

Justice Committee

Railway Policing (Scotland) Bill

Written submission from Jim Summers

I note the range of issues where the committee wishes to hear views, but it might be helpful if I first state my qualifications for expressing an opinion.

Now retired, I have had 50 years experience of the railway industry both in management and latterly as a consultant. In the former role, I was responsible for the day-to-day operation of the passenger and freight trains, signalling, stations, and timetables for the whole of Scotland on behalf of British Rail. This also involved attending accidents and undertaking investigations. It may be worth reminding the committee that in those days Scotland was responsible for managing the Anglo-Scottish services across the border and participated much more fully than now in the overall business management of the entire East Coast and West Coast Routes. I subsequently worked on railways in Asia and Australia, among others, and for eight years worked with the railways in the Republic of Ireland. In some of these, including Ireland, there was no separate Transport Police. However in the UK we had the British Transport Police (BTP), and in my 30 years with British Railways my jobs often meant working closely with BTP them in matters such as crowd control, accident management and investigation, and care for customers. I had regular, diaries meetings with the Asst. Chief Constable for Scotland, and in earlier jobs in my career I took care to ensure that I had weekly informal, invaluable cups of tea with the local BT police. All was much easier than in countries without such a force.

Therefore, while some this submission may seem on occasion anecdotal, it is based on experience with the BTP in action, and is intended to put flesh on the concepts.

The committee wants specifically to hear views on:

1) The anticipated impact of the move on skills retention

This is the crucial question, in my view: how much of the baby is going to be thrown out with the bathwater?

If integration is to take place, then it will inevitably mean a blurring of civil and railway police boundaries. Why else is integration envisaged? However, this risks having an impact on skills retention, in the form of a devaluing of the specialist skills. Unfortunately, I will need to dwell at some length on this.

Much is made of the specific training and certification which enables the BTP to move responsibly about the railway and, above all, safely. Unfortunately, this may come across to the layman – perhaps even to the present Police Scotland and Scottish ministers – as overblown special pleading, and thus might be dismissed too lightly by uncomprehending critics as almost a restrictive practice.

This is a mistake – there is indeed a special dimension, which should not be underestimated. To put this into context, I have personally required to order a civil

police officer off a railway line – where he was walking in the centre of the rails with his back to the traffic in darkness, despite the line having been given back for normal traffic. He was, regrettably, less grateful than he should have been. I recall too an incident (albeit many years ago) of a police officer electrocuting himself in the pursuit of thieves. Nowadays access to the track is enshrined in ORR legislation, and complicated rules and regulations have developed. This is not seriously challenged by anyone in the railway industry who has seen the results (as I have several times) of people hit by trains. I have also experience of a civil police officer instructing a train Driver, whose train had struck and dismembered a body, to carry on driving his passenger train, an instruction quite outside his professional competence.

This is part of the background, against which the committee wonders about the impact on skills retention. My concern is that a merger will result in budget cuts and that the easy target will be what I might term as the “specialised, misunderstood minority” of the former BTP. Skills can not/will not be retained in such a scenario.

It might be argued that the remainder of Police Scotland could be trained up in the competences of track access etc., but this will cost a lot of money for a lot of people who will, in reality, not make regular use of it and thus not be confident or safe when it is needed. I do not think this is hypothetical. Even if money is ring-fenced for these skills, it will not be well spent if these are not part of day-to-day life of officers so that they retain competence.

Indeed, if I read properly Section 20A of the Bill, “Constables: power to enter railway property”, constables will be empowered to put themselves in positions of danger about the railway, as no obligation is specified as to awareness, training and competence. One could infer that the HSAWA will be breached by the employer.

A further skill, which the committee should not underestimate, is simply the familiarity with the internal workings, locations and technicalities of the railway industry, and with who is who and how far their writ runs. This has become hugely complicated since privatisation, which I don't intend to elaborate here, but I assure you that inside knowledge is immensely valuable.

Finally, the committee will be aware of the enormous delays which police activity imposes on train services far and wide in the event of a fatality on the line. To a degree, some delay is inevitable, and some events may not be straightforward, but the BTP has steadily worked to reduce the average delay and done so with some success. All experienced railway staff pray that it will be the BTP who are first on the scene rather than a civil force. Equally, it is true in my experience that a civil officer first on the scene is always mentally relieved when BTP turn up, and can take the weight and the unknown off his shoulders.

