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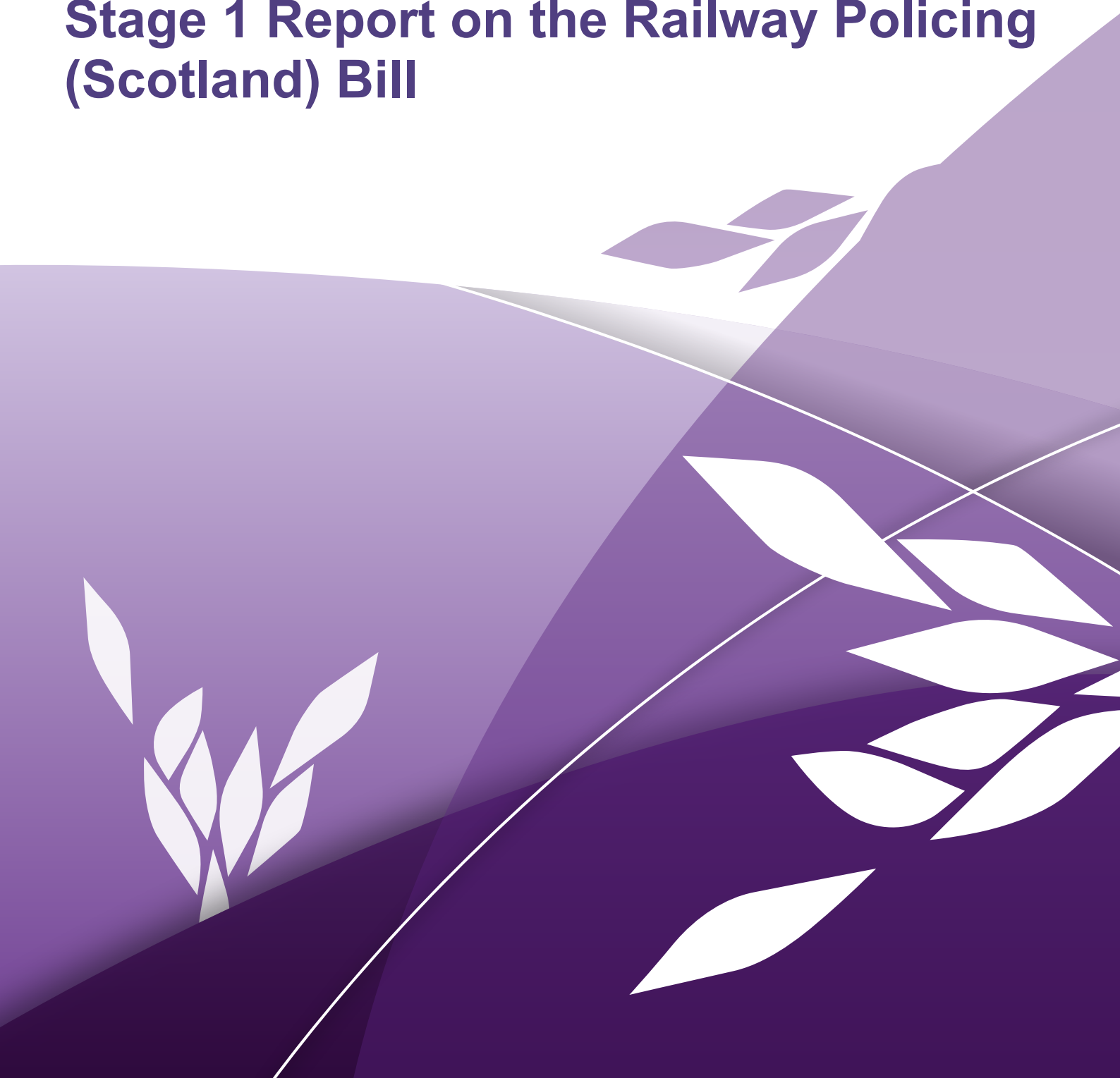
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## **Justice Committee Comataidh a' Cheartais**

# **Stage 1 Report on the Railway Policing (Scotland) Bill**



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# Justice Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Justice.



