

The Integration of the British Transport Police in Scotland into Police Scotland

A Consultation



June 2016

MINISTERIAL FOREWORD

Scotland's railways are a vital component of Scotland's national infrastructure, and the British Transport Police provides a specialist railway policing function which is highly valued by the Scottish Government, the rail industry, railways staff and rail passengers.

In November 2014 the Smith Commission published its report detailing Heads of Agreement on further devolution of powers to the Scottish Parliament and said that: "*The functions of the British Transport Police in Scotland will be a devolved matter*".

The UK Parliament has since passed the Scotland Act 2016, which included provisions to transfer legislative competence, and enable the transfer of executive competence, over the policing of railways and railway property in Scotland to the Scottish Parliament. This provides the legislative powers required to implement our stated aim of integrating railway policing into Scotland's wider policing landscape as a valued and vital element of Police Scotland.

Police Scotland has indicated that its intention would be to maintain a specialist railway policing function within the broader Police Scotland structure. This would ensure a railway policing function within Police Scotland that: is accountable, through the Chief Constable and the Scottish Police Authority, to the people of Scotland; builds on the skills, knowledge and experience of the British Transport Police; and enhances railway policing in Scotland through direct access to the local, specialist and national resources of Police Scotland.

This consultation paper sets out proposed arrangements to integrate the British Transport Police in Scotland into Police Scotland. It invites views on how all those responsible can: ensure a smooth transition towards integration; ensure railway policing in Scotland is subject to appropriate oversight by the Scottish Parliament; and maintain railway policing as a specialism.

We hope that you will submit views on our proposals and we look forward to receiving them.



**MICHAEL MATHESON MSP
CABINET SECRETARY
FOR JUSTICE**



**HUMZA YOUSAF MSP
MINISTER FOR TRANSPORT
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Responding to this Consultation

We are inviting responses to this consultation **by Wednesday 24 August 2016**.

Please respond to this consultation using the Scottish Government's consultation platform, Citizen Space. You view and respond to this consultation online at <https://consult.scotland.gov.uk/> . You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date of Wednesday 24 August 2016.

If you are unable to respond online, please complete the Respondent Information Form (see "Handling your Response" below) to:

Safer Communities Directorate
Scottish Government
Police Division
Room 1WR
St Andrews House
Regent Road,
Edinburgh, EH1 3DG

Handling your response

If you respond using Citizen Space (<http://consult.scotland.gov.uk/>), you will be directed to the Respondent Information Form. Please indicate how you wish your response to be handled and, in particular, whether you are happy for your response to be published.

If you are unable to respond via Citizen Space, please complete and return the Respondent Information Form attached included in this document. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

Next steps in the process

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public at http://consult.scotland.gov.uk . If you use Citizen Space to respond, you will receive a copy of your response via email.

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses will be published where we have been given permission to do so.

Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them to John Craig on 01312443988 or by email: btpprogramme@gov.scot

Scottish Government consultation process

Consultation is an essential part of the policy-making process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work.

You can find all our consultations online: <http://consult.scotland.gov.uk> . Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.

Consultations may involve seeking views in a number of different ways, such as public meetings, focus groups, or other online methods such as Dialogue (<http://ideas.scotland.gov.uk>)

Responses will be analysed and used as part of the decision making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.



CONSULTATION ON THE INTEGRATION OF THE BRITISH TRANSPORT POLICE IN SCOTLAND INTO POLICE SCOTLAND

INTRODUCTION

Background

1. The Scotland Act 2016 confers upon the Scottish Parliament powers over the policing of railways and railway property in Scotland. This gives effect to the recommendation of the Smith Commission, reached through cross-party agreement, that policing of railways and railway property in Scotland should be a devolved matter.
2. The British Transport Police (BTP) was established by the UK Government's Railways and Transport Safety Act 2003 to act as a railway police service across the UK, accountable to the BTP Chief Constable, the British Transport Police Authority (BTPA), and through them to the UK Parliament.
3. Scottish Ministers have clearly set out an intention to use the powers devolved in the Scotland Act 2016 to integrate the police officers and civilian staff of the BTP in Scotland into the Police Service of Scotland (Police Scotland). In doing so, our focus is on maintaining an effective railway policing service.
4. Police Scotland has indicated that its intention would be to maintain a specialist railway policing function within the broader Police Scotland structure. This would ensure a railway policing function that: is accountable, through the Chief Constable and the Scottish Police Authority (SPA), to the people of Scotland; builds on the skills, knowledge and experience of the BTP; and enhances railway policing in Scotland through direct access to the local, specialist and national resources of Police Scotland.
5. The focus of this consultation paper is to invite views from key stakeholders on the approach to integration of BTP in Scotland into Police Scotland, including governance and accountability arrangements. The consultation responses will inform our policy on how this can best be achieved, and the proposed legislative changes that will be presented for consideration by the Scottish Parliament. Some aspects of the change will also require legislation at Westminster.
6. In developing our plans, the Scottish Government will be actively engaging with relevant stakeholders including: the British Transport Police Authority (BTPA), the SPA, the BTP, Police Scotland, officer and staff associations and representatives, Network Rail, rail operators (passenger and freight), the railway industry, the UK Government Department for Transport, the Office for Rail and Road, the representative passenger body Transport Focus, and other stakeholders.

