

Scotland Bill

British Transport Police Federation

1. Executive Summary

1.1 This submission will solely address the Smith Commission recommendation to devolve the 'functions of the British Transport Police to Police Scotland'. The British Transport Police Federation is very concerned about this recommendation, as it seems to us that the costs, complications and consequences of such a move have not been properly explored.

1.2 We understand that the purpose of the Devolution (Further Powers) Committee is to assess if the Bill fulfils the commitments of the Smith Commission, rather than attempt to mitigate the recommendations. However, part of the Committee's given purpose is to assess if any 'improvements are still required'.

1.3 We are compelled to address the motivation, practicalities and purpose of Recommendation 67 when the majority of stakeholders consider that subsuming the BTP in Scotland into Police Scotland will be detrimental, and compromise the service to the travelling public.

1.4 We believe that there are ways to preserve the national coverage of the BTP, with minimal impact on all parties. There are potential consequences which need to be thoroughly explored in order to implement them effectively, and to deliver a lasting joined-up nation-wide transport police service which stands scrutiny, and the test of time. Given the huge costs involved, we must get it right first time, and ensure that the public is not left with an ineffective and expensive mess in place of the efficient, world-class service currently provided by the British Transport Police.

2. British Transport Police in Scotland - Overview

2.1 The Scottish rail network has around 1,800 miles of track (25% of which is electrified) and over 350 stations. Over 83 million passenger journeys are made in Scotland each year. This equates to over 227,000 passenger journeys per day. If these passenger numbers were converted into a city, current proposals on the devolution of BTP in Scotland to Police Scotland would therefore leave the equivalent of half the population of Edinburgh without a police force.

2.2 Over 95% of rail travel in Scotland is within Scotland (freight and passenger). Over 75% (around 63 million) of passenger travel remains within Scotland. Therefore, around 20 million passenger journeys per year are cross border journeys. The sheer scale of potential jurisdictional issues is obvious,

2.3 Police Scotland was established on 1 April 2013 taking on the functions of the 8 police forces and the Scottish Crime and Drug Enforcement Agency.

2.4 When the Scottish National Party (SNP) came to power in 2007, it pledged to increase police strength by 1,000 officers to 17,234 officers. If these numbers were not maintained the Scottish Police Authority would receive a financial penalty. Police Scotland's numbers are currently around 17,260.

2.5 The BTP in Scotland has approximately 230 police officers and 50 civilian police staff. Reducing the number of BTP officers on the rail network by 100% and redeploying them to police Scotland's streets would increase visibility on Scotland's streets by less than 1.5%.

2.6 If the motivation for subsuming BTP in Scotland into Police Scotland is to shore up their numbers to avoid financial penalties, the result would merely be a sticking plaster, and the short term political expediency would quickly leave the travelling public vulnerable, and the rail network and security seriously compromised.

3. Overview of past reviews and reports into the BTP

3.1 In 2001, the government response to the DfT consultation which led to the BTPA's creation ("Modernising the British Transport Police") stated that: "The Government therefore considers that 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."

3.2 In 2003, HMIC reviewed the Force and found good relationships with the industry and historical support from the industry and the Government. It concluded that:

". . . the enforced amalgamation/merger of the whole or part of the British Transport Police with one or all Home Office Police 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."

3.3 The Transport Select Committee in 2004, looked at the reforms to the BTPs governance arrangements, including the creation of the BTPA, as proposed by government. It concluded that:

"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 . . ."

3.4 They continued:

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

3.5 The government's response to the Committee's Report stated that:

"The Government agrees with the Committee that 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. The White Paper re-iterates the Government's support for the BTP continuing as a specialist police force with a key role to play in maintaining safety and security on the railway."

3.6 And also:

"The Government fully agrees with the Committee that the BTP has a key role to play in maintaining safety and security on the railway. The specialist skills that the Force has established in areas like incident management, counter-terrorism and policing travelling football supporters provide real benefit to the railway industry and the travelling public. The BTP perform their duties whilst recognising the commercial environment that they work in. The Force also has a well-regarded approach to risk management, highlighted by its established bomb-threat categorisation. As the White Paper makes clear, the Government supports the BTP continuing in its role as a specialised rail police force."

3.7 More recently, Speaking at the BTP Federation's conference in York on 5th March 2014, Minister of State for Transport, Baroness Susan Kramer stated;

"As you know there will be a referendum taking place in Scotland later this year, and the possible break-up of the BTP is one of the important and far reaching implications for the welfare of our citizens. We believe Scotland benefits from national networks that are unconstrained by international borders.