<http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/justice-committee.aspx>



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# Executive Summary

This report sets out the Justice Committee's consideration of the Railway Policing (Scotland) Bill at Stage 1.

The Bill sets out the legal framework for devolved railway policing in Scotland and is the first step towards the integration of railway policing into the overall structure of Police Scotland. The Bill proposes that the British Transport Police in Scotland, known as 'D Division', be integrated into Police Scotland.

The Bill provides the Scottish Police Authority and Police Scotland with new powers in relation to the policing of the railways and railway property and removes railway policing powers in Scotland from the British Transport Police Force (BTP) and the British Transport Police Authority (BTPA).

The Bill is described as a 'first step' to devolving railway policing to Police Scotland as the subordinate legislation that will follow, should the Bill be passed, will be considered by both the UK and Scottish Parliaments. The subordinate legislation will cover many of the issues that were raised during the Scottish Government's consultation and in evidence to the Justice Committee, such as the transfer of staff, assets and liabilities, and cross-border policing provisions.

This report makes a number of recommendations relating to the more detailed aspects of the Bill, and to the proposed detailed subordinate legislation that will follow, should the Bill be passed by the Scottish Parliament. These include ensuring that risks are identified and mitigated prior to integration so that there is a seamless transfer of policing and no reduction in the safety and security of staff and passengers. Key elements include the training to be provided to police officers and agreeing the terms and conditions of BTP Scotland staff and officers to ensure that they transfer to Police Scotland.

The Committee heard that the costs of railway policing may increase as a result of integration, but that it had not yet been determined what these costs might be or who should pay them. The Committee requested that, should costs increase as a result of integration, the Scottish Government report to the Scottish Parliament, clarifying who will pay the additional costs.

A majority of the Justice Committee supports the general principles of the Bill. A minority of the Justice Committee support an alternative approach to devolved railway policing. There were a number of options proposed by the British Transport Police Authority for devolved railway policing in Scotland. The majority of the respondents to the Scottish Government's consultation and the Justice Committee's call for evidence opposed full integration, with some raising concerns about the Scottish Government decision to only consult on one option.

# Introduction

1. The Railway Policing (Scotland) Bill <sup>1</sup> was introduced in the Scottish Parliament on 8 December 2016 by the Cabinet Secretary for Justice, Michael Matheson MSP. The Bill was introduced following a recommendation by the Smith Commission<sup>i</sup> to transfer legislative competence over the policing of railways and railway property in Scotland to the Scottish Parliament and the UK Parliament passing the Scotland Act 2016, <sup>2</sup> which gives effect to the Smith Commission's recommendations.
2. The Railway Policing (Scotland) Bill sets out the legal framework for devolved railway policing in Scotland and is the first step towards the integration of railway policing into the overall structure of Police Scotland.


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<sup>i</sup> Smith Commission website: <http://webarchive.nationalarchives.gov.uk/20151202171017/https://www.smith-commission.scot/>

# Background

## The Smith Commission

3. The Smith Commission was established on 19 September 2014, to take forward the devolution of further powers for the Scottish Parliament.
4. The British Transport Police's current statutory jurisdiction derives from the Railways and Transport Safety Act 2003 ("the 2003 Act"),<sup>3</sup> which authorises it to act as a railway police service across Great Britain, accountable to the BTP Chief Constable and the BTPA, and, through them, to the UK Parliament. The BTP is split into three geographic divisions; one of which - D Division - exclusively serves the Scottish rail network.<sup>4</sup>
5. The Scottish Government first proposed integrating the BTP into the Scottish police service in 2011, and again in 2013, prior to the creation of Police Scotland. In its submission to the Smith Commission the Scottish Government proposed that: "Now that there is a single Police Service for Scotland, the staff and powers of the British Transport Police and Civil Nuclear Constabulary should be brought within its remit to improve coherence and operational flexibility".<sup>5</sup>
6. On 27 November 2014 the Smith Commission published its report detailing Heads of Agreement on further devolution of powers to the Scottish Parliament which included that: "the functions of the British Transport Police in Scotland will be a devolved matter".<sup>6</sup> However members of the Smith Commission did not agree on a specific model for this devolution.
7. The recommendations in the *Report of the Smith Commission for further devolution of powers* to the Scottish Parliament were agreed by all five of the main parties in the Scottish Parliament, who also agreed that there should be a 'no detriment' principle.<sup>ii</sup>
8. The Scottish Government's Programme for Scotland 2016-17 committed it to:
 

 "introduce a Railway Policing Bill which will confer railway policing powers on Police Scotland and the Scottish Police Authority in preparation for the integration of the British Transport Police (BTP) in Scotland into Police Scotland".