7. Members of the public are also welcome to respond to this consultation. We appreciate that some of the more technical questions in this consultation are aimed at key stakeholders, and that members of the public may have a particular interest in certain areas. We would encourage you to respond to any or all of those areas where you feel you have a contribution to make.

8. Police Scotland's purpose is to improve the safety and wellbeing of people, places and communities in Scotland. They seek to achieve this with integrity, fairness and respect, upholding fundamental human rights, to make sure that everyone they come into contact with can trust and support the service they provide.

9. The BTP polices Britain's railways, providing a service to rail operators, their staff and passengers across the country. It also polices the London Underground, Glasgow Subway and various other elements of the UK's rail transport infrastructure.

10. Six million people use the UK rail network every day, and the BTP vision is to work with industry partners and stakeholders to deliver a safe, secure, reliable and expanding transport system; its mission is to protect and serve the railway environment and its community, keeping levels of disruption, crime and the fear of crime as low as possible.

11. Scotland's railways form part of the UK-wide rail network, and the structure of the rail industry in Scotland is still largely governed by UK legislation. However, since 2006 Scottish Ministers have had powers to specify and fund rail services and infrastructure in Scotland¹ (this includes letting the contract for rail passenger services and funding the maintenance, renewal and investment activities delivered by Network Rail in Scotland). To maximise the economic and social benefits of Scotland's railways, the Scottish Government funds over £700 million in rail infrastructure and rail passenger services per annum.

12. With around 2,800 kilometres of track (25% of which is electrified) and 358 stations, the Scottish rail network includes heavily used commuter routes, as well as regional routes for both passenger and freight travel. Scotland also has many rural routes providing lifeline services to remote settlements and to tourism and visitor attractions, as well as the UK's largest metropolitan system outside London, covering the greater Glasgow area.

13. Around 93 million passenger journeys are made in Scotland each year and demand is growing. Significantly, about 91% of rail travel in Scotland is within Scotland (freight and passenger), but there are around 8 million passenger journeys and 2 million tonnes of freight using the two cross-border rail routes. Passenger satisfaction is high, 7% above the UK average, and passenger numbers have increased by over 45% since 2005/06.

¹ Under the *Railways Act 1993 (1993 c.43)* and *Railways Act 2005 (2005 c.14)* the Scottish Ministers have certain functions as franchising authority in relation to services provided under a Scottish franchise agreement. They are also responsible for funding and specifying the rail network, and for setting the long-term vision for rail in Scotland.

Further Devolution

14. On 27 November 2014 the Smith Commission published its report detailing Heads of Agreement on further devolution of powers to the Scottish Parliament; this included the statement at paragraph 67 that: “*The functions of the British Transport Police in Scotland will be a devolved matter*”.

15. On 28 May 2015, the UK Government published a Scotland Bill that included clauses to give effect to the Smith Commission recommendations. This was passed as the Scotland Act 2016 on 23 March 2016.

16. The Scotland Act 2016 transfers legislative competence in relation to the policing of railways and railway property in Scotland to the Scottish Parliament. That transfer of legislative competence gives the Scottish Parliament the ability to determine how – and by whom – those policing services will be delivered in the future.

17. The Scotland Act 2016 also designates the BTPA and senior officers (the Chief Constable, DCC and ACCs) as cross-border public authorities. This has two main effects. Firstly, it stipulates that the Secretary of State should consult Scottish Ministers before exercising certain functions in respect of the BTP or BTPA, including the appointment of senior officers or changes to its constitution. Secondly, it permits secondary legislation under the Scotland Act 1998 to be passed which may confer further executive competence on Scottish Ministers if this is necessary to enable transition; and permits such legislation to effect some of the transitional measures themselves (e.g. transfer of staff, assets and liabilities).