3.8 A single unified country preserves key national institutions that we all too easily take for granted. Institutions like the British Transport Police and the Maritime and Coastguard Agency, who have served the people of our whole country well for many years. Put simply, we are better together."

4. British Transport Police – Options for devolution

4.1 The BTP's 2013-19 Strategic Plan has ambitious objectives to reduce crime on the railway by 20%, reduce disruption by 20% and increase passenger, staff and stakeholder confidence by 10%.

4.2 The British Transport Police (BTP), in partnership with the former eight Scottish forces, Association of Chief Police Officers Scotland (ACPOS) and railway operators in Scotland, has reduced crime on the Scottish railway network by 56% since 2005 (compared to a reduction in crime of 38% across Scotland nationally).

4.3 The BTP has created specialist teams with responsibility for the management of multi-agency support for local and national suicide prevention, mental health interventions and vulnerable persons encounters. An ongoing force-wide operation (Operation Avert) has so far achieved a 30% reduction in suicide attempts compared to the same period the year before.

4.4 A working group set up by the BTP looked at options available to the Scottish Government post devolution.

4.5 Devolution of our officers in Scotland will obviously have a considerable effect on the Force nationally, but it is the extent of change that will determine the best outcome for the service and the public.

4.6 The three options as we see them are:

Option 1: This would entail breaking up the BTP and absorbing its Scottish operations into Police Scotland. This option would have significant implications for the workforce, both in terms of employment and pension arrangements, as well as

the financial and legal liabilities which transfers might generate. This option would also reduce police on the railway network and undoubtedly lead to a dilution of the service we provide to the public.

Option 2 consists of a number of legislative and administrative measures designed to devolve transport policing within Scotland. It embodies in statute the arrangements by which the Scottish Government may give direction to the BTPA, and ultimately specify the direction of railways policing in Scotland. Essentially, the model provides that the Chief Constable of BTP will engage with the Scottish institutions in much the same way as his counterpart in Police Scotland.

Responsibility for pensions, employment contracts and defraying the costs of policing to the rail industry would remain with the BTPA, but the Scottish Police Authority would have a greater involvement at strategic and planning level. This model would also see a renewed image and identity for BTP in Scotland, which would be known as Transport Police Scotland.

Option 3 would achieve devolution through administrative means, rather than legislative means. It would maintain the responsibility on the BTPA to pass on the cost of the Force to the rail industry, as well as over employment matters and pensions.

4.10 This model looks at practical ways to increase BTP's accountability to Scottish institutions and how to achieve greater alignment with Police Scotland on initiatives to keep the Scottish public safe. It also considers what role the Scottish Police Authority could play in new, joined-up arrangements for scrutiny and performance monitoring. Like option 2, it recommends a change of branding for BTP in Scotland, with a renewed Scottish identity.

4.11 Whilst we can see the benefits to our members of options 2 and 3, in a post devolution Scotland, option 1 is insupportable for the BTP and will seriously detract from the celebrated and highly effective service we currently enjoy. Options 2 and 3 will largely preserve the capability, coverage and resilience of BTP and are the only viable alternatives which this Federation can get behind.

4.12 It will mean that the Scottish Government and the Scottish Police Authority have a greater input into BTP functions or greater oversight of what we do on a day to day basis. At the same time, this will surely meet the nationalist agenda for devolution, without comprising the integrity of our national coverage.

5. Conclusion

5.1 The current British Transport Police is highly efficient and effective, with specialised skills, knowledge and understanding of policing in a unique environment. We continue to go from strength to strength, reducing crime and meeting targets year on year.

5.2 The BTP is universally supported and endorsed by all stakeholders, including the train operating companies, trade unions, elected representatives, successive Ministers, and the travelling public.

5.3 The costs involved in devolving BTP functions entirely to Police Scotland will be enormous. Severance, redundancy issues and differences in pensions will push costs even higher.

5.4 Problems will be compounded by the fact that we have different departmental oversight. Combined with the differences between the BTP and Police Scotland on pay, contracted conditions, pensions – and even free or reduced rate rail travel.

5.5 The motivation for the devolution of BTP in Scotland into Police Scotland is questionable, the process is complicated, the cost is prohibitive, and the outcome is uncertain. We urge the Committee to advocate Options 2 or 3 as outlined above, and preserve as far as possible the excellent British Transport Police Service currently enjoyed by the public throughout Scotland and the rest of the UK.