

Justice Committee

Railway Policing (Scotland) Bill

Written submission from Scotrail

I am writing on behalf of Scotrail and would like to thank you for the opportunity to provide views on the Railway Policing (Scotland) Bill.

Scotrail, as the largest Rail Operator in Scotland have a keen interest in ensuring the devolvement of transport Policing in Scotland takes place without any detriment to the high level of service that is currently provided by the BTP in Scotland in supporting the safe, secure and reliable operation of the rail network.

The specialist role undertaken by BTP supports some key areas including:

- Passenger & Staff safety.
- Minimising disruption of crime on the network such as metal theft and trespass.
- Counter terrorism and threat assessment including bomb threat.
- Responding to and investigating suicides and fatalities on the railway.

As well as having a key role in maintaining safety and providing public reassurance the specialised service brings significant benefits to the industry and the travelling public. In particular the BTP's industry knowledge and approach focussed on the needs of the industry and the travelling public reduces the potential disruptive impact and financial costs associated with dealing with several types of incident. Including, but not limited to, bomb threats and the handling of a suicide or fatality on the rail network.

Railway Policing is a specialist function which requires dedicated resources to maintain knowledge and skill of specific procedures required for accessing the railway and dealing with railway specific incidents.

Railway Policing has a key role to play in the performance and safety of the rail network which is underlined by the department for transport currently being responsible for railway policing.

Understanding the potential impact of incidents and crimes on the railway leads to different priorities in relation to some specific categories of crime and incidents than would be taken by territorial policing. The BTP, by maintaining strong links with the industry are currently successful in deterring, detecting and responding to crimes such as metal theft and trespass and minimising the impact of these on the rail network.

The management of fatality incidents is another example of the different priorities of the BTP. A case study of a fatality at Carlisle station in Sept 2015 provides a demonstration of this. Whilst BTP had been able to identify the incident as a non-suspicious suicide through their interview with driver and investigation within 73 minutes of the incident occurring, the railway remained closed for a further 107 minutes, as Police Scotland wished to treat the incident as a scene of crime. This

incident led to disruption to the UK rail network resulting in 760 delay minutes and an industry cost of approximately £160,000.

Experience from the Dutch railway industry has also shown that the withdrawal of a dedicated railway police service and integration with the national police force can lead to a loss of specialism over time.

In order to achieve an effective, efficient and customer centric service, we believe that the following main principles are important:

1. That 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.
2. That the specialist railway policing function is led by an officer of the appropriate seniority and that this officer will lead all the aspects of the function and represent the function with the above mentioned Board;
3. That the funding for railway policing continue through existing funding arrangements to the railway industry and that the Board ensures that those funds are applied appropriately and in the best interests of passengers;
4. That the structure, organisation and culture of the specialist railway policing function continue to be developed and improved to deliver better railway policing solutions for Scotland, including improvement opportunities possible from localisation of the existing service and also from collaboration with the wider Police Scotland organisation.

In response to the specific questions posed in the call for views:

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

It is important to ensure that BTP in Scotland remain accountable to the industry and public for performance, continuing to prioritise in the interests of protecting the safety and performance of the rail industry for the benefit of the wider economy.

In order to maintain the specialist knowledge and skills the BTP in Scotland should remain a dedicated, ring fenced unit.

Strong links need to be maintained with the BTP in the rest of the UK to support cross border activities as well as maintaining an involvement in initiatives being undertaken by the wider UK rail industry to tackle issues of common interest.

It is our opinion that the railway policing strategy, 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;

We also believe that the specialist railway policing function should be led by an officer of the appropriate seniority and that this officer will lead all the aspects of the function and represent the function with the above mentioned Board.

Careful consideration is required to ensure that the counter terrorism responsibilities of BTP in Scotland are maintained and developed to ensure capability remains to deal with this threat.

By maintaining ring fenced unit of dedicated resource for railway policing in Scotland the specialism can be maintained providing the training capability continues to be maintained. Training capability within Scotland on Railway specific specialism will require strengthening or delivered by continuing links with BTP in wider UK.

It is important that the current role in the area of counter terrorism is maintained and developed. For example the specialism of the BTP to assess unattended items and bomb threats to ensure the railway is not brought to a standstill when the threat can rapidly be assessed as non-suspicious. It is important that the BTP can continue to be effective in risk based policing approach to ensure an appropriate response to threats on the railway network.

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

With two separate organisations responsible for policing of the railways North and South of the border there is a risk of issues arising in cross border operations such as lack of clarity in responsibility for a crime committed close to the border or confusion on who to contact for assistance and by what means. It is crucial that the detail on cross border arrangements is reviewed between Police Scotland and BTP involving the railway industry prior to any change in responsibility to ensure that any such risks have been appropriately mitigated.

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

It is important to ensure that BTP in Scotland remain accountable to the industry and public for performance, continuing to prioritise in the interests of protecting the safety and performance of the rail industry for the benefit of the wider economy.

Strong links need to be maintained with BTP in the rest of the UK to support cross border activities as well as maintaining an involvement in initiatives being undertaken by the wider UK rail industry to tackle issues of common interest.

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

The risk exists that officers tasked with railway policing in Scotland are abstracted to support wider operational roles within Police Scotland. We believe that the specialist railway policing function should be led by an officer of the appropriate seniority and that this officer will lead all the aspects of the function and that railway policing in

Scotland should remain a dedicated, ring fenced unit. The Railway Policing Management Forum should monitor performance indicators relating to abstraction to ensure that abstraction is not taking place on a regular basis to the detriment of the performance of the railway and the travelling public. A review of how the command structure will operate for Railway Policing related matters is also important to ensure that decisions being made regarding Railway matters are being made by personnel who understand the potential impact of decisions on the railway network and the travelling public.

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

Railway policing strategy, 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.

As railway policing is funded by the railway industry the industry should be involved in agreeing the resources and priorities to address the challenges being faced by the industry.

Regular review and updates with the railway policing agreement holders should take place through the year to ensure priorities are being delivered and consider if any adjustments are required to the plans and resources.

Consideration should be given to the organisations who are the majority funders of Railway Policing

David Lister
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