A Plan for Scotland: Programme for Scotland 2016-17: <http://www.gov.scot/Resource/0050/00505210.pdf>

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<sup>ii</sup> Report of the Smith Commission for further devolution of powers to the Scottish Parliament: [http://webarchive.nationalarchives.gov.uk/20151202171017/http://www.smith-commission.scot/wp-content/uploads/2014/11/The\\_Smith\\_Commission\\_Report-1.pdf](http://webarchive.nationalarchives.gov.uk/20151202171017/http://www.smith-commission.scot/wp-content/uploads/2014/11/The_Smith_Commission_Report-1.pdf)



## **The British Transport Police Authority's three-options paper**

9. Following the Smith Commission's proposals for devolution of railway policing to Scotland, the British Transport Police Authority (BTPA) published a paper, Options for the devolution of transport policing in Scotland, in January 2015.<sup>7</sup> An updated version of this paper was published in April 2015.
10. The BTPA set out three options for the devolution of BTP Scotland which it presented in order of what it described as complexity and risk.
11. It described the first option as: "the simplest route to deliver devolution", as it required only administrative changes; retaining the BTP, whilst providing an increased level of accountability to Scottish communities and institutions, including the Scottish Parliament.
12. The second option required both legislative and administrative changes to provide Scottish institutions with a higher level of influence on setting priorities for BTP Scotland which would be guided by the values, objectives and outcomes set by the Scottish Government.
13. The BTPA described the third option as: "the most complex route to devolution" as it would require the full integration of the BTP into Police Scotland. This model required dismantling the BTP in Scotland and absorbing its operations into Police Scotland. According to the BTPA there were a number of risks associated with this approach, such as: different employment and pension arrangements; placing burdens on the rail industry in England and Wales; and the dilution of specialist transport policing in Scotland.<sup>7</sup>
14. Evidence received during the Committee's Stage 1 scrutiny of the Bill on the alternative options proposed by the BTPA are considered in more detail in the alternative approaches section of this report.

## **Consultation and other relevant legislative scrutiny preceding consideration of the Bill**

15. In June 2016, the Scottish Government published its consultation: The Integration of the British Transport Police in Scotland into Police Scotland.<sup>8</sup>
16. The consultation paper set out proposed arrangements to integrate the British Transport Police in Scotland into Police Scotland. It invited views on how all those responsible could 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. The consultation closed on 24 August 2016.
17. A total of 137 responses were received, 107 from individuals and 30 from organisations. The Policy Memorandum states that a significant number of those responding to the consultation were opposed to the integration of BTP Scotland into

Police Scotland.<sup>9</sup> An independent analysis<sup>10</sup> of the responses to the consultation was published in December 2016.

18. There were a number of views expressed to the Committee about the Scottish Government's decision to only consult on one option for devolution of railway policing to the Scottish Parliament. These are discussed in more detail in the alternative approaches section of this report.

# Policy objectives of the Bill

19. The Bill makes the legislative changes that are considered necessary, and are within the competence of the Scottish Parliament, to enable the integration of railway policing into the overall structure of Police Scotland. It is the first step in that process. A significant proportion of the evidence received related as much to this overall policy of integration as to the content of the Bill itself. This report seeks to take account of this, as the merits of the Bill cannot be considered in isolation from the wider policy.
20. The Policy Memorandum states that the policy objective of the Bill is:

” ...to pave the way for the integration of railway policing into the Police Service of Scotland (Police Scotland) by (a) providing the Scottish Police Authority (SPA) and Police Scotland with new powers in relation to the policing of railways and railway property and (b) removing powers in relation to such policing in Scotland from the British Transport Police Force (BTP) and the British Transport Police Authority (BTPA).

