduced safety of rail passengers and staff, increased costs for train operators, and a negative impact on the terms and conditions of BTP officers and staff.

The Railways Bill Policy Memorandum<sup>6</sup> discusses some of these concerns, in varying levels of detail. There are however, few details on how the stated commitments will be met, nor is a full business case available. One of the most persistent difficulties apropos the case for integration is the view that the current arrangements appear to work well and that there seems to be little evidence of a problem. As BTP DCC Adrian Hanstock puts it “There have been a number of comments throughout the process, certainly from the public, to the effect that – to use a hackneyed phrase – if it is not broken, what are we trying to fix?”<sup>7</sup>

Taking an overview of the recent debates, it seems reasonable to suggest that unless the case can be made more clearly, integration seems unlikely to secure stakeholder buy-in, at least, not in the short-term. This is concerning given the extent to which railway policing is dependent on relationships across the railway industry and partners in other areas. A lack of wider buy-in also has implications in terms of legitimacy. It is generally recognized that legitimate policy-making requires the support of the affected policy community and ideally, the broader public.<sup>8</sup>

In order to build consensus, it is recommended that the Scottish Government provide greater detail on how the concerns and risks raised thus far will be mitigated, and evidence as to how integration will actively benefit railway policing. This will require a detailed narrative setting out the case for integration (why change is needed) and how integration will deliver a set of specific benefits (how change will happen).<sup>9</sup> Once this evidence is available, it should be possible to assess whether major structural reform, involving a small number of BTP officers operating in Scotland, is merited, or if the aims of integration might be achieved through a simpler route.

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<sup>3</sup> Nicholson, L. (2016) Consultation on the Integration of the British Transport Police in Scotland into Police Scotland: An Analysis of Responses

<sup>4</sup> Herald (14 January 2017) Unions warn against British Transport Police merger plan

<sup>5</sup> Herald (15 January 2017) Rail Operators slam controversial British Transport Police merger

<sup>6</sup> Scottish Parliamentary Corporate Body (2016) Railway Policing (Scotland) Bill Policy Memorandum SP Bill 2–PM

<sup>7</sup> Scottish Parliament Official Report Justice Committee 1 November 2016 (col. 14).

<sup>8</sup> Wallner, J. (2008) Legitimacy and Public Policy: Seeing Beyond Effectiveness, Efficiency, and Performance, Policy Studies Journal vol. 36 (3) pp. 421-443.

<sup>9</sup> See: Fyfe, N. (31 October 2016) Justice Committee The Future of British Transport Police in Scotland Written submission from the Scottish Institute for Policing Research (p.2)

## 1. Background

### 1.1. British Transport Police: An overview

- 1.1.1 BTP is the national, specialist force for the railways that reports to the Secretary of State for the Department of Transport. Whilst BTP is not a Home Office force, it is integrated with local policing, and works closely with the rail industry.
- 1.1.2 The BTP jurisdiction currently covers England, Wales and Scotland. It is responsible for policing the infrastructure maintained by Network Rail, and the trains and stations for thirty-nine passenger and freight companies operating mainline rail services. It also provides a policing service to the London Underground system, the Docklands Light Railway, High Speed 1 (formally the Channel Tunnel Rail Link), the Tyne and Wear Metro, the Midland Tram System, the Croydon Tramlink and the Glasgow Subway.
- 1.1.3 Accountability for railway policing is to the British Transport Police Authority (BTPA)<sup>10</sup>, a non-governmental body established by the Railway and Transport Safety Act 2003. The BTPA is equivalent to the Scottish Police Authority (SPA) in Scotland, and is responsible for ensuring an efficient and effective police force. The BTPA is primarily funded by the rail industry and does not receive direct Home Office funding. However, it may apply for specific grants to cover policing of the railways during exceptional events, such as the Olympics and the 2011 riots.
- 1.1.4 BTP in Scotland (D Division) works uniquely under Scottish law and legislation. There are twelve BTP police stations in Scotland located at: Aberdeen, Inverness, Edinburgh, Kircaldy, Glasgow, Kilwinning, Paisley, Motherwell, Dalmeir, Perth, Dundee and Stirling.<sup>11</sup> D Division consists of around 224 FTE police officers (7% of the force total), 38 staff (2.5% of the force total) and 22 special constables.<sup>12</sup>

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<sup>10</sup> [British Transport Police Authority](#)

<sup>11</sup> [BTP Stations in Scotland](#)

<sup>12</sup> BTPA (2016) [Policing Great Britain's rail network. National and Divisional Plans 2016/17](#) (page 28) Note: These figures differ from the 2014/15 statistics presented in the Scottish Government 2016 consultation document, which state that there are 55 members of staff, and exclude Special Constables: [The Integration of the British Transport Police in Scotland into Police Scotland - A Consultation](#) (page 5)

## 1.2. The integration of railway policing in Scotland: Timeline

1.2.1 On 7 September 2011, the then Cabinet Secretary for Justice Kenny MacAskill wrote to the then UK Transport Secretary Philip Hammond, with a view to opening a dialogue on the integration of BTP in Scotland into the (just announced) single police service.

### 1.2.2 Scottish Government case for support (2013)

In December 2013, the Scottish Government presented the case for integration to the UK Government. Stating that the introduction of Police Scotland left 'the position of BTP in Scotland incongruous',<sup>13</sup> the Scottish Government put forward eight arguments for integration, summarized below.

- **Improved accountability** It is anomalous to have 225 officers operating in Scotland that are accountable to a Chief Constable based in Birmingham<sup>14</sup> and under the direction of the UK Parliament.
- For the reputation of policing in the same geographical area, it is essential to have consistency in the approach and values to which officer performance is judged.
- **High level of containment** The connection between railway policing and wider policing in Scotland is stronger than the connection to railway policing elsewhere in the UK.
- A cross-border mutual aid agreement would make greater operational sense than a cross-country arrangement.
- **Diminished rationale** The principle of uniform governance and coordination of policing activity would be delivered under one senior Command.
- **Integrated approach to Transport Policing** Increased flexibility for officer deployment and increased access to specialist skills and equipment.
- **Public benefit** A single point of command would better support officers to manage situations.
- Integration would provide a route for command and accountability, and improve the ability to react to policy needs of passengers and the rail industry.
- **Clearer and Simpler Control and Response Arrangements** Centralised control in Birmingham arguably does not easily lend itself to an operational understanding of local areas, geography and the Scottish legal system.
- Integration would bring incident management into the main area control centre and enable improved links to wider priorities and activities in the area.
- **Benefit for BTP officers** Opportunities to be part of, and seek the benefits of, the larger Service, including moving posts.
- Railways crime intelligence would be interconnected to the main recording systems in Scotland, and the pace of technological change would progress at the same pace.

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<sup>13</sup> Scottish Government (2013) [Policing of the Railways in Scotland: A Case to Support the Integration of the British Transport Police within the Police Service of Scotland](#) (para. 1.3)

<sup>14</sup> Note that the Chief Constable is based in London, not Birmingham.

- **Financial opportunity** As the main funder of the railways in Scotland, it is appropriate that the management of railway policing is accountable to the Scottish Parliament.
- Integration may create an opportunity to save money whilst maintaining service levels (for example, through the incorporation of corporate systems including HR and IT services or sharing equipment and resource).

### 1.2.3 **BTP and British Transport Police Authority (BTPA) response paper<sup>15</sup>**

In March 2014, the BTP and BTPA presented a joint response paper. A separate letter from BTPA Chair Millie Banjeree to the Secretary of State for Transport (Patrick McLoughlin MP) stated: 'We, the Authority, do not see any merit in the proposals and are disappointed that the proponents attempt to portray a problem where there is no problem.'<sup>16</sup> The response paper stated that: 'The proposal to use Scotland as a 'test bed' for an integrated policing solution is not supported by any evidence as to how this would work or how it would be progressed' and set out the following objections:

- The establishment of Police Scotland does not make railway policing in Scotland 'incongruous'. BTP is widely regarded as an essential part of the overall policing provision in Scotland.
- The case for support underestimates the specialist nature of BTPs work, and there is no evidence of a desire for change from the public or rail industry.
- Fracturing railway policing may lead to a less seamless operation, with no one force able to operate with a cross-border capability.
- There is no evidence to support the statement that the public expect BTP officers to be under the command of Police Scotland.
- The case for support states that 'the time is right' and cites three previous reviews as evidence of wider support for change. Each of these reviews emphasised the need for a specialist service for the whole network.
- Integration would disrupt BTPs 2013-2019 Strategic Plan, which would not be in the best interest of the railways.
- BTP officers are accountable in the same way as Police Scotland officers. Brigading BTP into a Police Scotland would weaken the relationship between the police and the railway industry, rather than increase accountability.
- Accountability to the BTPA ensures that the railway policing is sympathetic to stakeholder expectations. The BTP ACC (Scotland) and other senior officers are held to account for BTPs performance in Scotland and for the actions of the officers under their command to the Scottish Parliament and Government.

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<sup>15</sup> BTP and BTPA (2014) [Response by the British Transport Police and the British Transport Police Authority to "Policing of the Railways in Scotland – A case to support the Integration of the British Transport Police within the Police Service of Scotland"](#)

<sup>16</sup> [Letter from Millie Banerjee to the Secretary of State for Transport \(20 March 2014\)](#)

- The Scottish Government can influence BTP priorities and operational objectives through Transport Scotland.
- There is no case for integration on the basis of ethics, and no material difference between ethical standards expected of Scottish officers and those in England/Wales.
- It is unlikely mutual aid between forces would make greater operational sense. The railways should be policed in a way that is not constrained by geographic forces or the legal frameworks that the railways cut across.
- The BTP structure provides a single point of contact and consistency across the network.
- The BTP works across two legal systems and has a number of officers that are sworn-in, both in England/Wales, and Scotland.
- At times, the exact location of crimes or disorder cannot be pinpointed. This does not matter whilst BTP polices Scotland. If other forces police the railways, there is likely to be debate on who should investigate, causing delay.

#### 1.2.4 **The Smith Commission on Scottish Devolution**

Following the referendum on Scottish Independence in September 2014, Lord Smith of Kelvin was appointed to lead a commission to agree on new powers to be devolved to the Scottish Parliament. As part of the Smith negotiations, the Scottish Government made the case for devolving the BTP and Civil Nuclear Constabulary. In relation to BTP, the Scottish Government stated:

Through funding for Network Rail and subsidy payments for the ScotRail franchise the Scottish Government is already largely funding the BTP in Scotland. A contribution of over £16m was paid to rail service providers directly by the Scottish Government in 2012-13. It is therefore appropriate that it should be managed within the single police service and be accountable to the Scottish Police Authority and Scottish Parliament. There are potential costs savings as well as operational benefits from integration – for instance, existing BTP corporate costs in Scotland of approximately £3-4m per annum could be subsumed within Police Scotland through integration with existing HR and IT services.<sup>17</sup>

- 1.2.5 The Scottish Government restated the 2013 case (improved accountability, high level of containment, diminished rationale, integrated approach, public benefit, clearer control and response arrangements, benefits for BTP officers) and estimated that once the legislation was in place, full integration and settling of the new services would take twelve months.<sup>18</sup>

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<sup>17</sup> The Smith Commission (undated) Analysis of Proposals for Further Devolution: Scottish Government Response. Theme: Justice (p.23)

<sup>18</sup> *ibid.* page 27

1.2.6 A response paper by the UK Government highlighted the implications for counter terrorism, as a reserved matter, and stated that the following areas would require consideration: terms and conditions, pension transfers, governance arrangements, impacts on the remainder of the BTP (and BTPA), legislative issues, cross-border policing arrangements and police targets.

1.2.7 **Smith Commission report (27 November 2014)**<sup>19</sup>

Published in November 2014, paragraph 67 of the Smith Commission report states: ‘The functions of the British Transport Police in Scotland will be a devolved matter.’ The report does not make any recommendation as to the operational model.