18. Primary legislation will be required in Scotland to integrate the functions of BTP in Scotland within Police Scotland. The timing of that will be subject to the normal process of agreeing the Scottish Government’s legislative programme.

CHAPTER 1

OVERVIEW

19. A specialist railway policing function within Police Scotland would ensure that railway policing in Scotland: is accountable, through the Chief Constable and the SPA, to the people of Scotland; builds on the skills, knowledge and experience of the British Transport Police; and enhances railway policing in Scotland through direct access to the local, specialist and national resources of Police Scotland. We have considered a number of factors regarding the integration of the BTP in Scotland into Police Scotland. These are set out below:

Service to the public

20. The BTP is accountable through the BTPA to the UK Parliament, while Police Scotland is accountable through the SPA to the Scottish Parliament and the Scottish people. The Scottish Government's view is that policing of the rail network in Scotland should be held to account by the SPA.

21. Experience of the devolution of responsibility for the specification and funding of the rail network in Scotland provides a clear example of transferring and managing responsibility for Scotland's infrastructure effectively, while maintaining effective arrangements for cross-border operations.

22. Successive governments in Scotland have used these responsibilities to invest in new railway lines, new rolling stock and improved service levels. Passenger growth has increased by 45% since 2005/06 and passenger satisfaction is high, 7% above the UK average.



23. Police Scotland provides a national approach to policing across Scotland. There is already a strong connection between the policing of the railways and wider policing in Scotland, with regular joint operational planning and joint response to emergencies. An excellent example of this joint working was the policing of the public transport network in Glasgow during the 2014 Commonwealth Games, and more recently the establishment of a multi-agency task force to reduce metal theft across Scotland.

24. Having all of the major policing functions in Scotland under a single command structure would provide a range of opportunities to ensure a fully unified and integrated service for policing our transport infrastructure, bringing specialist railway policing together with policing at airports and our road network.



Investment

25. The Scottish Government is responsible for funding and specifying the rail network in Scotland and for setting the long-term vision for rail in Scotland. This includes letting the contracts for the ScotRail and Caledonian Sleeper franchises for rail passenger services, and funding of the operation, maintenance, renewal and investment activities delivered by Network Rail.

26. The Scottish Government remains the principal funder of all railway infrastructure and service provision in Scotland and investment in new and better services to support passenger growth remains a key priority. Since 2007, the Scottish Government has committed over £6 billion to improvements in rail infrastructure and services.

27. The Scottish Government invests over £700 million per annum in rail infrastructure and rail passenger services in Scotland. This investment includes franchise payments and subsidies made to Abellio ScotRail Limited (ASR) – the ScotRail franchisee; Serco Caledonian Sleepers Limited (SCSL) – the Sleeper franchisee; and ScotRail Network Rail. The cost of railway policing in Scotland is currently over £21 million. The cost to ASR, SCSL and Network Rail (which together make up over 97% of the cost of railway policing in Scotland), is effectively supported (in part) by these franchise payments and subsidies from the Scottish Government, although we recognise that cross-border franchises let by the UK Government Department for Transport also contribute to these costs.

28. The Scottish Government and the Scottish public are therefore also the principal funders of rail operations and railway policing in Scotland. As such, investment decisions relating to railway policing in Scotland should rest with the Scottish Parliament. The integration of BTP operations in Scotland within Police Scotland will achieve this.

Questions

Q1: During the integration of BTP in Scotland into Police Scotland, how best can we ensure that the benefits of greater accountability and integration are delivered within the wider policing of Scotland's transport infrastructure? What additional benefits should we be looking to achieve?

CHAPTER 2

EXISTING AND PROPOSED STRUCTURES

29. A brief overview of the BTP in Scotland and Police Scotland is provided below by way of background on the structures in place at present and how they can be integrated in the most effective and efficient way.

The BTP in Scotland

30. The BTP was established by the UK Government's Railways and Transport Safety Act 2003 to act as a national railway police service, accountable to the Chief Constable, the BTPA and through them to the UK Parliament.

31. The Scottish Division of BTP is known within the BTP structure as D Division. It covers the rail network throughout Scotland and the Glasgow Subway network. BTP D Division has responsibility for policing around 2,800 kilometres of track and 358 stations, including the 7 Borders Railway stations which opened in September 2015.