Source: Railway Policing (Scotland) Bill: Policy Memorandum: <http://www.parliament.scot/Railway%20Policing%20Scotland%20Bill/SPBill02PMS052016.pdf>
21. The Bill is described as 'paving the way' for integration, as, if it is passed it will enable a substantial programme of work to begin with key partners, to deliver the integration of BTP Scotland into Police Scotland.
22. The Policy Memorandum indicates that there is a need for some aspects of the policy to be delivered through UK legislation and a legislative map for implementation of BTP integration is included as an Annexe to the Policy Memorandum. This provides details of the expected legislation to be passed by the Scottish Parliament, as well as subordinate legislation to be scrutinised by the Scottish and UK Parliaments.
23. The subordinate legislation will cover issues including the transfer of staff, assets and liabilities, as well as cross-border policing, and consequential changes in reserved areas or to the law of England and Wales. Certain elements of that work will also be subject to direct scrutiny by the Scottish Parliament in due course, for example orders under Section 90 of the Scotland Act 1998 to transfer property and liabilities are subject to scrutiny in both the UK and Scottish Parliaments.
24. As there will be a requirement for subordinate legislation to be considered by both the Scottish and UK Parliaments, a Joint Programme Board (JPB) has been established to manage the proposed integration.

# Committee scrutiny of the Bill

25. The Committee took evidence on the Bill at the following four meetings (please see Annexe A for further details):
- on 7 March, the Committee heard from a panel comprising representatives of the British Transport Police, the British Transport Police Authority (BTPA), the Scottish Police Authority and Police Scotland;
  - on 14 March, the Committee heard from a panel comprising representatives of the British Transport Police Federation, the British Transport Police Superintendents' Association Branch, the National Union of Rail, Maritime and Transport Workers, the Scottish Police Federation, and the Transport Salaried Staffs' Association;
  - on 21 March, the Committee heard from ScotRail Alliance, CrossCountry, Virgin Trains, TransPennine Express and Direct Rail Services Limited, followed by a representative from the UK Department for Transport;
  - on 28 March, the Committee heard from the Cabinet Secretary for Justice, the Minister for Transport and the Islands, and Scottish Government officials.
26. The Committee issued a call for written evidence <sup>11</sup> on the Bill shortly after its introduction. This elicited 50 responses, four supplementary submissions and an item of previously unpublished research by an academic specialist on the police service. Please see Annexe B for details. The Committee is grateful to all those who took the time to provide oral and written evidence, which has helped to inform the Committee's scrutiny of the Bill.
27. The majority of the written and oral evidence received during the Committee's Stage 1 scrutiny of the Bill focussed on matters surrounding the intention and possible implications of integrating railway policing into Police Scotland, rather than on the specific provisions contained within the Bill as introduced. Whilst many of these issues will be dealt with by subordinate legislation should the Bill be passed, they are key to understanding how integration will work in practice, and the possible benefits and risks, and are therefore covered in some detail within this report.
28. The Financial Memorandum that accompanied the Bill was considered by the Finance and Constitution Committee. The Delegated Powers and Law Reform Committee considered the delegated powers provisions. Consideration of the estimated costs associated with the Bill and the findings of the Delegated Powers and Law Reform Committee have formed part of this Committee's scrutiny of the Bill.