In short, if skills are not retained or transferred, passengers, traders and the government will have to factor in a reduction in railway punctuality. The operators will have to factor in increased financial claims. These too will ultimately land with the Scottish Government. Very considerable work will have to be done within the new Police Scotland to deal with this aspect. With determination, it might possibly be turned to advantage. But is there the recognition, understanding, money, and indeed the will truly to do so?

It will be countered that the railway police are to be a special (protected?) section within Police Scotland, but the consultation makes clear that it will in fact be put under one of the existing Police Scotland sections. This appears contradictory and threatens the retention of skills. The Justice Committee may therefore wish to explore my arguments and establish what ring-fencing and how safeguards will truly exist.

2) Cross-border security arrangements

Practical people will undoubtedly make the best of this – until a jobsworth comes along. But we will need to know much more about compatibility and access between Police Scotland and BTP computers, radio systems, and the Network Rail systems. The consultation documents so far have been blandly reassuring, and seem superficial.

It is important that the committee is clear on the meaning of security. National security in the face of terrorism is one thing, but personal security for passengers is another. How will public order be maintained on a train of unruly passengers which is running non-stop from Newcastle to Edinburgh, or Preston to Glasgow? How will peaceful cross-border trains be routinely cared for as a matter of quality control? How will these cases be prioritised in future? There is a risk that the cross-border train operators, both passenger and freight – all of whom are all based in England – will be reluctant to finance Police Scotland. After all, if they will continue to finance BTP south of the border, they might reasonably expect English officers to operate on their trains in Scotland.

3) Passenger safety and confidence

This is very important and increasing in importance. I travel the length and breadth of the country regularly by rail, and am invariably impressed by the visible presence and demeanour of the BTP officers. They know the railway and are always being approached by customers for information and guidance – not strictly part of the job, but surely a perfect example of a harmonious relationship between police and community. The other day, from the balcony café at King's Cross, I watched two (armed) BT police officers being approached by an endless succession of passengers, seeking or giving information, and the positive body-language and responses from both parties looked very reassuring to me.

Is not this the relationship we want with the police? I have seen railway and other locations where the BTP had been replaced by security organisations at public locations. The deterioration is palpable.

A penetrating remark in this matter of passenger safety and confidence was made to me recently and seems profoundly relevant. A friend observed that the only bobbies he saw on the beat nowadays were those on the railway, and he opined that once Police Scotland gets in charge, that will be the end the era of the bobby on the beat. This is a fundamental point in passenger safety and confidence: will the different practices and culture of Police Scotland have a deleterious impact on the proposed railway branch?

The BTP has developed great expertise in dealing with people with problems, and in particular their pioneering work with runaways, is notable. In this matter, about which I feel most strongly, the committee should be aware of the work of the well-respected Railway Children charity and BTP on Safeguarding on Transport (please see www.railwaychildren.org.uk/ST). This was to be rolled out across the UK, so a specific question then is: will Police Scotland adopt and continue this work, or not? In asking it, one might usefully bear in mind how many of the runaways arriving in London are from Scotland. It is significant.

4) Relationships with rail operators

Since it is not just ScotRail which runs passenger services in Scotland and the biggest Scottish stations, I would suggest that the committee should seek evidence from the six (soon to be seven!) cross-border passenger companies, in order to verify for itself that their views are jointly coherent and practical. Similarly, views of the cross-border freight companies should be clarified. All of these will have moving – and fixed – assets in Scotland. Criminals will be quick to exploit differing interfaces.

5) How the role or terms and conditions of BTP officers could be affected

My view on the role can be construed from the above, but I consider it apposite to mention here that the most senior Police Officer in BTP Scotland, who came from Strathclyde Police, told me once: “If you enjoy chases and flashing blue lights, then join the civil police, but if your interest is people and community, join the BTP”.

I am not qualified to discuss detailed terms and conditions; however, experience leads one to be cynical of political promises, as few tend to survive when they encounter accountants and the budgeting process. So I am suspicious that a pecking order in Police Scotland will *de facto* be established, to the detriment of the railway industry and its public, as well as to the officers themselves. The committee will, I hope, probe this and find watertight solutions.

Finally, I would stress that I compiled the foregoing observations before reading the written submission from the BTP to the Justice Committee. Having now done so, I find myself impressed by their facts and in agreement with the issues they highlight. I venture to hope that my recollections, experiences and observations serve to illustrate these issues for the Justice Committee.

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28 January 2017