1.2.8 **BTP and BTPA options paper (9 January 2015)**<sup>20</sup>

In early 2015, BTP and BTPA submitted a joint paper to Scottish Government officials, setting out three options for increasing accountability for railway policing in Scotland:

- **Option One: Administrative devolution**

Strengthen accountability for railway policing in Scotland by administrative measures and establish a new identity for Scottish railway policing (Transport Police Scotland). Advantages: strengthens cooperation and coordination without the risks of integration and uncertainty for employees. No changes required to Police Service Agreements or employment/pension arrangements. Little or no impact on legislation.

- **Option Two: Statutorily devolved model of governance and accountability for specialist transport policing within Scotland**

Statutory measures to strengthen accountability, including arrangements by which the Scottish Government gives direction to the BTPA. BTPA retains responsibility for pensions, contracts and defraying costs to the rail industry. Establishes a new identity for railway policing in Scotland.

- **Option three: Full integration**

Breaks up the BTP and absorbs the Scottish operations into Police Scotland. Key risk areas are: human resources, operations (network-wider policing, specialist response), long-term planning and objectives, finance (pensions, charging models, assets) and stakeholder input.

1.2.9 **BTP and BTPA response to draft devolution legislation (22 January 2015)**

In late January 2015, BTP and BTPA announced that they would work closely with the Scottish Government ‘to deliver the best possible model for policing the railways in Scotland’. BTP Chief Constable stated that the top priority would be the continued safety of the travelling public in Scotland, and rest of the UK.<sup>21</sup>

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<sup>19</sup> [The Smith Commission Report](#) (27 November 2014)

<sup>20</sup> [BTP/BTPA Options for the devolution of transport policing in Scotland](#) (9 January 2015, updated 16 April 2015)

<sup>21</sup> [BTPA and Force respond to publication of draft devolution legislation](#) (22 January 2015)



#### 1.2.10 **Scottish Parliament Public Audit Committee evidence (17 April 2015)**

In April 2015, BTP and BTPA provided written evidence to the Scottish Parliament Public Audit Committee. The BTPA paper<sup>22</sup> examined the practicalities of integration and post-integration audit and accountability arrangements. BTP<sup>23</sup> reiterated the options from its January paper, and set out the principles underlying the case against full integration:

- Transport policing is inherently different from geographical policing.
- Transport policing is arguably more of a transport issue than a policing issue.
- Transport policing is a system-wide function.

#### 1.2.11 **Integration announced (March 2015)**

In March 2015, the media reported that the Scottish Government would integrate BTPs functions in Scotland, following devolution. In response, Scottish Labour stated that ministers were not adhering to the agreement reached by the five parties, insofar as the Smith Commission did not recommend integration.<sup>24</sup>

#### 1.2.12 **Strategic Defence and Security Review (November 2015)<sup>25</sup>**

In late 2015, the UK Government published its *Strategic Defence and Security Review*. The Review included a commitment to integrate infrastructure policing further and recommended that two options be explored:

- **National Infrastructure Constabulary** Combining the functions of the Civil Nuclear Constabulary, Ministry of Defence Police, BTP, Highways England Traffic Officer Service, and Home Office police forces' strategic road network and airports policing capabilities
- **Transport Infrastructure Constabulary** and an **Armed Infrastructure Constabulary**. The TIC would bring together the functions carried out by the BTP, the Highways England Traffic Officer Service and the roads and airport policing elements of Home Office forces. The AIC would incorporate functions currently carried out by the MDP and CNC.

#### 1.2.13 **House of Lords debates: 19 January 2016<sup>26</sup> and 18 April 2016<sup>27</sup>**

In January and April 2016, the House of Lords discussed the proposal to devolve railway policing. Points of discussions included the effect on railway policing in England and Wales, and a lack of explanation around the proposal itself.<sup>28</sup>

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<sup>22</sup> BTPA (17 April 2015) Written Evidence to the Public Audit Committee Further Devolution of Powers – Audit and Accountability Arrangements Submission by the British Transport Police Authority (BTPA).

<sup>23</sup> BTP (17 April 2015) Written Evidence to the Scottish Government Public Audit Committee Further Devolution of Powers – Audit and Accountability Arrangements Submission by the British Transport Police.

<sup>24</sup> BBC news (16 March 2015) Rail unions oppose Scottish transport police takeover

<sup>25</sup> HM Government (November 2015) National Security Strategy and Strategic Defence and Security Review CM 9161 (para. 4.139)

<sup>26</sup> Lords Hansard (19 January 2016) Clause 42: Policing of railways and railway property (col. 690-714)<http://www.publications.parliament.uk/pa/ld201516/ldhansrd/text/160119-0002.htm>

<sup>27</sup> House of Lords Hansard (18 April 2016) Smith Commission Principles: Railway Policing (col. 442-444)

1.2.14 The Scotland Act 2016 received Royal Assent in May 2016 and amended the Scotland Act 1988 to devolve ‘policing of railways and railway property’ to Scotland. The 2016 Act also established the BTPA, Chief Constable, deputy Chief Constable and assistant Chief Constables of the BTP as cross-border public authorities.<sup>29</sup>

1.2.15 The following month, the Scottish Government opened the integration proposal to public consultation, ‘invit[ing] views on how best to achieve the integration of the British Transport Police in Scotland into Police Scotland.’<sup>30</sup> The consultation ran from 29 June to 2 August 2016.

1.2.16 **BTP Evidence to the Scottish Parliament Justice Committee (October 2016)**<sup>31</sup>

In October 2016, BTP presented written evidence to the Justice Committee and suggested that Members consider the following issues:

- Maintenance of the Specialist, Risk-Based Policing Approach in Scotland: Potential loss of transport policing ethos/specialist knowledge, without the strategic leadership and protection of the transport policing model.
- End-to-End policing: How to retain the uninterrupted chain of command and oversight.
- Infrastructure policing review: If integration could complement a model based on a principle of greater integration of infrastructure policing.
- Transfer of staff and pension arrangements.
- Stakeholder relationships: How to safeguard railway priorities against other demands placed on Police Scotland.

1.2.17 **Scottish Parliament Justice Committee round-table (1 November 2016)**

In November 2016, representatives from Police Scotland, the SPA, BTP, BTP Federation and Scottish Institute of Policing Research discussed integration at a Justice Committee evidence session. In regard to operations, Police Scotland ACC Higgins stated:

Please do not interpret what I have said as trying to make the issue seem straightforward. It is not straightforward; I accept that it is massively complicated and complex. (col. 18)

It is complicated but not insurmountable. Operationally, we could police the rail network in Scotland. There would be some massive transitional issues to overcome and we would need to plan very carefully for the future, in terms of the intimate knowledge that senior officers have built up over a number of years, which the deputy chief constable talked about, but it cannot be said that the operational issue is insurmountable. (col. 21)<sup>32</sup>

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<sup>28</sup> Lords Hansard (19 January 2016) Clause 42: Policing of railways and railway property (col. 697)

<sup>29</sup> Scotland Act 2016 (s45, s46)

<sup>30</sup> Scottish Government (June 2016) The Integration of the BTP in Scotland into Police Scotland. A Consultation

<sup>31</sup> BTP (26 October 2016) Justice Committee British Transport Police Written submission from the BTP

<sup>32</sup> Scottish Parliament Official Report Justice Committee 1 November 2016 (col. 18).

#### 1.2.18 **Railway Policing (Scotland) Bill (9 December 2016)**

The Railway Policing (Scotland) Bill was published on 9 December 2016. The Railway Policing Bill Policy Memorandum<sup>33</sup> states that integration will have three key benefits:

- To ensure that railway policing in Scotland is accountable, through the Chief Constable and the SPA, to the people of Scotland.
- To enhance railway policing in Scotland through direct access to the specialist resources of Police Scotland.
- ‘Future-proofing’ the infrastructure model in Scotland against changes that might arise from the review of infrastructure policing in England and Wales.

#### 1.2.19 **Consultation Analysis report (16 December 2016)**<sup>34</sup>

Published after the Railway Bill, an independent report on the Scottish Government consultation provided a summary of the consultation responses. The report stated that there was ‘much opposition’ to the Bill and/or issues stemming from the Bill more broadly.

The current levels of accountability of BTP in Scotland were highly valued by the rail industry, rail operators and passengers alike. Respondents recommended building on what has been achieved rather than re-inventing new approaches... There was much opposition, however, from individuals and organisations, to the proposal to change the current status and integrate BTP in Scotland into Police Scotland. Many considered that a strong case for integration had not been made. This opposition underpinned their responses to questions throughout the consultation, with many respondents providing constructive ideas for making the most of integration, but persistently noting their opposition to the proposal to integrate.

#### 1.2.20 **Transport Committee Oral Evidence on Rail Safety (16 January 2017)**<sup>35</sup>

In January 2017, the House of Commons Transport Committee took oral evidence on rail safety in the UK. When questioned on integration, BTP DCC Hanstock stated:

We have not been able to identify any operational or economic benefits. In the short term, it will probably cost more. There will be a need for us to have, in effect, dual versions of the same thing. Police Scotland, for example, will need some headquarters functions that they do not have currently. We will need to keep those in England and Wales, but the cost will be higher because it is not defrayed across the whole service in the way we do it now. There are some economic challenges. There are some staffing complications, but they are not impossible to sort out.

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<sup>33</sup> Scottish Parliamentary Corporate Body (2016) [Railway Policing \(Scotland\) Bill Policy Memorandum SP Bill 2–PM](#)

<sup>34</sup> Nicholson, L. (2016) [Consultation on the Integration of the British Transport Police in Scotland into Police Scotland: An Analysis of Responses](#)

<sup>35</sup> House of Commons [Transport Committee Oral Evidence: Rail Safety HC 694](#) (16 January 2017)

1.2.21 An exchange between Labour MP Clive Efford and BTPA Interim Chief Executive Charlotte Vitty (Q277) also highlighted multiple risks:

**Clive Efford:** But how is it going to work? How do you divvy up your funding structure between England, Scotland and Wales? Then there is transfer and sharing of information. An incident can happen on a train that starts in London and goes all the way beyond the border into Scotland. How is all that going to be co-ordinated?

**Charlotte Vitty:** You touch on many risks. We have several hundred more as well.

1.2.22 **Justice Committee Call for Evidence (December 2016)**<sup>36</sup>

In December 2016, the Scottish Parliament Justice Committee issued a call for evidence on the Railway Policing Bill. Specifically, the Committee asked for views on:

- the impact, if any, on retaining specialist skills and knowledge built up by BTP officers;
- the impact, if any, on cross-border security arrangements;
- the impact, if any, on ensuring consistency in delivering passenger safety and maintaining confidence within railway policing;
- the possibility that officers tasked with railway policing in Scotland may be abstracted from their core duties to support wider operational roles;
- whether there will be any difficulties in setting up new railway policing agreements with railway operators;
- 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.

1.2.23 A total of 43 responses were received as of 6 February 2017,<sup>37</sup> 28 from individuals and 15 from organizations. Two organizations supported integration: Police Scotland and the Association of Scottish Police Superintendents (ASPS). Police Scotland stated that it is 'well equipped to undertake the task of the integration of BTP' and that 'lessons learned during the creation of Police Scotland will be applied to the integration of BTP.' In response to the individual questions, Police Scotland provided statements of intent or assurances (although the response on terms and conditions was more heavily caveated).

1.2.24 Submissions from BTP, BTPA and BTP Superintendents Association (SA) set out risks on both sides of the border. The BTP submission asked how, in practice, integration would 'embed and sustain BTP's specialist transport policing ethos within a significantly larger, more complex and diverse organization.' The BTP also stated that the task of replicating organizational cultures and attitudes, as developed over many years, would be more challenging than the legislative and administrative change.