# Railway Policing Agreements

29. Section 1 of the Bill inserts a new Chapter 12A (consisting of sections 85A to 85M) into Part 1 of the Police and Fire Reform (Scotland) Act 2012 ("the 2012 Act"),<sup>12</sup> establishing a legislative framework for Railway Policing Agreements (RPAs) to be made between railway operators and the Scottish Police Authority (SPA) in relation to the policing of railways and railway property.
30. Inserted section 85A sets out what an RPA is. It is a contractual arrangement between a railway operator and the SPA which provides for the policing of the railways and any railway property used by the operator, and which requires the operator to pay for that policing.
31. This is similar to current arrangements, whereby the railway operators and the BTPA agree Police Services Agreements (PSAs). The 2003 Act enables the BTPA to enter into agreements with railway operators for the provision of railway policing services. These PSAs provide for the BTP to carry out a certain level of police functions on railways and railway property, as well as providing for payments to be made by railway operators to the BTPA to cover the cost of those functions.
32. The Scottish Government states that this approach will retain the direct relationship between railway operators and the railway police. It has chosen a different name for these agreements to avoid any confusion with the agreements in England and Wales.
33. The BTP currently polices Britain's railways, providing a service to rail operators, their staff and passengers. The range of duties they carry out 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.
34. The RPAs are to be the service level agreements between Police Scotland and the railway operators. As discussed further below, evidence received indicates a general degree of confidence in the BTP's current level of service to passengers and those serving in the railway industry. The Committee expects that both the Scottish Government and Police Scotland would wish this confidence to be maintained at the same level, and that this would be reflected in future RPAs should the Bill be agreed to.

## Engagement with railway operators

### Setting priorities and objectives

35. Inserted section 85J includes provisions for the SPA to engage with railway operators through the creation of a railway policing management forum, and section 85K outlines how railway policing priorities and objectives are to be agreed and met.
36. The Policy Memorandum states that the four purposes of engaging with railway operators are to agree:

- the priorities and objectives for the policing of the railways and railway property in Scotland;
  - the proposed arrangements for the policing of railways and railway property in order to meet those priorities and objectives;
  - the means by which the performance of Police Scotland and the SPA in meeting those priorities and achieving those objectives will be assessed; and
  - the estimated cost of those arrangements
37. The British Transport Police Authority currently sets the policing objectives that reflects the rail operators priorities, plans in a way that reflects the specialism and priorities of the British Transport Police, and holds the force accountable for delivery. The Committee considered how Police Scotland's objectives and priorities would be set within the RPAs, and its performance monitored.
38. In its written submission to the Committee, ScotRail said that the railway industry should be involved in: "agreeing the resources and priorities to address the challenges being faced by the industry". It proposed that the following monitoring process be adopted: "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".<sup>13</sup>
39. In response to a question on what their priorities were for policing the rail network, the railway operators identified: "handling delays and problems in operating the railway",<sup>14</sup> railway policing which provides "value for money" and understands the "business needs, which in some instances are quite technical",<sup>15</sup> understanding of "the importance of safety and security, and the need to ensure that we minimise any impact or disruption as a result of any crime or disorder",<sup>16</sup> providing "operational support when things go wrong",<sup>17</sup> and a "reassurance that, first and foremost, our customers are safe, that staff are safe at stations and that the approach is commercially effective for the railway".<sup>18</sup>
40. Witnesses representing the railway operators requested assurances on various matters in connection with the RPA provisions in the Bill. Andrew Cooper told the Committee that CrossCountry would require assurances that commitments would be delivered as there was an added complexity to contracting with a new supplier that: "will not be dedicated to serving the railway" and had other pressures.<sup>19</sup>
41. Darren Horley agreed, adding that Virgin Trains required a written reassurance from the Minister for Transport and the Islands that it would receive the: "same level of service that we enjoy from the British Transport Police".<sup>20</sup>
42. Neil Curtis said that Direct Rail Services Ltd would be looking for a guarantee that: "the current service will be maintained—or improved".<sup>21</sup>
43. In its written submission, TransPennine Express highlighted cross-border concerns and recommended that Police Scotland enter into an agreement with the BTP in the North of England to: "outline how both forces will work together, how they will

delivery greater efficiency in delivery of services and how staff can transfer from one force to the other recognising the cross-border career progression that exists today for BTP officers in Scotland and the North of England".<sup>22</sup>