32. The range of duties covered by the BTP includes the protection of the railway environment, ensuring the safety of passengers both at stations and on trains, and keeping levels of disruption, crime and the fear of crime as low as possible.



33. BTP D Division Police Officer and staff numbers (full time equivalent) by location in 2014-15 are set out in the table below:

BTP D Division Police Officer and Staff Numbers by Location in 2014-15

	Officers	Staff	Total
Kirkcaldy	4		4
Perth	8		8
Edinburgh	49	1.9	50.9
Falkirk			0
Stirling	4		4
Glasgow Central	13	0.9	13.9
Glasgow Queen St	14		14
Inverness	5		5
Aberdeen	8	0.4	8.4
Kilwinning	8		8
Dundee	4		4
Paisley	4		4
Dalmuir	4		4
Motherwell	7		7
Cowcaddens	93.6	52.3	145.9
Total	225.6	55.5	281.1

34. The BTP does not own any properties in Scotland, but occupies 15 premises at: Aberdeen, Dalmuir, Dundee, Edinburgh, Inverness, Kilwinning, Kirkcaldy, Motherwell, Paisley, Perth and Stirling, with 4 premises in Glasgow.

35. There are several assets that are located within D Division that have been funded through the BTP capital programme, such as vehicles, radios, IT, office furniture, police equipment and specialist railway policing items of TSU (Technical Support Unit) equipment held by D Division.

36. It is proposed that the SPA and BTPA should develop a joint project plan to consider the transfer, governance and accounting for BTP estates, assets and liabilities on the integration of the BTP in Scotland into Police Scotland.

The Structure of Policing in Scotland

37. The Police and Fire Reform (Scotland) Act 2012 provides the statutory basis for policing in Scotland. It established the Scottish Police Authority and Police Service of Scotland, replacing the arrangements previously set out in the Police (Scotland) Act 1967. Police Scotland was established on 1 April 2013 as a national policing service accountable to the SPA and subject to Parliamentary and local government scrutiny arrangements².

² The SPA is not responsible for scrutiny of the policing of the railways or site-specific policing of nuclear establishments and MoD land.

38. The Chief Constable of Police Scotland has authority to determine how to deliver operational policing and Police Scotland allocate police officers and operational resources across three tiers – local, regional and national.

39. Police Scotland has 6 specialist divisions and 13 local policing divisions across the country. Each of the 13 local divisions is led by a Divisional Commander (Chief Superintendent) who is responsible for the delivery of response and community policing, and each division also has a Domestic Abuse Investigation Unit and a rape investigation unit. In addition, every Divisional Commander has access to additional specialist resources at a regional and national level such as major investigation teams, serious and organised crime units, armed policing, dogs, air support and mountain rescue.

40. The 6 specialist divisions within Police Scotland are:

- Specialist Crime
- Operational Support
- Licensing and Violence Reduction
- Contact, Command and Control
- Criminal Justice
- Custody

41. Commanded by an Assistant Chief Constable, Operational Support has specialist units for: Road Policing, Specialist Services (including armed response, dog branch, air support, dive and marine, mounted branch and mountain rescue), and Emergency, Events and Resilience Planning. Operational Support reports to the Deputy Chief Constable with responsibility for Crime and Operational Support. It sits alongside Police Scotland's Specialist Crime Division, whose responsibilities include Border Policing Command, which is committed to keeping people safe at Scotland's airports, ferry and seaports by countering the threat from international and domestic terrorism and the exploitation of borders and ports from serious and organised crime.

42. Police Scotland has indicated its intention to maintain a specialist railway policing function within this broader Police Scotland structure, and has identified obvious options as a specialist railway policing function as part of Operational Support Division, or aligning railway policing with Border Policing Command. This will maintain the specialist skills, knowledge and experience BTP officers and staff have built. This integrated structure will allow railway policing to be enhanced with the wider local, specialist and national resources of Police Scotland in response to pre-planned operations or emergency response, and provide opportunities for innovation to ensure that the policing of Scotland's transport infrastructure is well-equipped to meet current and emerging threats.

Cross-border and partnership working

43. The Scottish Government will work in partnership with the UK Government, BTP, BTPA, Police Scotland and other key stakeholders to ensure a seamless transition of railway policing from BTP to Police Scotland. This will include ensuring that railway policing continues to operate effectively on train services crossing the border in both directions.

44. BTP officers in Scotland and in England have a strong track record of joint working on cross-border routes, and in tackling crime affecting the railway network on both sides of the border. This expertise already involves working across the two separate legal systems, and in partnership with the different territorial police forces.