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<sup>36</sup> Scottish Parliament Justice Committee [Railway Policing \(Scotland\) Bill Call for Evidence](#)

<sup>37</sup> Scottish Parliament Justice Committee [Written submissions received on the Railway Policing \(Scotland\) Bill](#)

1.2.25 Both BTP staff associations opposed integration. The BTP SA state that ‘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’.

1.2.26 Amongst the non-police organizations responses, three submissions either opposed integration or raised concerns (RDG, TSSA and United against Separation). A submission from Transport Focus welcomed the proposal to ‘deliver a specialist railway policing function within the broader Police Scotland structure’ and ‘maintain the specialist skills, knowledge and experience British Transport Police (BTP) officers and staff have built’, adding that ‘we would welcome concrete proposals on how this shall be delivered both in the short-term and particularly in the longer term’.

1.2.27 **Infrastructure Review update**

In February 2017, the BTP Federation stated that: ‘Proposals to integrate the British Transport Police, the Civil Nuclear Constabulary, Home Office airport policing and the Ministry of Defence Police have been put on hold while options for collaborative working are explored.’<sup>38</sup>

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<sup>38</sup> BTP Federation (15 February 2017) [Update on the Infrastructure Policing Review](#)

### 1.3. British Transport Police: previous reviews

1.3.1 Since 2001, the BTP has been the subject of multiple reviews, including HMIC inspection reports in 2001/02 and 2003/04, and House of Commons Transport Select Committee reports in 2003/04 and 2005/06.<sup>39</sup> In 2011, a report commissioned by jointly by the Department for Transport (DfT) and the Office of Rail Regulation stated:

BTP has undergone many reviews, almost on an annual basis, in addition to the normal audit and HMIC reviews. Each review has a cost in senior staff time, provision of data and time taken to scrutinise and respond to the findings of each review. BTP reports that the morale of the force can be affected by regular reviews. No cost has ever been calculated for the impact on BTP time and resource of each review.<sup>40</sup>

1.3.2 Previous reviews have consistently expressed support for a specialist, separate force (see below). BTP/BTPA state: ‘The Government and independent bodies have comprehensively reviewed the BTP four times since 2001 – more than any other police force in the country. All reviews have been unanimous in their conclusions: the BTP is efficient and effective and provides a policing service that should be kept as a specialist and separate force for the whole of the British railway network.’<sup>41</sup>

#### 1.3.3 **Modernizing the British Transport Police (2001)**<sup>42</sup>

In 2001, the Department for Transport issued a consultation document on BTP. The Government response stated that it considered ‘the national railway network is best protected by a unified police force providing a dedicated, specialist service and able to give proper priority to the policing of the railways.’<sup>43</sup>

#### 1.3.4 **HMIC Inspection (2004)**

An HMIC inspection in 2004 reported on good relationships between BTP and partners, with steady improvement over the years. The report stated that integration with one or more forces ‘...would unquestioningly lead to a dilution of the specialist service given to the rail industry and its public users and, most probably, would lead to a significant reduction in the number of police officers and police staff left to police the network.’<sup>44</sup>

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<sup>39</sup> An overview of past reviews and reports into the BTP can be accessed [here](#).

<sup>40</sup> AECOM (2011) *Rail Value for Money Study: British Transport Police Review* (para. 9.1.1)

<sup>41</sup> BTP/BTPA (2013) *Response by the British Transport Police and the British Transport Police Authority to ‘Policing of the Railways in Scotland – A case to support the Integration of the British Transport Police within the Police Service of Scotland’* (p.2)

<sup>42</sup> Department for Transport (2001) *Modernising the British Transport Police: a consultation paper*

<sup>43</sup> DfT (2002) *Summary of Replies to Consultation Paper on ‘Modernising The British Transport Police’ and Government response*(para. 4.6)

<sup>44</sup> HMIC (2004) *British Transport Police – A report by Her Majesty’s Inspectorate of Constabulary* (p.33)

### 1.3.5 **House of Commons (HoC) Transport Committee Review (June 2004)**<sup>45</sup>

Also in 2004, a HoC Transport Committee review considered a recommendation from the Metropolitan Police Authority that BTPs functions be merged with the Metropolitan police. The report stated:

The steady reduction of resources allocated to traffic policing leads us to agree with HMIC that unless there is a national force dedicated to policing the rail network, the task will not be given the priority it needs.

The British Transport Police is not a Home Office Force, and nothing we have heard suggests that it should become one. The railways are a specialised environment, with specialised needs, and need a specialised Force....

### 1.3.6 The UK Government agreed with the Committee that the 'the national railway network is best protected by a unified police force providing a dedicated, specialist service and able to give proper priority to the policing of the railways' and reiterated its support in the 2004 White Paper, *The Future of Rail*.<sup>46</sup> The key reasons for rejected the MPS proposal are summarized by Lennon:

First, the Review found no evidence of detailed plans for assuming the BTP's function, nor evidence of local consultation. Second, the MPA could not point to any shortcomings in the current arrangements. Third, no evidence was provided to support the MPA's assertion that amalgamation would lead to cost savings. Fourth, the MPA appeared not to have considered the impact of such an amalgamation on the remainder of the BTP.<sup>47</sup>

### 1.3.7 Lennon states further: 'Each of these questions is pertinent in relation to Police Scotland's assumption of the BTP's functions. None have been answered, at least publicly' (ibid.).

### 1.3.10 **Department for Transport: Review of the British Transport Police (September 2004)**<sup>48</sup>

A further review by the Department for Transport (DfT) in 2004 highlighted the specialist role of the force, stating:

- Industry and passengers receive significant benefits from a dedicated force. The BTP should continue in its role as a specialist rail police force.
- The BTP should continue as a functional force for the railways and should not be merged with Home Office forces.

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<sup>45</sup> HoC Transport Committee 12th Report of Session 2003-04 (2004): British Transport Police (paras. 7, 44)

<sup>46</sup> Department for Transport (2004): The Future of Rail – White Paper (para. 3.3.14)

<sup>47</sup> Lennon, G. (3 June 2015) Devolving the British Transport Police: unanswered questions Scottish Justice Matters

<sup>48</sup> DfT (September 2004): Review of the British Transport Police (paras 7.1, 7.2)

- The BTP should consider the possibility of agreeing more co-operative agreements with county forces.
- The BTP should continue as a specialist force for the railways and should not be a multi-modal Force (page 9).

More broadly, the DfT reiterated the earlier Transport Committee findings:

The specialist service that the BTP provides brings significant benefits to the industry and to the travelling public. The BTP's ability to police in a commercial environment, and to manage risk, provides the industry with considerable cost-savings. Likewise passengers are able to benefit from the sensitive way that the BTP police the railway network and from the re-assurance that the Force provides.

Given this support for a specialist rail police force, there is no suggestion that the BTP should be merged or linked to the Metropolitan Police or other Home Office County Forces. To do this would be to lose the valuable specialisms that the BTP has established. It would also take away the extremely positive ability of the BTP to police across boundaries. (Paras 7.1 and 7.2).

#### 1.3.11 **BTP: Police restructuring and the British Transport Police (2006)**<sup>49</sup>

In 2006, the BTP published a paper outlining the case against integration with one or more of the Home Office forces. Based on analysis of BTP performance, comparative research and findings from previous reviews, the paper concluded:

There is no analysis to suggest that replacing BTP would be of any benefit, in either the reality or perception of safety and security, to the industry or travelling public. It is difficult to foresee how any other police force, hard-pressed as they are with their own priorities, would be able to provide anywhere near the same level of accountability, engagement or specialist understanding of policing the rail network at this critical time.

#### 1.3.12 **AECOM Rail Value for Money Study: British Transport Police Review (2011)**<sup>50</sup>

An independent study on the value for money provided by the BTP looked at strategic options for improving efficiency, including integration with one or more Home Office (HO) forces. On the question of integration, the report stated:

Stakeholders are concerned that transferring BTP responsibilities to HO forces could result in degradation of service as HO forces would not apply the priority to the Rail industry and its needs that BTP does. Senior TOC and NR staff would not have the access senior police officers that they enjoy from the BTP Command structure. The focus for HO forces is changing and the proposal to introduce elected local Police and Crime Commissioners to control individual Chief Constables

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<sup>49</sup> BTP (2006) Police restructuring and the British Transport Police (page 8)

<sup>50</sup> AECOM (2011) Rail Value for Money Study: British Transport Police Review (para. 9.2)



is likely to reinforce the role of territorial forces in household and community crime. BTPA Members representing the industry value the increasingly commercial facing nature of the BTP.

The current proactivity, commercial and operational knowledge and overall responsiveness may be lost. It has been stated by BTP that, on average, a closure of the railway put in place by the Metropolitan Police will have a duration 2.5 times that of a BTP imposed closure. BTP is considered by several BTPA Members to be considerably better at managing rail incidents than any Home Office force; when the latter arrives at the scene first and asserts authority over the local BTP, the inevitable result is considered to be delay and disruption, at a high cost to the rail industry.

If transfers of responsibility were to be implemented, it would be necessary to put in place strict conditions to safeguard standards of policing. It is unlikely that any Home Office force taking on BTP responsibilities within its area would afford the rail industry the same level of priority as BTP does, by its very nature.

#### **1.4. Summary**

- 1.4.1 Looking back at previous reviews undertaken in England and Wales, there appears to be no robust evidence to support the integration of BTP functions into one or more of the Home Office forces. The reviews to date consistently provide support for a specialist, dedicated force and argue that integration would lead to a loss of expertise. Note also that the recent Infrastructure Review proposals have been put on hold whilst options for collaborative working are explored.
- 1.4.2 At the time of writing, the proposed integration of railway policing in Scotland lacks support amongst some key stakeholder and partners. This lack of consensus is concerning, particularly in an area such as policing that requires support from stakeholders and the public to function effectively.
- 1.4.3 Against this background, the key question is how will the Scottish Government and Police Scotland address the risks raised thus far? Specifically, how will the integration programme embed and retain BTP's specialist ethos within a larger, more complex organization, and continue to act in the interests of the rail industry and passengers? To answer this question requires a detailed understanding of BTP and BTPAs existing policies and practices, as well as a clear set of outcomes for railway policing in Scotland.
- 1.4.4 Dealing with the first of these requirements, this remainder of this report sets out baseline information, views and data on BTP operations, policies and governance. The report is not exhaustive. Rather, the intention is to flag up some of the key issues around integration. To this end, each section concludes with a set of questions for further consideration.

## 2. Operational and strategic issues

### 2.1. A specialist service

- 2.1.1 As shown in part one, it is widely recognised that the BTP provides a highly specialist service in a unique policing environment. Broadly summing up the key points, the 2004 DfT review states:

The rail network creates a uniquely complex and at times, dangerous, policing environment. It is also a business environment for the Train and Freight Operating Companies and for Network Rail. Policing the railways therefore requires sensitive handling and an awareness of the working environment. The British Transport Police understand this operational environment. As a long-established Force it understands the specialist skills associated with working on the railways.

The Force has developed an understanding and awareness of the commercial context in which the railways operate. The business needs of the industry are also reflected in the Force's well-developed approach to risk management...