44. David Lister outlined assurances that had been given to ScotRail on retaining police numbers and that all finance from the railway operators would be spent on railway policing and not on any other areas, and indicated that it was: "important that the agreements give transparency" on those issues.<sup>23</sup>
45. In response to a question about whether the railway operators were reassured that they would be sufficiently involved in setting the priorities and objectives to be included in the RPAs, David Lister of ScotRail Alliance indicated that he was.<sup>24</sup>
46. In its written evidence, Serco outlined the extensive engagement with Scottish Ministers to date and assurances that had been given on a range of issues, such as: the terms and conditions of BTP staff; cross border working; the creation of a Railway Policing Management Forum; trade union engagement; and ensuring that Police Scotland has a full understanding of the railway industry's expectations. Serco added that: "It is important that these assurances are upheld".<sup>25</sup>
47. The Cabinet Secretary for Justice told the Committee that the Scottish Government wanted to: "deliver a service that is as good as, or better than, the one that we have at the moment on our railways". Mr Matheson added that he believed integration would provide a simpler system for deploying resources.<sup>26</sup>

48. **Conclusion: The Committee notes ScotRail's evidence that it had received assurances about retaining police numbers and that the financial contributions from railway operators would be spent on railway policing. The Committee further notes the acknowledgement of the importance of transparency in terms of these issues.**

49. **Conclusion: The Committee considers that railway operators have the necessary expertise and knowledge of railway policing and should be involved in setting the railway policing priorities and objectives in collaboration with Police Scotland and the ongoing issues they raised need to be fully addressed to maintain confidence. These should be reviewed regularly to assess performance.**

### **Railway Policing Management Forum**

50. Inserted section 85J places a requirement on the SPA to establish and maintain a forum for it and the Chief Constable to engage on a regular basis with relevant railway operators about the policing of railways and railway property in Scotland.
51. There is little detail in the Bill or the accompanying documents about the issues that the Forum is to consider. The Committee received evidence suggesting specific tasks for the Forum to undertake.

52. The Committee acknowledges concerns from railway operators about Scottish Government legislative proposals for railway policing. In its written evidence to the Committee ScotRail suggested that 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". <sup>27</sup>
53. David Lister of ScotRail Alliance described the establishment of a management forum as a: "good start", adding that: "an important aspect to consider is the need to ensure that railway priorities are kept as part of the overall standards for Police Scotland". <sup>28</sup>
54. In its written submission, ScotRail also asked that a Board be established to consider and review: "railway policing strategy, detailed policing plans, priorities, funding and resource decisions of the specialist railway policing function". <sup>29</sup>

55. **Conclusion: Should integration of the BTP in Scotland into Police Scotland proceed, the Committee welcomes proposals in the Bill for a Railway Policing Management Forum, to help ensure regular and effective governance as well as engagement between Police Scotland and railway operators. In the interests of transparency the Scottish Government should provide details of the proposed remit, membership and functions of the Forum. The Committee notes ScotRail's suggestions in relation to abstraction and invites the Scottish Government and Police Scotland to comment on this evidence.**

## The costing model

### Costs to be met by railway operators

56. The costs of the railway policing service to be provided by Police Scotland are to be met by the railway operators and are to be included in the RPAs. Section 85B of the Bill outlines the charges that the Scottish Police Authority may make under an RPA, with sub-section 2 ensuring that any charge for railway policing cannot exceed the cost of providing railway policing services.
57. The Committee considered whether the RPAs provided an opportunity to improve on the level and type of information that is currently included in the PSAs, for example, linking costs to the services provided.
58. In its response to the Scottish Government's consultation the Rail Delivery Group asked that the costing model provide certainty around charging, saying that: "From an operator perspective, the processes around any model deployed in Scotland



should ensure that PSA holders are able to plan, with some certainty, what the annual charges are going to be".<sup>30</sup>

59. In evidence to the Committee the railway operators identified a number of areas where the expected costs, and who should cover them, are currently unknown. Neil Curtis of Direct Rail Services Ltd told the Committee that he expected costs to increase as a result of the new system, adding that he would welcome: "transparency while the costing models are being developed, so that we can fully understand where the costs are going".<sup>31</sup>
60. Andrew Cooper of CrossCountry said that, whilst the cost of the service provided by BTP Scotland is known, it would be for Police Scotland to estimate future costs. He told the Committee that: "... a discussion is needed with Police Scotland about whether it will be able, from the funds that will come its way, to meet the requirements that the industry places on railway policing at the moment".<sup>32</sup>
61. In its written submission, the Rail Delivery Group highlighted concerns with the current PSAs around a lack of detail on issues such as the number of BTP staff to be deployed and concerns about volatility in charges for individual PSA holders. The Group stated that: "there were and remain many issues about the wording of the current PSA mainly around the lack of any detailed description of the service to be provided to the operator by the supplier (BTPA). Agreement was reached with the BTPA that it would supply additional information which is not required under the 2003 Act".<sup>33</sup>