45. Similarly, Police Scotland already has strong relationships and agreements with the BTP and police services in the other parts of the UK with well-established processes for joint working across regional and functional boundaries.

46. We all want to ensure that these successful and established mechanisms for policing across borders are applied to future aspects of railway policing. The Scottish Government (working with the UK Government, where appropriate) and its range of partners will assess the range of cross-border arrangements and put in place any amendments to legislation and formal procedures necessary to ensure that railway policing across boundaries continues to operate seamlessly and effectively.

Questions

Q2: What are your views on how to ensure that the skills, knowledge and experience of BTP officers are retained within Police Scotland?



CHAPTER 3

GOVERNANCE AND ACCOUNTABILITY

The British Transport Police Authority

47. Strategic rail planning is carried out at a UK level on a 5-year cycle known as Control Periods (CP) determined by the Office of Rail and Road. The British Transport Police Authority (BTPA), established under the Railways and Transport Safety Act 2003, is an independent body responsible for overseeing the BTP, setting its priorities and allocating its funding. It is appointed by and accountable to the UK Government's Secretary of State for Transport. Its statutory functions include maintaining an effective and efficient police force to police the railways; entering into agreements for the provision of policing services by that force; setting annual objectives and issuing an annual plan for policing the railways.

48. The BTPA is approaching the mid-point of its 2013-2019 strategic plan covering the current CP5, with CP6 due to start on 1 April 2019. Within this planning cycle, the BTP has a Strategic Plan, as agreed with the BTPA, which sets out what it intends to achieve and deliver in a Control Period. In addition to its Strategic Plan, the BTP also publishes annual policing plans covering both local and national objectives. The plan for BTP D Division in Scotland sets out how it will police the railway network and operator services in Scotland, and is published online in the BTP Annual Policing Plan.

The Scottish Police Authority

49. The Scottish Police Authority (SPA) was established under the Police and Fire Reform (Scotland) Act 2012. The SPA's main statutory functions as set out in section 2 of the Act are to: maintain the Police Service of Scotland; promote the statutory policing principles; promote and support continuous improvement in the policing of Scotland; keep the policing of Scotland under review; and hold the Chief Constable to account for the policing of Scotland.

50. The SPA is responsible for ensuring the delivery of the strategic police priorities set by Scottish Ministers. These strategic police priorities for Scotland are presently under review through a formal Scottish Government consultation exercise.

51. The SPA produces a *Strategic Police Plan* which sets out the main objectives for the SPA and for policing in Scotland. The SPA also produces a non-statutory Annual Business Plan which provides detail on how corporate objectives will be delivered in year. Police Scotland produces an *Annual Police Plan* which describes how the arrangements for policing in that year will contribute towards the achievement of the objectives set out in the SPA's Strategic Police Plan. These are underpinned by Local Policing Plans for each of the 32 Local Authority areas in Scotland.

52. In September 2015, the Cabinet Secretary for Justice asked the SPA Chair to lead a comprehensive review of Police Governance and Accountability; this review reported in March 2016, with details on the SPA website at:
<http://www.spa.police.uk/about-us/governancereview>

53. We propose that, following integration, the SPA would become responsible for ensuring that railway policing priorities are included in its Strategic Police Plan. Railway policing priorities should be set by SPA following engagement with the railway industry in Scotland, and consideration will need to be given as to how the SPA can best engage with the rail industry and passengers.

Questions

Q3: What do you see as the best way for SPA to engage with the rail industry and passengers in setting railway policing priorities?

Funding Mechanism

54. The BTP in Scotland is funded through contributions from the railway industry, whereby Network Rail, Train Operating Companies (TOCs) and Freight Operating Companies (FOCs) enter into a Police Services Agreement (PSA) with the BTPA, in terms of which they pay for the core policing services they receive. For example, both Abellio ScotRail Limited and Serco Caledonian Sleepers Limited (the ScotRail and Sleeper franchisees) have entered into PSAs for the new franchises which commenced on 1 April 2015.

55. Each TOC and FOC must, as part of its evidence of suitability to operate a franchise, enter into a PSA under the provision specified within the Railways and Transport Safety Act 2003. In addition, article 2 of the British Transport Police (Police Services Agreements) Order 2004 requires that a person who provides railway services and holds certain types of licence (including a licence under section 8 of the Railways Act 1993 to operate railway assets e.g. passenger or freight trains, networks or stations) must enter into a PSA.