The British Transport Police model is also unique compared to the Home Office Forces and reflects the special railway environment. The BTP has been set up as a cross-boundary Force providing a consistent policing standard across the network. This becomes particularly crucial in the policing of travelling football fans moving through a number of Force boundaries. It also reflects the wider issue that criminals will use and move across the entire railway network. A single police force for the railways also provides a single point of contact both for the industry and for the travelling public.<sup>51</sup>

- 2.1.2 This specialist railway ethos has built up over time. For example, a letter from the RDG to the Transport Scotland Director of Rail observes:

Rail transport policing has developed a unique culture and ethos that is now highly valued by the industry though it was not always so. Much work has been done with the industry, the BTP and the BTPA working together as partners in the last five to six years to bring this about.<sup>52</sup>

- 2.1.3 The fact that railway policing priorities differ from territorial policing raises questions around competing demands, and how these will be prioritized following integration. BTP DCC Hanstock explains:

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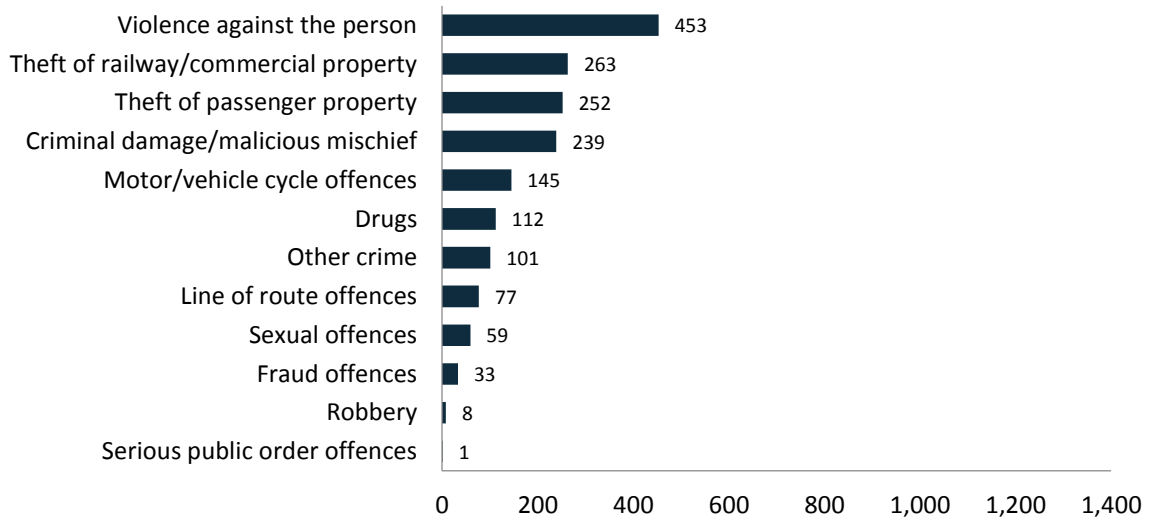
<sup>51</sup> DfT (2004) [Review of the British Transport Police](#)

<sup>52</sup> Patrick Butcher and Charles Horton (RDG Policing and Security Sub Group) (16 January 2015) [Rail Transport Policing in Scotland](#) (Letter to Aidan Grisewood, Director of Rail Transport Scotland)

How would somebody trespassing on lines be prioritised against somebody fighting in the town centre? How would somebody who is a victim of domestic abuse be prioritised over a member of staff in the railway environment who has been spat at? Those matters are all important and things to which we give enhanced priority, because they affect the confidence of people to work in the railway environments. If they do not have that connection and dedication, that undermines their ability.<sup>53</sup>

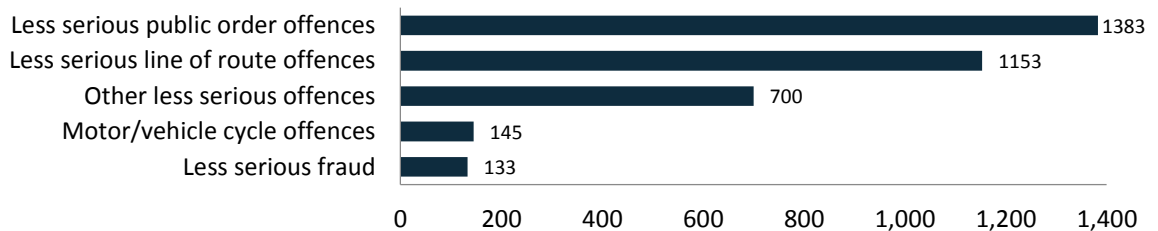
2.1.4 Related to these observations, analysis of crimes and offences recorded on the BTP jurisdiction shows that the BTP record a substantially higher proportion of offences than crimes. In 2015/16, D Division recorded 3,369 offences, nearly double the number of recorded crimes (1,743). By comparison, Police Scotland recorded 1.4 times more offences than crimes in 2015/16.<sup>54</sup> **Figures 1 and 2** show the breakdown of the different crime and offence types recorded by D Division in 2015/16.

**Figure 1. Recorded crime 2015/16 BTP D Division**



Line of route offences include: destroy or damage/endanger safety; obstruction; throwing missile at a rail vehicle.

**Figure 2. Recorded offences 2015/16 BTP D Division**



Less serious line of route offences include: railway trespass; transport and works offences; stone throwing.

Source: BTP Statistical Bulletin 2015/16

<sup>53</sup> Scottish Parliament [Official Report Justice Committee](#) (col. 18) 1 November 2016.

<sup>54</sup> Scottish Government (2016) [Recorded Crime in Scotland 2015/16](#)

- 2.1.5 Written evidence from Professor Nick Fyfe to the Justice Committee has also highlighted the potential tension between railway and routine policing priorities, based on the experience of wider police reform:

One of the key lessons from [police] reform is the need to recognise and map the inter-dependencies between specialist functions and more routine activities in order to identify any potential areas of tension. The specialist nature of BTP means that its resources are not routinely deployed to other policing activities but the integration of BTP into Police Scotland may create pressure for resources to be used more flexibly.<sup>55</sup>

- 2.1.6 This tension may also be exacerbated by the increasing volume of traffic on the railways. Between 1995/6 and 2014/15, the number of train journeys within Scotland increased by 86%, from around 44 to 83 million, whilst the number of cross-border journeys increased by 75%, from around 4 to 8 million. Most journeys involved travel within Scotland, which accounted for 91% of passenger rail traffic across the period.<sup>56</sup>
- 2.1.7 Consistent with rising passenger numbers and railway traffic, the number of railway accidents in Scotland has increased. Between 2004 and 2014, the number of number of railway accidents in Scotland increased by 150%, from 51 to 128 incidents.<sup>57</sup>

#### 2.1.8 **Specialist units**

The BTP is supported by a number of specialist national units whose remit and expertise are specific to the railway environment. These include the Scientific Support Unit, Policing at Heights teams, Territorial Policing and Support Unit, Hi-Tech Crime Unit, Force Technical Support Unit, Witness Care Unit, Disaster Victim Identification Body retrieval and identification team, Economic Crime Unit, Commercial Fraud Squad, Financial Investigations Unit, Credit Card Unit and Wildlife Crime Unit.

#### 2.1.9 **Counter-Terrorism**

Counterterrorism (CT) is a reserved matter and currently accounts for around 10% of BTP spending.<sup>58</sup> At a Transport Committee session on Rail Safety, BTP DCC Hanstock stated: 'In the hierarchy of risk, the biggest threat is terrorism. The challenge of protecting a network that is so wide and open, and the risk being so unpredictable, causes us the greatest level of concern'.

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<sup>55</sup> Fyfe, N. (31 October 2016) Justice Committee The Future of British Transport Police in Scotland Written submission from the Scottish Institute for Policing Research (p.3)

<sup>56</sup> Office of Road and Rail (January 2016) Regional Rail Usage (Passenger Journeys) 2014-15 Annual Statistical Release (Table 1)

<sup>57</sup> Scottish Transport Statistics No 34, 2015 Chapter 7: Rail (Table 7.18)

<sup>58</sup> House of Commons Transport Committee Oral Evidence: Rail Safety HC 694 (16 January 2017) (Q.279).

2.1.10 In written evidence to the Scottish Parliament Public Audit Committee, BTP describe how the railway infrastructure present a unique challenge in terms of CT policing:

The open, inter-connected nature of a modern mass-transit railway system (and associated freight operations) presents a unique policing challenge. There are no compulsory baggage checks or identity checks and, often, no checking of travel documentation. The network – particularly those parts which exist beyond the public areas – is complex and difficult to secure. In this dynamic environment ambiguous incidents can escalate rapidly... and acts of terrorism can merge into the background noise generated by a close-coupled system that supports more than seven million journeys each day. A context-specific approach to railway CT-policing is therefore essential if over reaction is to be avoided and 'real' terrorism ... identified and countered effectively.

2.1.11 BTP take a risk-based approach to terrorism, aiming at maximizing public protection, whilst minimizing disruption (note that the rail network is subject to around 20/30 bomb threats a month).<sup>59</sup> Police training is specific to the railway environment, and BTP deploy a range of specialist equipment to assess suspicious packages, bags and substances, including mobile 3D X-ray machines, chemical resistant gas tight suits, Hapsites (portable chemical identification systems), chemical agent monitors and radiation monitors.<sup>60</sup>

2.1.12 In responding to the Smith Commission, the UK Government stated that further consideration should be given as to how the CT capacity would be retained:

BTP has a distinct counter terrorism policing capability with respect to the security of the railways. **This capability is a resource which can currently be used on a GB wide basis, reflecting the fact that there is a GB wide rail network which includes the operation of cross border services between England and Scotland. If the role of BTP in Scotland were to be brought within the remit of Police Scotland further detailed consideration would need to be given to how this distinct counter terrorism policing role would be carried out**, including for example, whether and how Police Scotland might provide this role, how cross border services would be policed, and how a transport unit of Police Scotland and the remainder of BTP would coordinate on counter terrorist policing on the rail network.<sup>61</sup> (my emphasis)

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<sup>59</sup> Patrick Butcher and Charles Horton (RDG Policing and Security Sub Group) (16 January 2015) [Rail Transport Policing in Scotland](#) (Letter to Aidan Grisewood, Director of Rail Transport Scotland)

<sup>60</sup> BTP [Specialist Response Unit](#) (undated webpage)

<sup>61</sup> [UK Government Analysis for the Smith Commission](https://www.smith-commission.scot/wpcontent/uploads/2015/01/UKGovernmentanalysisfortheSmithCommission.pdf) (p.173)<https://www.smith-commission.scot/wpcontent/uploads/2015/01/UKGovernmentanalysisfortheSmithCommission.pdf>



### 2.1.13 Specialist areas: Suicide prevention and mental health

Perhaps more than any other area, dealing with suicide and mental health issues illustrates the complex and sensitive balance between public safety and commercialism that underpins railway policing. Suicidal behaviour and crisis-related incidents places a significant demand on BTP resources, and the impact of fatalities can extend to train drivers, police and rail staff, and witnesses.

2.1.14 In 2015/16, BTP dealt with over 9,000 mental health crisis and suicide-related incidents and, working in partnership, prevented over 1,000 people from taking their own lives on the railways. Suicides on the national railway network incur an average operating cost of £198,000 per incident, which currently exceeds £60 million per year.<sup>62</sup> **Figure 3** shows statistics on suicide and mental health in D Division in 2015/16.<sup>63</sup>

**Figure 3. Suicide and mental health statistics: BTP and BTP D Division (2015/16)**

	No of incidents
Suspected suicides	21
Suicide attempts with injury	5
Total fatalities	30
Pre-suicidal and mental health incidents	423
Life-saving interventions	65
Detentions under s297 Mental Health (Care & Treatment) (Scotland) Act 2003 2.2	42

Source: BTP D Division (2016) Response to Mental Health in Scotland – a 10 year vision (Scottish Government consultation)

2.1.15 BTP suicide prevention and mental health work is in partnership with other stakeholders, including academics at Oxford University and the Samaritans.<sup>64</sup> BTP is a member of the National Suicide Prevention Alliance,<sup>65</sup> a coalition of around 36 private, public and voluntary organizations. BTP has two Suicide and Mental Health Prevention (SMHP) teams, funded on a multi-agency basis (fundes include the rail industry, BTP, NHS England and the Department of Health). In 2014/15, the teams dealt with 1,156 people on Suicide Prevention Plans across the network.<sup>66</sup> In 2014, BTP introduced a Suicide Prevention Hotline that enables officers to organize emergency response in response to immediate concerns from NHS colleagues, voluntary organizations and the rail industry.

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<sup>62</sup> BTP From Crisis to Care: A Strategy for supporting people in mental health crisis and preventing suicide on the railway 2016-2019 (p.6)

<sup>63</sup> BTP (2015/16) Policing Mental Health and suicide risk on the railway

<sup>64</sup> Samaritans (2016) Response to Scottish Government consultation on the Integration of the BTP in Scotland into Police Scotland.

<sup>65</sup> National Suicide Prevention Alliance NSPA Review 2013-14 and 2014-15

<sup>66</sup> *ibid.* (p.10)

#### 2.1.16 **Metal and Cable Theft**

Metal and cable theft can result in major disruption on the railways and remains a BTP priority, despite a significant reduction in incidents: recorded cable theft incidents fell from 995 to 66 incidents between 2010/11 and 2014/15.<sup>67</sup> This fall coincided with police and government initiatives to tackle the problem, including new legislation. Effective metal and cable theft policing is dependent on multi-agency working. Key partners include the rail industry, Network Rail, Power Generators, Telephony providers and the British Metal Recyclers Association, HMRC and Trading Standards. Work undertaken by BTP and partners includes targeted enforcement, target hardening and offender management.<sup>68</sup>

#### 2.1.17 **Views on specialization and integration**

The Scottish Government state that the specialist service provided by BTP will not be diluted following integration, although at the time of writing it is unclear what steps will be taken. Conversely, some stakeholders, including BTP, argue that expertise will eventually be lost. For example, the RDG state:

... the management of bomb threats to the network (of which there are still 20/30 a month) continues to maximise protection through effective assessment of risk while minimising disruption to train services. The approach has rarely been wrong and there have been very few system closures. There is no evidence that a generalist force would ever be in a position to justify such an approach. Even with a dedicated team, the breadth of necessary knowledge and experience would not be with Police Scotland.

A risk-based approach to managing incidents on the network such as bomb threats, fatalities and cable theft so that disruption is prevented or mitigated as far as possible while maintaining investigative integrity, is something that has taken time to develop and the data shows that with its experience, BTP do a better job than other forces.<sup>69</sup>

We anticipate that any change to this would be accompanied by assurances but are of the view that any integration with mainstream policing will result in a progressive drift of attention, as wider pressures come to bear and simply a dilution of relationships, both organisational and personal, with a consequent disbenefit to all rail customers and staff. Financial pressures, wider policing priorities, political imperatives and priorities will inevitably take attention from the needs of the railway, its staff and its freight customers and passengers notwithstanding any commitments made at the time of change.<sup>70</sup>

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<sup>67</sup> Rail Technology Magazine (1 May 2015) [Cable theft 'dying off' among low-level offenders](#)

<sup>68</sup> BTP (31 October 2011) [Transport Committee: Written evidence from the British Transport Police \(CTR 11\)](#)

<sup>69</sup> Patrick Butcher and Charles Horton (RDG Policing and Security Sub Group) (16 January 2015) [Rail Transport Policing in Scotland](#) (Letter to Aidan Grisewood, Director of Rail Transport Scotland)

<sup>70</sup> *ibid.*



## 2.2. A commercial environment: delay management

- 2.2.1 BTP operate in a highly commercial environment (note that under the Schedule 8 scheme, Network Rail is charged financial penalties by the rail operating companies when services are disrupted).<sup>71</sup> Response times are generally shorter when BTP officers provide the first response. BTP state: ‘incidents last between 33% (cable theft) and 50% (fatality incidents) longer if BTP does not attend first and a more generalist approach is adopted by geographic forces.’<sup>72</sup>
- 2.2.2 A joint awareness of commercialism and safety is viewed as key to the railway policing ethos and underpins BTP’s approach to delay management. BTP DCC Hanstock states:
- Our officers know that they have to make some very swift, confident, but very assured decisions. Particularly when there are fatalities, that activity needs to be reported to the coroner, and there can be no mistakes. We make an effort to train officers to ensure that they know the responsibility of that work, at the same time as being conscious and cognisant of delay. Having to balance those issues is a real skill. As leaders of the service, we have to monitor that, to make sure that it remains ethical.<sup>73</sup>
- 2.2.3 In 2011, HMIC reported that the way BTP assesses fatalities is considered good practice: ‘How BTP deals with fatalities on the rail network is considered by HMIC to be a strength. BTP has the responsibility to manage fatalities, and (subject to there not being any suspicious circumstances) to arrange for a scene to be cleared quickly to enable the network to reopen.’<sup>74</sup>
- 2.2.4 Also in 2011, a study by AECOM stated that BTP is ‘generally believed by industry stakeholders to be considerably better at managing rail incidents than any Home Office force. When the latter arrives at the scene first and asserts authority over the local BTP, this often results in delay and disruption, at a high cost to the rail industry.’<sup>75</sup>
- 2.2.5 In 2015, BTP joined Network Rail and other industry partners to improve disruption management. The National Joint Disruption Programme<sup>76</sup> is aimed at developing new ways of delivering disruption management, consists of five main work streams. These include the National Disruption Fusion Unit which works in partnership with Network Rail to develop analytical products aimed at reducing disruption.<sup>77</sup>

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<sup>71</sup> Office of Rail Regulation (2015) [Performance Regime](#)

<sup>72</sup> BTP (25 October 2016) [Justice Committee British Transport Police Written submission](#) (para. 2.12)

<sup>73</sup> House of Commons [Transport Committee Oral Evidence: Rail Safety HC 694](#) (16 January 2017) (Q300)

<sup>74</sup> HMIC (2011) [Inspection Findings](#) (p.5)

<sup>75</sup> AECOM (2011) [Rail Value for Money Study: British Transport Police Review](#)

<sup>76</sup> BTP (2016) [Policing your journey Annual Report 2015/16](#) (p.14-15)

<sup>77</sup> BTPA (2016) [Policing Great Britain’s rail network. National and Divisional Plans 2016/17](#)

2.2.6 In 2014/15, BTPA set a target for clearing non-suspicious and unexplained fatalities within an average of 90 minutes, supported by additional guidance, training and performance management processes.<sup>78</sup>

### 2.2.7 Views on delay management and integration

Some stakeholders have expressed concerns that response times may be slower following integration. For example, at a Transport Committee session on rail safety, BTP DCC Hanstock argued that dual reporting arrangements could affect response times:

There will be dual reporting arrangements for the public and transport operators that currently do not exist. We will share information, but it takes time. Practically, an incident that occurs in Scotland can quickly—within minutes—impact on crowding, service and delay in the midlands and then in London. Currently, we are aware of that from the outset. If, for example, there is a fatality in Scotland, our control room managers will straightaway introduce contingencies at Euston or King’s Cross. We will still be able to do that, but potentially it will be slower, and that adds delay to the service.<sup>79</sup>

## 2.3. BTP/Police Scotland interface

2.3.1 Access to Police Scotland specialist and national resource is cited as an advantage of integration.<sup>80</sup> There are however major evidence gaps on the interface between BTP officers and Police Scotland officers, for example, in relation to first response and lines of communication. Oral evidence from senior officers in BTP and Police Scotland suggests a good relationship between the two organizations, with no evidence to indicate a lack of cooperation. The following extracts are from the Scottish Parliament round-table evidence session on integration:

**BTP DCC Hanstock:** ‘Absolutely, we work in collaboration with Police Scotland now. Similarly, BTP officers respond to Police Scotland issues in some of the more remote areas. This is very much about policing communities and environments, and that happens now.’<sup>81</sup>

**Police Scotland Chief Superintendent Crossan:** ‘At present, Police Scotland responds to a lot of rail incidents as first responder, particularly in outlying areas. We have the relationship with BTP to deliver that. I am confident that, if we get the right processes in place, as Mr Hanstock has articulated, those processes and the relationships that we have in place will continue to deliver a quality and, we hope, enhanced service.’<sup>82</sup>

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<sup>78</sup> BTPA (2016) Policing Great Britain’s rail network. National and Divisional Plans 2016/17 (p.10)

<sup>79</sup> House of Commons (16 January 2017) Transport Committee Oral Evidence: Rail Safety HC 694

<sup>80</sup> First Minister Scottish Parliament Meeting of the Parliament Official Report, 8 September 2016 (col. 12)

<sup>81</sup> Scottish Parliament Official Report Justice Committee 1 November 2016 (col.20).

<sup>82</sup> *ibid.* (col. 20)

**Police Scotland ACC Higgins:** ‘We have a very close working relationship with the BTP. Whenever we have a major event, such as the Ryder cup, the Commonwealth games or the recent old firm game, the BTP is at the planning table. If it requires any of our specialist assets, such as dogs, firearms officers or public order officers, we would absolutely supplement it with them. That is the right thing to do.’<sup>83</sup>

## 2.4. Information & Communications Technology (ICT)

### 2.4.1 ICT development: Police Scotland

IT integration was identified as a key enabler of police reform in Scotland<sup>84</sup> and expected to contribute to the projected efficiency savings.<sup>85</sup> Aimed at delivering efficiencies and freeing up front-line policing, i6 sought to integrate around 80% of the core policing business areas. Key advantages included a reduced need for officers to re-key the same information into multiple systems. Following multiple testing faults, in 2016 the SPA mutually agreed to terminate i6 and reconsider its IT options. Audit Scotland is currently reviewing i6 and will report in early 2017.<sup>86</sup>

### 2.4.2 At the Justice Committee Meeting on 20 December 2016,<sup>87</sup> Scottish Police Federation Chair Andrea MacDonald outlined the limitations currently experienced by officers.

We do not have a single input so, when an officer makes an arrest, they might have to input the same details six, seven or maybe more times into different systems. That keeps officers off the street for longer.

### 2.4.3 ICT development: BTP

In February 2016, BTP introduced the integrated Niche system, bringing together four business areas (crime, intelligence, case and custody). Niche is interfaced with a new Command and Control system (ControlWorks). The overall system allows officers to manage crime recording, investigation, intelligence management, vulnerability management, custody and detainee management and electronic case preparation.<sup>88</sup>

### 2.4.4 At the time of writing, no detailed assessment of Niche and ControlWorks is available, although in August 2016, the BTP Federation Chairman noted that training for Niche and ControlWorks had been inadequate.<sup>89</sup>

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<sup>83</sup> *ibid.* (col. 22)

<sup>84</sup> Scottish Government (2012) [Healthcheck Review ACPOS i6 programme](#) (para. 1.1)

<sup>85</sup> Scottish Government (2011) [Police Reform Programme Outline Business Case](#)

<sup>86</sup> Audit Scotland (22 December 2016) [Weak financial leadership continues in Scotland's police bodies](#)

<sup>86</sup> [UK Government Consultation Principles 2016](#)

<sup>87</sup> Scottish Parliament Justice Committee 20 December 2016 [J/S5/16/13/A](#)

<sup>88</sup> BTP (2016) [Policing Your Journey Annual Report 2015/16](#) (p.10).

<sup>89</sup> [BTP Federation Chairman's Blog](#) (August 2016)

## 2.5. Policy development

- 2.5.1 In 2015/16, the BTP business transformation programme set out to deliver improvements across a range of business areas. Some projects were completed, whilst others are still in progress, including: use of body-worn video; providing all front line police officers with mobile devices to enable remote working; an electronic data warehouse project; an integrated approach to data management and a demand review.
- 2.5.2 Other areas of policy development include partnership work on safeguarding vulnerable children (as part of the Railway Children 'Safety on Transport' project).<sup>90</sup> It is unclear if and how these initiatives and projects would be progressed in Scotland following integration.