56. The cost of railway policing in Scotland is currently over £21 million. This cost is effectively supported by franchise payments and subsidies from the Scottish Government as part of its annual investment of over £700 million per annum in Scottish rail infrastructure and rail passenger services.

57. The exact costs payable under each PSA are calculated through the current version of the BTPA Cost Allocation Model which calculates the contribution for each PSA holder based on a number of factors including staffing levels, track access charges, station usage, train kilometres, footfall data, size of railway network, patronage and crime levels. This model could not easily be replicated for an area such as Scotland which is heavily dominated by a single franchise, ScotRail, which operates a significant majority of all rail services in Scotland.

58. In managing future cost the options open to Scottish Government would therefore be to create a new cost allocation model; to amend the existing BTPA model to suit the circumstances in Scotland; or to develop another mechanism for agreeing the budget and cost of railway policing.

59. The Scottish Government proposes to maintain the current direct relationship between railway policing and the railway industry in Scotland through an amended PSA, which recognises that the services will be provided by Police Scotland rather than BTP, and the different legislative background which applies to services provided by Police Scotland. We would welcome comments on how best to create realistic and deliverable PSAs, and on what factors should be included in any new or amended PSAs for railway policing in Scotland.

60. The Scottish Government also seeks to maintain and enhance the current railway policing service provided to railway operators, and to ensure that they will have clear sight of the payment structure required to provide this. We would welcome views on what methods would best maintain the relationship between railway industry funding and the cost of policing the railways in Scotland. For example, should we retain the inclusion of key data such as passenger numbers, freight tonnage and train-kilometres to help calculate the costs and budget requirements for railway policing?

61. We recognise the interest other UK operators and PSA holders have in the effective integration of railway policing in Scotland into Police Scotland. We strongly believe that existing practices and agreements relating to current cross border policing activities, for both civil and railway policing, will offer a practical solution for operational activities and provide a seamless provision of railway policing across the UK. Following integration we fully expect that railway policing in Scotland will maintain the close working relationship it currently enjoys with BTP in England and Wales, ensuring at least a similar level of railway policing that passengers and goods travelling across the border currently receive.

62. We wish to consider providing cross-border operators with greater certainty by setting a fixed charge for the portion of their services operating in Scotland. We also consider that a revised PSA may be more appropriate, and could offer greater clarity on the policing services being provided. This could potentially fit better with the rail industry structure in Scotland, whereas elsewhere in the UK there is often a much greater number of operators working across the same geographical areas.

Questions

Q4: What amendments to the current cost allocation regime should we consider?

Q5: What do you think should be included in a revised PSA to maintain or enhance the policing service currently provided?

CHAPTER 4

THE BTP WORKFORCE

BTP Officers and Staff

63. BTP officers and staff are employees of the BTPA, with officers also being office holders accountable to the Chief Constable of BTP. Their terms and conditions are, for the most part, set out in a contract of employment and largely reflect the terms and conditions of officers and staff in police forces in England and Wales.

64. Those officers and staff within BTP in Scotland at the time of transfer will become officers and staff of Police Scotland and the SPA respectively, meaning that:

- BTP officers would become office holders accountable to the Chief Constable of Police Scotland. As with other constables serving with Police Scotland, transferred BTP officers would not be employees.
- BTP staff would become employees of the Scottish Police Authority (SPA), under the direction and control of the Chief Constable of Police Scotland.

65. The Scottish Government recognises that the success of this integration will depend on the officers and staff of BTP transferring into Police Scotland and understands the importance of existing terms and conditions of employment to those officers and staff.

66. It is Government policy that staff transferring within the public sector should do so as far as possible without detriment. As well as engaging with BTPA, BTP, Police Scotland and the SPA, we will engage early with officer and staff associations and representatives in order to provide clarity and reassurance as to the implications of transfer for existing terms and conditions.

67. We consider there are two broad options for the process of transferring into Police Scotland. First, we may seek to negotiate and agree with transferring officers, staff and their representative associations the terms on which transfer will occur. Second, we may seek to transfer BTP officers and staff on their existing terms and conditions at the point of transfer with a view to harmonising these in due course. The latter is the more traditional route when integrating public bodies, but in this case we believe there are advantages to aiming at agreement beforehand in order to reduce uncertainty for officers and staff on their conditions following transfer.

68. Being part of the single service allows for greater flexibility for police officers and staff should they choose to move into other specialisms within Police Scotland.