## 2.6. Integration as part of wider police reform

- 2.6.1 Police reform in Scotland has been challenging, has taken longer than expected and is still ongoing. A recent joint evaluation of reform by SIPR, ScotCen and What Works Scotland<sup>91</sup> stated that Police Scotland representatives saw themselves in the 'consolidating' and 'integrating' phase, and that the real 'transformation' of service delivery was yet to come. The evaluation also stated that: 'The challenges associated with the 'transformation' phase are seen as being at least as significant as those already encountered in integrating the services', and noted that a failure to fully appreciate different organizational cultures had stymied progress. The HMICS 2015/16 Annual Report also states that 'progress in planning for this transformation has been slow.'<sup>92</sup>
- 2.6.2 In addition to the direct challenges associated with reform, Scottish policing is under financial pressure. In December 2016, the Auditor General reported that Police Scotland and the Scottish Police Authority faced a potential cumulative funding gap of almost £190 million by 2020/21<sup>93</sup> (since revised to £200 million).<sup>94</sup>
- 2.6.3 These pressures raise questions on the proposed timing of integration (currently scheduled for April 2019) and the risk of bringing together two different policing models at a time of change. At the Justice Committee round-table session on integration, Professor Nick Fyfe described the current period as a critical moment in the development of Police Scotland:

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<sup>90</sup> BTP/Railway children: Fighting for street children

<sup>91</sup> SIPR, What Works Scotland and ScotCen (2016) Evaluation of Police and Fire Reform: Year 1 Summary Report

<sup>92</sup> HMICS (2016) Annual Report 2015/16 (p.4)

<sup>93</sup> Weak financial leadership continues in Scotland's police bodies (December 2016)

<sup>94</sup> Scotsman (27 January 2017) Police Scotland 'in crisis' amid £200m funding gap

We are just reaching the stage of radical change. As we have already heard, the integration of the BTP into Police Scotland would be a highly complex task given the distinctive characteristics of what the BTP deals with. (col. 27)<sup>95</sup>

- 2.6.4 Conversely, Police Scotland ACC Higgins suggested that it may be better to incorporate integration into the transition phase:

You could argue that this period of transition is the best time to integrate BTP into the wider Police Scotland, if that is the will of Parliament. Again, I make no comment on the decision of Parliament; I am merely saying that if we are going through a transition period over the next three or four years, it makes sense to me to include that element of it. (col.31)

- 2.6.5 Detailed work will be required to align railway policing in Scotland with Policing 2026, Police Scotland's 10-year strategy. The 2015/16 HMICS Annual Report sets out some the challenges involved in Policing 2026, which can be equally applied to the integration of railway policing:

I have previously reported that the SPA and Police Scotland have taken a narrow approach to the scrutiny of major change and recommended they should urgently review and strengthen their overall approach to programme governance. Given the significant transformative change that is now required, this needs to be progressed as soon as possible through the recruitment of experienced and qualified staff, the creation of a programme support function and the establishment of transparent governance structures within Police Scotland and the SPA which will support delivery and allow for the public scrutiny of major change.<sup>96</sup>

## 2.7. Questions: operational and strategic issues

### Specialist policing

- a. What are the resource implications of retaining and developing specialist knowledge in Scotland? For example, on counter-terrorism, mental health and delay management, specifically in a railway context.
- b. What steps will be taken to ensure that research and policy development progresses at the same pace as England and Wales?
- c. What will happen to the current BTP business transformation programme?
- d. If there is policy and strategic variation, can cross-border railway policing be 'seamless'?
- e. What would be the effect of disjointed policy and strategy between the two jurisdictions?

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<sup>95</sup> Scottish Parliament [Official Report Justice Committee](#) 1 November 2016 (col. 27).

<sup>96</sup> HMICS (2016) [Annual Report 2015/16](#) (p.4-5)

- f. All Control Room staff in Birmingham receive specialist training in railway related incidents: what arrangements will be put in place in Scotland and what are the resource implications?
- g. How will Police Scotland maintain and develop relationships with partners, as originally established (and developed over time) by BTP?
- h. What are the implications of integration for partnership working: are third sector organizations willing to duplicate their resources on both sides of the border?
- i. Could integration result in a loss of expert input from some partners?
- j. How will railway policing priorities be balanced against territorial policing demands?
- k. How will a seamless approach to counter-terrorism work in practice?
- l. How will a risk-based approach to counter-terrorism be retained and developed? Could integration lead to a perceived vulnerability on the rail network in Scotland?
- m. What will be the impact of dual reporting systems on the effectiveness of railway policing on both sides of the border?

### **Mental health**

- a. Will Police Scotland integrate with the national rail suicide prevention programme?
- b. What arrangements will be put in place for suicide prevention training in a railway context?
- c. Will there be continued access to the BTP national Suicide Prevention Hotline?
- d. Will Scotland continue to report life-saving interventions into existing rail reporting structures?

### **Equipment**

- a. What specialist equipment is located in Scotland for use by D Division?
- b. What other equipment does D Division have access to: e.g. specialist lifting equipment?
- c. Does Police Scotland have equivalent specialist resources?
- d. Will Police Scotland require access to BTP specialist units, resources and equipment? If so, which ones and how will the funding arrangement work?

### **Commercial environment**

- a. How will Police Scotland ensure that areas such as counter-terrorism and mental health are underpinned by commercial awareness?
- b. What steps will be taken to ensure response times do not fall behind those in England and Wales? How will Police Scotland keep pace with the National Disruption Fusion Unit?
- c. What are the ramifications if response times in Scotland fall behind those in England and Wales?
- d. What are the implications for stakeholder relations: would this affect funding agreements?

### **BTP/Police Scotland interface**

- a. How do BTP interface with territorial forces in responding to rail related incidents? What are the standard operating procedures?
- b. What proportion of incidents under BTP jurisdiction do Police Scotland respond to first?
- c. When Police Scotland officers respond first, is this problematic?

- d. Are there tensions between the two organizations under current arrangements?
- e. Are there communication difficulties between the two organizations? For example, can Police Scotland directly contact local BTP officers, as well as routing calls through Birmingham?
- f. If not, would this be helpful? Or would it complicate established lines of communication?
- g. What are the issues encountered in rural areas of Scotland: has a lack of local geographical awareness amongst BTP control room staff caused problems? Would these be resolved by Police Scotland Control Room arrangements?
- h. Are similar issues encountered in rural parts of England and Wales?
- i. Are there options for improving communications between the two forces, short of integration?
- j. What arrangements will be put in place to monitor the interface between Police Scotland and BTP work following integration? Will this be a requirement of the rail industry?
- k. What systems will be required to support data sharing/joint intelligence? What will this involve?

#### **ICT and data**

- a. To what extent is BTP performance dependent on their current ICT arrangements?
- b. What are the advantages and disadvantages in linking railway policing in Scotland to Police Scotland ICT systems? Do the benefits outweigh the costs, or vice versa?
- c. Given the difference in current ICT arrangements, might the proposed merger adversely affect day to day railway policing in Scotland (as per Andrea MacDonald's comments)?
- d. If so, is this likely to be short, medium or long-term: in other words, at what point is Police Scotland likely to move to an integrated system?
- e. How long will it take to retrain BTP officers to use Police Scotland systems? When will training take place? If training takes place ahead of integration, how will this be managed and funded?
- f. To what extent do existing BTP staff work with data and products generated by BTP HQ? What are the resource implications for setting up new data systems in Scotland?
- g. How will railway policing data be managed? Will Scotland publish recorded crime statistics separately? Will both jurisdictions publish comparable data to the same timetable? Or will one jurisdiction take responsibility for data across the network? Is there a risk that we might lose an overview of policing across the network? What are the resource implications of duplication?

#### **Police Reform**

- a. How will integration fit into programme of wider police reform and Policing 2026?
- b. Integration will bring together two different policing models: what are the ramifications of adding further complexity to a changing environment?
- c. Will integration at a time of wider change adversely affect the transition for BTP officers?

## 3. Efficiency

### 3.1. Funding arrangements

- 3.1.1 Railway policing is funded by railway providers on a ‘user pays’ principle. In brief, the BTPA enters into a police service agreement (PSA) with the train operating companies (TOCs), freight companies and Network Rail. The PSA requires operators to use and pay for the services of the BTP and indicates the level of policing resource to be allocated to its line or services. Costs allocated to each user are determined by a complex charging model that reflects the level of policing activity attributable to the PSA holder.
- 3.1.2 **BTP in Scotland: current funding**  
BTP in Scotland is fully funded by the railway industry (Network Rail, train/freight operating companies). The Scottish Government states that the costs of railway policing will continue to be fully funded by the railway industry post-integration.<sup>97</sup> In 2014/15, the Scottish Government contributed 56% to the rail industry<sup>98</sup> (in effect, subsidising just over half of the costs associated with D Division).
- 3.1.3 BTPA state that under existing arrangements, the direct cost of running D Division is around £12m. A further £8m pays for Head Office charges, which cover non-geographic functions: Corporate Resources, Information Technology and Central Operations. These departments provide the structures required to run the national service, as well as central operational resources, including major crime, counter-terrorism, Special Branch, events policing, training, dogs units and major incident response.<sup>99</sup>
- 3.1.4 **BTP/BTPA financial position**  
In 2016, BTPA set a budget of £298.6m for policing the railways, with £293m allocated directly to BTP. Approval was also granted for a further £3.5m counter-terrorism spend.<sup>100</sup> Unlike the Home Office forces, BTP has not been subject to the same funding reduction from the spending review. BTP was set a target of delivering £16.8 million efficiency savings between 2011 and 2015 (a much smaller challenge). This was met principally through the reduction of senior officer ranks (chief inspector and above) using a voluntary severance scheme, and the centralization of functions such as human resources, payroll and information management. BTP also has had a significant advantage in that it has been able to reinvest any savings made in the force.<sup>101</sup>

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<sup>97</sup> [Letter from the Cabinet Secretary for Justice to the BTP Federation](#) (1 December 2016)

<sup>98</sup> Office of Road and Rail (2016) [GB rail industry financial information 2014-15](#) (Figure 2.5)

<sup>99</sup> [BTPA response to the 2016 consultation](#)

<sup>100</sup> [BTPA Policing Plan 2016-17](#) (p.4)

<sup>101</sup> [British Transport Police’s response to the funding challenge](#) (January 2014)



### 3.1.5 Projected costs of policing the railways in Scotland

The Scottish Government estimate that the costs of railway policing in Scotland (2017-2022) will remain broadly unchanged (taking into account Office for Budget Responsibility [OBR] estimated RPI), with no significant financial gain or detriment to the current position. Estimated costs are based on retaining the same numbers and rank/grade of operational officers and staff, as currently provided by the BTP. Projected income/costs are shown in **Figure 4**. No further breakdown of the established projected costs is publically available at present.

**Figure 4. Estimated Railway Policing income/costs in Scotland 2017-2022**

Financial year	OBR estimate RPI	Estimated income/costs (£ mill)
2017/18	2.8%	21.621
2018/19	3.4%	22.356
2019/20	3.2%	23.071
2020/21	3.2%	23.809
2021/22	3.2%	24.570

Source: SP Corporate Body (2016) Railway Policing (Scotland) Bill [Financial Memorandum \(Table 2\)](#)

### 3.1.6 **Figure 5** shows the costs of BTP policing in Scotland broken down into six cost groups.

**Figure 5. Railway Policing Costs in Scotland for 2014-15**

Cost group	£ million	%
BTP Policing Operations	11.945	58.6%
Operational Support	3.399	16.7%
Corporate Services	2.193	10.8%
Property/Equipment/Travel	1.746	8.6%
BTP HQ and Senior Officers	0.870	4.3%
Deficit/(Surplus)	+0.216	1.1%
Total	20.369	100.10%

Source: SP Parliament Corporate Body (2016) Railway Policing (Scotland) Bill Financial Memorandum (Table 3)  
Percentages add to more than 100% due to rounding

### 3.1.7 Transitional costs

The Scottish Government estimates that the costs of integration are likely to be small. These include 'changing of police badges on uniform/vehicles, HR data transfer and aspects of operational integration'. The assumption is that 'such costs can be accommodated within the overall overhead spend associated with railway policing, given the scope for efficiencies.'<sup>102</sup>

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<sup>102</sup> SP Corporate Body (2016) Railway Policing (Scotland) Bill [Final Business and Regulatory Impact Assessment](#) (para. 20).

3.1.8 The Railway Policing Bill Financial Memorandum states that a Police Scotland operational policing integration project will evaluate what training is currently provided for BTP D Division officers and staff, current training costs, and how training can best be delivered, with an assumption of similar costings:

It may be that economies of scale could be delivered with police training in Scotland and some training may be more efficiently delivered in partnership with other training providers and services such as the BTP. The Scottish Government's assumption is that future training costs will be the same or very similar to those incurred at present, and will continue to be funded by the industry through the RPA mechanism as they are at present under PSAs.<sup>103</sup>

3.1.9 In their respective submissions to the 2016 consultation, Virgin East Coast Trains and BTPA state that integration may incur additional training costs to upskill Police Scotland officers. Personal Track Safety (PTS) is a mandatory rail industry requirement<sup>104</sup> for all BTP police officers and some staff. PTS training performance standards and knowledge requirements are defined by the railway industry and owned by BTP Force Headquarters (FHQ) Learning and Development.<sup>105</sup> Training on specialist protocols will also need to be provided to Control Room staff and Commanders.

3.1.10 Additional costs include those relating to cross-border co-operation and duplication of services. BTP DCC Hanstock has stated that integration may result in Police Scotland paying for remaining BTP services, for example, when officers from C Division are moved into Scotland to police events.<sup>106 107</sup> The BTP paper to the Justice Committee further states that the 'challenges associated with providing duplicate central support functions and the dual accountability to the industry and public for service provision appear excessive and are considered likely to add additional costs' (para. 8.5).

3.1.11 The existing PSA agreements are complex and renegotiation with rail providers may be costly. BTP and BTPA state that that model has been developed over a number of years and that any change in the number of PSA holders or distribution of central costs will impact on all PSA holders.<sup>108</sup> Data underpinning the 2013/14 PSA charging model includes: BTP budget; staff data; Command and Control data; incident data; track access charges; long-term recharges; station usage; footfall data and National Rail statistics.<sup>109</sup>

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<sup>103</sup> SP Corporate Body (2016) Railways Policing (Scotland) Bill Financial Memorandum (para. 30).

<sup>104</sup> BTP (2011) Access to and Working on Railway Infrastructure (Track Safety) Standard Operating Procedure (Sop)

<sup>105</sup> BTP (28 March 2011) Access to and working on railway infrastructure (Track Safety) Standard Operating Procedure (SOP) (para. 4.1.4)

<sup>106</sup> Scottish Parliament Official Report Justice Committee 1 November 2016 (col. 20-21).

<sup>107</sup> See also: House of Commons Transport Committee Oral Evidence: Rail Safety HC 694 (16 January 2017) (Q278)

<sup>108</sup> BTP and BTPA Options for the devolution of transport policing in Scotland (p.15)

<sup>109</sup> *ibid.*

### 3.1.12 Potential Efficiencies

The Railway Policing Bill Financial Memorandum identifies some potential efficiencies:

The costs of railway policing in Scotland currently also include a significant element of non-operational overheads for corporate functions of the BTP and the BTPA. The Scottish Government's expectation is that, in future, such corporate functions (e.g. finance, procurement and HR) will be provided by Police Scotland, although it may be that Police Scotland would wish to arrange with BTP for them to provide some services (e.g. aspects of specialist training) for an interim or extended period.

While additional capacity will be required in Police Scotland to deliver some of these functions, the Scottish Government believes there is scope for significant efficiencies through integration with Police Scotland. For example, rail operators in Scotland currently contribute around £800,000 per annum to the costs of the BTP UK-wide senior officer team and their support staff, a cost not expected to apply in Scotland following integration. No changes to the senior command structure within Police Scotland are planned. Further work will be undertaken to determine the full potential of corporate efficiencies as part of the transitional arrangements.<sup>110</sup>

3.1.13 At the time of writing, many of the costs discussed in the Railways Bill Financial Memorandum appear to be based on broad assumptions, including transitional and project costs, staffing costs, training and some overheads.

3.1.14 This approach is viewed as potentially problematic by Audit Scotland in the 2012 report *Learning the lessons of public body mergers*.<sup>111</sup> In an in-depth analysis of previous mergers, Audit Scotland highlighted a number of common problems: that initial cost and savings estimates were based on broad assumptions; that merged bodies did not record or report merger costs fully; and that although budget allocations included saving estimates, these were poorly tracked. In response, Audit Scotland set out three recommendations:

- The Scottish Government develop robust cost and savings estimates for future mergers and, with merging bodies, regularly review and revise these as necessary as the merger proceeds.
- Merger bodies should develop systems to record and report the costs of the merger so that they can be monitored and controlled and used to inform other mergers.
- Merger bodies should develop systems to record and report savings to demonstrate and provide assurance that the new body is on track to provide the efficiencies and other savings expected from the merger

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<sup>110</sup> SP Corporate Body (2016) Railways Policing (Scotland) Bill Financial Memorandum (para. 32-33).

<sup>111</sup> Audit Scotland (2012) Learning the lessons of public body mergers: Review of recent mergers (Exhibit 7, p. 19)

## 3.2. No-detriment principle

- 3.2.1 The Smith Commission agreement is underpinned by a no-detriment principle: that none of the constituent parts of the UK should be adversely affected from policy decisions made in the process of devolution.
- 3.2.2 In a joint response to the 2013 outline business case, BTP and BTPA argue that the loss of revenue from Scotland towards non-geographic functions is likely to increase the financial burden on the remaining BTP. This point was reiterated by BTPA in its response to the 2016 consultation:

Many of those overheads will not be subject to a proportionate reduction after the BTP Scotland Division is merged with Police Scotland. It may not be possible to scale down IT systems beyond a reduction in licences, for example, and in any case the systems will require a continued level of technical support. Many contracts, which supply goods and services to the entire BTP, cannot be changed overnight. It seems certain that some portion of those costs will need to be met by the remaining 'England and Wales' BTP, whether through the reallocation of costs among those operators running services within England and Wales, or through efficiencies.<sup>112</sup>

- 3.2.3 In relation to potential costs in England and Wales, the Railway Bill Financial Memorandum states that the Scottish Government is mindful of the potential financial impact in England and Wales, and together with Transport Scotland and the SPA, will work closely with DfT and the BTPA on financial matters of mutual concern.<sup>113</sup>

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<sup>112</sup> BTP and BTPA (2014) Response by the British Transport Police and the British Transport Police Authority to "Policing of the Railways in Scotland – A case to support the Integration of the British Transport Police within the Police Service of Scotland"

<sup>113</sup> Scottish Parliamentary Corporate Body (2016) Railways Policing (Scotland) Bill Financial Memorandum (para.36)

### 3.3. Efficiency: questions

- a. What costings are available and how robust are these? Are existing costing subject to review and revision, as recommended by Audit Scotland?
- b. When will a detailed financial case be available?
- c. Will there be a financial detriment to England and Wales? If the no-detriment principle is broken, what are the implications?
- d. What additional demands will integration place on Police Scotland and SPA, both financial and operational? Are the respective organizations in a position to deal with these demands?
- e. What are the short-term trainings requirements and costs?
- f. Who will require additional training: Police Scotland officers (how many), some chief officers, Control Room staff, SPA staff and board members?
- g. What are the longer-term training costs?
- h. If there is an initial shortfall in the railway policing frontline in Scotland, could this gap be plugged with private contractor and if so, at what cost?
- i. Which BTP services and resources will Police Scotland require access to (for example, specialist units, equipment, data) and what are the costs?
- j. What are the anticipated costs of research and policy development?
- k. What are the cost implications of cross-border liaison between BTP and railway policing?
- l. What are the costs of replacing uniforms?
- m. What will be effect of integration on the Police Scotland workload, for example, in terms of HR, corporate services and analytical services?
- n. What specialist equipment will be required? Will this be bought or leased?
- o. What assets does BTP in Scotland own and how will these be dealt with? For example, what will happen to the Divisional HQ at Cowcaddens? Might existing staff be relocated?
- p. What are the costs of pension negotiations, responsibilities and longer-term management?
- q. What are the costs of the merger itself, for example, in terms of staff time, HR, negotiations, professional advice and consultancy payments? Are these being tracked?
- r. What data will be used to calculate PSA models? Who has ownership of these data? Who will undertake the underpinning analysis and who will undertake the negotiations?

## 4. Workforce and HR

### 4.1. Officer deployment

4.1.1 In 2014, HMIC reported that BTP allocated 78% of the total workforce to frontline roles (defined as ‘those who are in everyday contact with the public and who directly intervene to keep people safe and enforce the law’). A further 11% provided Operational Support and Business Support respectively.<sup>114</sup> The proportion of police officers deployed on the frontline was 94%. In 2014/15, 67% of the BTP budget was spent on frontline resources.<sup>115</sup>

4.1.2 No comparable data are publically available in Scotland, although police staff numbers have fallen sharply between 2010 and 2017, resulting in the deployment of some officers in back office roles. The proportion of police officers working in corporate services in Scotland also appears to be relatively high.<sup>116</sup>

#### 4.1.3 BTP Chief officers

Five chief officers make up the BTP Strategic Command team. The current Chief Constable, Paul Crowther OBE was appointed in 2014. This dedicated role will not be duplicated following integration: rather railway policing will sit under the command of a territorial Chief Constable (the Railway Bill Financial Memorandum states that no changes to the Police Scotland senior command structure are planned).<sup>117</sup>

#### 4.1.4 Special Constables

There are around 22 Special Constables in Scotland, providing additional policing support. At the national level, the number of BTP Special Constables increased by 23% (from 230 to 283) between March 2015 and March 2016. This bucked the national trend in England and Wales, which saw a fall of 0.5% in the same period.

#### 4.1.5 Length of service

BTP has a ‘younger’ workforce, in terms of length of service, compared to Home Office forces, with a higher proportion of new starters. Nearly 10% of BTP officers are in their first year of service, compared to a 3% national average, whilst just over half (54%) of BTP officers have ten years or less service, compared to a third of Home Office forces (32%). By contrast, the Home Office forces have a higher proportion of long-serving officers, with two-fifths having served fifteen years or more, compared to one fifth of BTP officers.<sup>118</sup> No comparable statistics are available for Scotland.

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<sup>114</sup> HMIC (2014) [British Transport Police’s response to the funding challenge](#)

<sup>115</sup> BTPA (2015) [British Transport Police Fund Statement of Accounts for the year ended 31 March 2015](#) (p.6)

<sup>116</sup> HMICS (2016) [HMICS Annual Report 2014/15](#) (p.4)

<sup>117</sup> SP Corporate Body (2016) [Railways Policing \(Scotland\) Bill Financial Memorandum](#) SP Bill 2-FM (para.33).

<sup>118</sup> Home Office (2016) [Police Workforce, England and Wales 31 March 2016](#)

4.1.6 The fact that BTP has a lower proportion of long-serving officers means that policing skills acquired over time are concentrated in a relatively small group. As such, officer attrition from this group may have a disproportionate impact in terms of lost experience (note that this observation is made at the UK level).

4.1.7 The Scottish Government has stated that it will maintain the same number of rank/grade of operational officers and staff as currently provided by BTP.<sup>119</sup> However, this may be difficult in the short term. For example, at the Justice Committee round-table session on integration, BTP Federation representative Nigel Goodband stated that officers at a certain length of service were likely to leave the organization.<sup>120</sup>

4.1.8 **Promotion and development opportunities**

A key argument for integration is that BTP officers and staff will be able to take advantage of development opportunities within Police Scotland. This aspect of integration appears to be underexplored. For example, it would be helpful to establish whether there is a desire amongst D Division officers to work within territorial policing, and how the potential loss of skills and expertise to railway policing would be mitigated.