69. Once the transfer is complete, police officers and staff joining the specialist railway policing function following integration, including those new to Police Scotland, would have the standard terms and conditions of Police Scotland officers or the Scottish Police Authority staff.³

³ The current regulations relating to the appointment and terms and conditions of service for all Police Scotland officers are set out in the Police Service of Scotland Regulations 2013, made under s.48 of the Police and Fire Reform (Scotland) Act 2012.

Questions

Q6: What are your views regarding our proposals for BTP officers and staff transferring to Police Scotland? Do you have views on a preferred option for the timing of negotiating terms and conditions?



BTP Pensions

70. The Scottish Government aims to ensure that public sector pensions are affordable, sustainable and fair. Doing so will help ensure that railway policing officers and staff in Scotland remain well-skilled and well-motivated as they deliver an essential service across Scotland.

71. The Scottish Government recognises the importance of Terms and Conditions of Service to BTP officers and staff, and will make every effort to engage with officer and staff associations and representatives in order to provide early clarity and reassurance.

72. Scottish Government officials are actively considering the options available on the future of BTP pensions, both for officers and staff, taking into consideration past service and protections for existing members of the scheme. We will engage with all key stakeholders, including BTP officers and staff, on the future of BTP pensions as part of discussions on the terms of transfer.

73. The British Transport Police Force Superannuation Fund (BTPFSF) and the British Transport Section of the Railways Pension Scheme (RPS) are both defined benefit, funded pension schemes in which employee and employer contributions are invested in a fund towards meeting the scheme benefits.

74. With effect from 1 April 2015, new entrants to the BTPFSF have joined the new Career Average Revalued Earnings (CARE) section which provides benefits which are broadly equivalent to those provided by the Home Office for new officers.

75. Although the Police Pension Scheme in Scotland (which includes the 1987, 2006 and 2015 sections) is also a defined benefit scheme it is by contrast an unfunded scheme (also known as a 'pay-as-you-go' pension scheme – no investment fund exists to cover future pension payments). Employers and members contribute as if the schemes were funded – the employer contributions are calculated through quadrennial scheme valuations and member and employer contributions are used to pay current pensioners and dependants.

76. Further details of pension benefits that are provided for Police Officers through the BTPFSF and staff in the RPS are shown in the online BTP annual statement of financial position.

77. We would like to hear your views on what options we should consider for BTPFSF and RPS scheme members on the integration of the BTP in Scotland into Police Scotland.

Questions

Q7: What are the main points to consider when discussing the future of pensions for BTP officers and staff?

CHAPTER 5

ASSESSING IMPACT

Equality

78. In integrating the BTP in Scotland into Police Scotland the public sector equality duty requires the Scottish Government to pay due regard to the need to:

- eliminate discrimination, victimisation, harassment or other unlawful conduct that is prohibited under the Equality Act 2010;
- advance equality of opportunity between people who share a protected characteristic and those who do not; and
- foster good relations between people who share a relevant protected characteristic.

79. These three requirements apply across the 'protected characteristics' of:

- age;
- disability;
- gender reassignment;
- marriage and civil partnership;
- pregnancy and maternity;
- race;
- religion and belief;
- sex and sexual orientation.

80. At this early stage in our planning for integration it is difficult to determine whether significant equality effects are likely to arise and the aim of the Scottish Government is to use this consultation process as a means to fully explore the likely equality effects.

81. Once completed the Scottish Government intends to determine, using the consultation process, any actions needed to meet its statutory obligations. Your comments received will be used to complete a full Equality Impact Assessment and to determine if any further work in this area is needed.

Q8: Are there any likely impacts the proposals contained in this consultation may have on particular groups of people, with reference to the 'protected characteristics' listed above? Please be as specific as possible.

Business and Regulation

82. In our integration of the BTP in Scotland into Police Scotland a Business and Regulatory Impact Assessment will analyse whether a policy is likely to increase or reduce the costs and burdens placed on businesses, the public sector and voluntary and community organisations.

Q9: Do you think the proposals contained in this consultation are likely to increase or reduce the costs and burdens placed on any sector? Please be as specific as possible.

Privacy

83. A full Privacy Impact Assessment will be conducted to ascertain whether our proposal to integrate the British Transport Police in Scotland into Police Scotland may have an impact on the privacy of individuals.

84. At this early stage in our planning for integration it is difficult to determine whether significant privacy effects are likely to arise and the aim of the Scottish Government is to use this consultation process as a means to fully explore the likely privacy effects.

Q10: Are there any likely impacts the proposals contained in this consultation may have upon the privacy of individuals? Please be as specific as possible.

Environmental

85. In our integration of the BTP in Scotland into Police Scotland the Environmental Assessment (Scotland) Act 2005 ensures those public plans that are likely to have a significant impact on the environment are assessed and measures to prevent or reduce adverse effects are sought, where possible, prior to the main consultation and implementation of the plan.

86. At this early stage in our planning for integration it is difficult to determine whether significant environmental effects are likely to arise and the aim of the Scottish Government is to use this consultation process as a means to fully explore the likely environmental effects. Once completed the Scottish Government intends to determine, using this consultation process, any actions needed to meet its statutory obligations.

Q11: Are there any likely impacts the proposals contained in this consultation may have upon the environment? Please be as specific as possible.

CONCLUSION

87. This paper covers a range of complex issues and we appreciate that there is a lot to consider. This is why we wanted to set out these proposals at an early stage, to ensure we develop policy which is fully informed by evidence regarding the likely impact on a range of interests.

88. Police Scotland has indicated that its intention would be to maintain a specialist railway policing function within the broader Police Scotland structure. This would ensure a railway policing function that: is accountable, through the Chief Constable and the Scottish Police Authority (SPA), to the people of Scotland; builds on the skills, knowledge and experience of the BTP; and enhances railway policing in Scotland through direct access to the local, specialist and national resources of Police Scotland.

89. We want to ensure a smooth transition upon integration and your views are invited on how best we can achieve this, as well as on the appropriate governance and accountability arrangements.



90. The questions throughout the consultation paper are repeated in a questionnaire at Annex A. However, in responding to this consultation, please do not feel constrained by the questions set. We appreciate some people will have a particular interest in certain areas. We would encourage you to respond to any or all of those areas where you feel you have a contribution to make.

91. The responses to this consultation will help inform and shape our policy and legislation. We value your opinions and welcome your views on our proposals identified in this consultation document.

GLOSSARY OF TERMS

Assistant Chief Constable	ACC
Abellio ScotRail Limited	ASR
British Transport Police	BTP
British Transport Police Authority	BTPA
British Transport Police Force Superannuation Fund	BTPFSF
Career Average Revalued Earnings	CARE
Control Period	CP
Department for Transport	DfT
Deputy Chief Constable	DCC
Freight Operating Company	FOC
Ministry of Defence	MoD
Memorandum of Understanding	MoU
Police Scotland	PS
Police Services Agreement	PSA
Railways Pension Scheme	RPS
Serco Caledonian Sleepers Limited	SCSL
Scottish Government	SG
Scottish Police Authority	SPA
Scottish Public Pensions Agency	SPPA
Train Operating Company	TOC
Transport Scotland	TS
Rail Operating Company	ROC

Consultation on the integration of the British Transport Police in Scotland into Police Scotland



RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response.

Are you responding as an individual or an organisation?

- Individual
- Organisation

Full name or organisation's name

Phone number

Address

Postcode

Email

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name
- Publish response only (anonymous)
- Do not publish response

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- Yes
- No

CONSULTATION QUESTIONS

1. During the integration of BTP in Scotland into Police Scotland, how best can we ensure that the benefits of greater accountability and integration are delivered within the wider policing of Scotland's transport infrastructure? What additional benefits should we be looking to achieve?

Comments

2. What are your views on how to ensure that the skills, knowledge and experience of BTP officers are retained within Police Scotland?

Comments

3. What do you see as the best way for SPA to engage with the rail industry and passengers in setting railway policing priorities?

Comments

4. What amendments to the current cost allocation regime should we consider?

Comments

5. What do you think should be included in a revised Police Services Agreement to maintain or enhance the policing service currently provided?

Comments

6. What are your views regarding our proposals for BTP officers and staff transferring to Police Scotland? Do you have views on a preferred option for the timing of negotiating terms and conditions?

Comments

7. What are the main points to consider when discussing the future of pensions for BTP officers and staff?

Comments

8. Are there any likely impacts the proposals contained in this consultation may have on particular groups of people, with reference to the 'protected characteristics' listed on page 22? Please be as specific as possible.

Comments

9. Do you think the proposals contained in this consultation are likely to increase or reduce the costs and burdens placed on any sector? Please be as specific as possible.

Comments

10. Are there any likely impacts the proposals contained in this consultation may have upon the privacy of individuals? Please be as specific as possible.

Comments

11. Are there any likely impacts the proposals contained in this consultation may have upon the environment? Please be as specific as possible.

Comments



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