4.1.9 **Terms and conditions**

As employees, BTP police officers have employment rights in relation to redundancy and resettlement. Also if they have been employed under a contract that guarantees travel rights, these have to be preserved. By contrast, as Crown Servants, territorial police officers can be moved anywhere and work to a nationally set pay/reward framework. The BTP 2015 Options paper states that 'the complexity of integrating two police forces that are governed by different funding mechanisms and whose staff have different terms and conditions, pension rights and other contractual provisions would be considerable.'<sup>121</sup> More recently, the BTP submission to the Justice Committee states that terms and conditions should be addressed as a matter of urgency:

It remains unclear what mechanism will be applied for BTP officers and staff required to transfer to Police Scotland. BTP officers and staff are contracted employees, not Crown Servants, and have complex and long-standing terms and conditions which would need to be considered fully. Contractual rights relating to statutory redundancy or relocation arrangements exist for police officers, which could possibly result associated costs if individuals elect to transfer to posts in England and Wales. In addition some officers and staff hold legacy travel entitlements that pre-date the privatisation of the railways.

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<sup>119</sup> SP Corporate Body (2016) Railways Policing (Scotland) Bill Financial Memorandum SP Bill 2-FM

<sup>120</sup> Scottish Parliament Official Report Justice Committee 1 November 2016 (col. 20-21).

<sup>121</sup> BTP/BTPA Options for the devolution of transport policing in Scotland (updated 16 April 2015) (para. 2.3.1)

It would be helpful if the Scottish Government was able to provide early clarity on a) the intended design of the workforce transfer process, and b) how it intends to address protected terms and conditions of employment. Ideally, clarity will be provided as a matter of urgency to help BTP manage staff expectations and apprehensions. Once the 'transfer package' is articulated more clearly, accurate staff planning projections will be possible in preparation for any handover.

- 4.1.10 The BTP Federation states that it is 'unaware of any legal mechanism to transfer employee status to that of Crown Servants' and that 'officers from BTP who wish to continue employment in BTP Scotland could find a strong argument for a claim of redundancy'. The Federation also note 'other protections and privileges currently afforded to all BTP officers, including the free travel provision for officers and their families, which alone has an estimated value of approximately £20,000 per officer.'<sup>122</sup>
- 4.1.11 Both the Railway Bill Policy Memorandum and a letter from the Justice Secretary to the BTP Federation provide reassurances on terms and conditions, but not guarantees.<sup>123 124</sup> The Police Scotland submission to the Justice Committee is less reassuring:

Currently BTP Officers have a number of terms prescribed by regulation and a number of terms and conditions in respect to their employment status. As they move to be Crown Servants there will have to be provisions made in regulation in respect to their entitlements. Until such regulation is considered and agreed therefore it is not possible to fully outline the implications for transferring BTP Officers.

Any changes proposed under regulations to effect the transfer therefore may result in variations from their current provision and it cannot be determined as to whether they will advantage or disadvantage an Officer. Further, it is unclear as to what measures may or may not be legislated for in respect to preservation of the current provisions in order to mitigate any impacts that could be experienced. For example a current concern is the potential loss of entitlement in respect to free rail travel, this will have to be considered as part of the transfer to look at what arrangements, if any, can be agreed in respect to preservation of the status quo.

#### 4.1.12 **Staff morale**

Comparable data on staff morale in the BTP and Police Scotland is not available, although morale was flagged as a major concern in the 2015 Police Scotland staff survey.<sup>125</sup> Data published by BTP on days lost to sickness (which as a measure of

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<sup>122</sup> BTP Federation (30 January 2017) [Railway Policing \(Scotland\) Bill Written submission from the BTP Federation](#)

<sup>123</sup> SP Corporate Body (2016) [Railway Policing \(Scotland\) Bill Policy Memorandum](#) SP Bill 2-PM (paras. 62-63)

<sup>124</sup> [Open letter from the Cabinet Secretary for Justice](#) (1 December 2016)

<sup>125</sup> BBC (2 October 2016) [A third of Police Scotland staff 'plan to leave'](#)



wellbeing, might be read as a proxy indicator for morale) states that BTP has one of the lowest rates amongst forces in England and Wales.<sup>126</sup>

4.1.13 Integration will principally impact upon BTP officers. Employee morale in D Division will be affected by how integration is managed and the level of uncertainty involved. The transition from a comparatively low-profile specialist force, to a high-profile national force may also affect morale (unlike railway policing, Scottish policing is subject to regular media and political scrutiny). It seems reasonable to suggest that these reputational concerns will influence how D Division officers view integration.

## 4.2. Questions: workforce and HR

- a. What is the current structure of D Division, in terms of rank and length of service?
- b. What specialisms are undertaken by D Division officers (e.g. mental health)?
- c. What roles are undertaken by D Division staff? Where will D Division staff be located?
- d. When are terms and conditions likely to be agreed?
- e. Is there a precedent for moving from employee to Crown Servant status?
- f. What are the most likely options for more experienced officers: transfer to Police Scotland, take early retirement, or transfer to the remaining BTP?
- g. Will a loss of experienced/specialist officers adversely affect the integration process?
- h. What plans are in place for dealing with a short-term loss of experienced officers?
- i. If there is a shortfall, does the Scottish Government anticipate using Approved Contractor Status companies to plug gaps?
- j. What contingency plans are in place for a potential loss of BTP officers post-integration?
- k. If there is a loss of expertise, if only in the short-term, what are the implications for railway policing, for example, in terms of public safety and response times?
- l. What plans are in place for strategic command, above the rank of Divisional Commander? Will Chief Officers within Police Scotland be upskilled?
- m. Following integration, the Chief Constable of Police Scotland will assume responsibility for railway policing. How will this responsibility be managed? What additional specialist skills, resources and expertise will be required? What are the cost implications?
- n. Has any other BTP Chief Constable taken office without prior experience of railway policing? If so, what were the main challenges?
- o. Might opening up new routes for officer development within Police Scotland result in a loss of railway policing expertise?

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<sup>126</sup> BTPA (2016) British Transport Police Fund Annual Report and Accounts (p.14)

## 5. Governance and accountability

- 5.1.1 BTP is governed by British Transport Police Authority, a Cross-Border Public Authority (CBPA), established by the Railways and Transport Safety Act 2003. The Authority sets the railway policing priorities, and is responsible for the development of annual plans and longer terms policing strategies. The board has fifteen places (currently thirteen members),<sup>127</sup> appointed by the Secretary of State. Members are required to have knowledge of a range of views from the rail industry, railway staff and rail passengers, including experience of Scotland and Wales.
- 5.1.2 The Authority has six Sub-Committees (Audit and Risk Assurance; Appointments and Remuneration; Performance Review; Finance; Policing Plan; People and Standards) and an Executive Team of twelve. The Scottish Government contributes around £176k per annum towards the BTPA.<sup>128</sup>
- 5.1.3 Direct accountability for railway policing is listed as the first benefit of integration.<sup>129</sup> Some responses to the Scottish Government consultation on integration identified advantages in transferring governance to Scotland, specifically greater transparency in relation to accountability (with the SPA perceived as more accessible than the BTPA) and more meaningful local scrutiny and accountability.<sup>130</sup>
- 5.1.4 Following integration, the governance of railway policing in Scotland will pass to the SPA, who will be required to negotiate with rail operators on:
- Priorities and objectives for policing the railways and railway property in Scotland;
  - Arrangements to meet the priorities and objectives;
  - How Police Scotland and the SPA will be assessed on the priorities and objectives
  - The estimated cost of these arrangements.
- 5.1.5 The Bill also places a duty on the SPA ‘to take such steps as it considers appropriate to obtain the views of a range of interests on the policing of the railways and railway property’. At a local level, the remit of local authority Scrutiny and Engagement Committees will potentially include the scrutiny of the policing of the rail infrastructure within their area.<sup>131</sup>

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<sup>127</sup> BTPA [The Full Authority](#) (accessed 6 March 2017)

<sup>128</sup> [BTP/BTPA Options for the devolution of transport policing in Scotland](#) para. 1.5.1 (16 April 2015)

<sup>129</sup> SP Corporate Body (2016) [Railway Policing \(Scotland\) Bill Policy Memorandum](#) SP Bill 2–PM (p.2)

<sup>130</sup> Nicholson, L. (2016) [Consultation on the Integration of the British Transport Police in Scotland into Police Scotland: An Analysis of Responses](#) (para. 1.10)

<sup>131</sup> Fyfe, N. (31 October 2016) [Justice Committee The Future of British Transport Police in Scotland Written submission from the Scottish Institute for Policing Research](#)

- 5.1.6 Commenting on post-integration governance, BTPA state that railway policing is both a transport matter and a policing matter, and that a decision will have to be made as to how executive responsibility is discharged by Scottish Ministers. Also, at the Authority level, a decision will be required as to how a governing body can be made competent to oversee railways policing whilst maintaining legitimacy.<sup>132</sup>
- 5.1.7 Note also that the Scotrail submission to the Justice Committee states calls for a dedicated Board, rather than the general SPA Board:
- ...the railway policing strategy, police service agreements, detailed policing plans, priorities, funding and resource decisions of the specialist railway policing function must be presented to, reviewed by and approved by a specialised Board (with accountability for railway policing only) that is made up of the railway industry parties and that are appointed by Scottish Ministers
- 5.1.8 The SPA is a relatively new organization that has experienced difficulties in relation to governance and financial leadership. For example, the Justice Sub-Committee on Policing has highlighted weak governance<sup>133</sup>, whilst respective Audit Scotland reports have identified inaccurate recording and weak financial leadership.<sup>134</sup> Against this background, the Scottish Government will need to ensure that the SPA has the capacity and capability (in terms of relevant skills and expertise) to take on a major new area of responsibility, involving cross-border cooperation, with significant implications for public safety. This raises a number of key questions, as suggested below.

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<sup>132</sup> BTPA (17 April 2015) Written Evidence to the Public Audit Committee Further Devolution of Powers – Audit and Accountability Arrangements Submission by the British Transport Police Authority (BTPA)

<sup>133</sup> Justice Sub-Committee on Policing (2016) Legacy Paper SP Paper 970

<sup>134</sup> Audit Scotland (22 December 2016) Weak financial leadership continues in Scotland's police bodies

### 4.3. Questions: Governance and accountability

- a. What skills and competencies are required for effective governance of railway policing?
- b. How will the SPA manage the workload and responsibilities associated with governance and accountability?
- c. Do the SPA's difficulties around financial management present a risk to the effective governance of railway policing in Scotland?
- d. Does the record of the SPA more broadly present a risk to the effective governance of and accountability for railway policing?
- e. Could integration result in a lack of expertise in terms of governance and accountability?
- f. Will all current SPA board members be expected to take decisions on railway policing matters: if so, will additional training be required?
- g. Will new board members with specialist interests be recruited? How many? The BTPA board currently has ten members. Can a smaller number of board members in Scotland provide governance and strategic direction to the same standard?
- h. How will railway policing strategies and plans be developed? Will these be developed in collaboration with existing and future BTP strategies? If not, will this lead to a disjointed approach on either side of the border?
- i. Will BTPA staff roles be duplicated within the SPA?<sup>135</sup> If so, which ones?
- j. Railway policing will no longer have a Chief Constable with a dedicated remit and experience of railway policing: will this weaken accountability for railway policing Scotland?
- k. How will the Chief Constable of Police Scotland ensure that railway policing priorities are met, together with those of territorial policing? How will these competing demands be managed without direct experience of the former?
- l. Can a geographic model strengthen accountability for railway policing in Scotland? If so, can this be more clearly articulated?

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<sup>135</sup> BTPA staff positions include: Chief Executive, Finance Director and around seven junior posts including Finance and Legal Manager, Business Manager, Communications Officer, Performance Analyst and Performance Manger (2013 data)