### Training costs

62. The Financial Memorandum states that Police Scotland will lead an operational policing integration project and as part of that will have to evaluate what training is currently provided for BTP D Division officers and staff, what the current training costs are, and how best that may be delivered.
63. The Financial Memorandum goes on to say 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.
64. The Scottish Government's view 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.
65. The Committee considered the possible training requirements and costs of integrating BTP Scotland into Police Scotland, and any efficiency savings that might be made.
66. In evidence to the Committee Assistant Chief Constable Higgins explained that Police Scotland intends to provide railway policing training for all its officers, as follows:

” we will run an upskilling programme for existing officers; in addition, we will extend the initial probationary period for every new recruit to Police Scotland from 11 weeks to 13 or 14 weeks, to incorporate the additional training that current BTP students studying at the police college at Tulliallan receive once they have passed their Scottish training. It is correct that, post 2019, every Police Scotland officer will be trained in policing the railways.<sup>34</sup>

67. In response to a question on whether they were reassured by the proposed upskilling programme and induction training, Nigel Goodband of the British Transport Police Federation responded that he was not reassured and he did not think that Assistant Chief Constable Higgins had: “thought about the consequences of training every police officer in Police Scotland. The training does not come free; there is a massive cost to it”.<sup>35</sup>
68. Chief Superintendent McBride of the British Transport Police Superintendents Branch agreed, adding that: “Such skills have to be used regularly, because if they are not used, the training will wane over time”.<sup>36</sup>
69. Michael Hogg of the RMT, added that: “The RMT supports the proper training of people who have to be anywhere near our railway. That is crucial. I read the evidence from last week’s meeting, and we do not necessarily accept what was said about the proposed merger”.<sup>37</sup>
70. Darren Horley of Virgin Trains told the Committee that transparency on costs in future contracts was necessary for rail operators to know what they were paying for: “It will be quite an expensive outlay for each officer to get a personal track-safety card—it will be critical to where our funding goes and on what it is focused”.<sup>38</sup>
71. Neil Curtis of Direct Rail Services Ltd referred specifically to further training costs which might be imposed on railway providers to replace staff and officers who might choose not to transfer, telling the Committee that: “... it is currently not fully understood how much policing will cost us”.<sup>39</sup>
72. The Committee wrote to Assistant Chief Constable Higgins of Police Scotland to seek clarification on the expected costs of the additional training for new recruits and existing officers. In his response Assistant Chief Constable Higgins indicated that an in-depth training needs analysis was required before the training costs would be known, but confirmed that he did not expect training costs to increase:

” To a degree, the roll out of the railway legislation and working practices will be business as usual for Police Scotland, with additional training being absorbed into existing structures and forums. However, should additional costs be incurred, which as stated we hope to avoid, then we would reserve the right to re-visit this.

Letter from ACC Higgins, Police Scotland, 27 March 2017:  
[http://www.parliament.scot/S5\\_JusticeCommittee/Inquiries/20170327HigginstoMMWeb.pdf](http://www.parliament.scot/S5_JusticeCommittee/Inquiries/20170327HigginstoMMWeb.pdf)

73. On the question of how much the additional training for Police Scotland officers might cost, the Minister for Transport and the Islands responded that costs were

currently unknown, and were being worked on by the JPB. The Minister said that costs would be known once the training needs analysis had been completed by Police Scotland.<sup>40</sup>

74. The Minister was also asked whether the costs of training all police officers will be incorporated into the RPAs. Mr Yousaf explained that, whilst he did not expect costs to increase, if that turned out to be the case, he agreed with Police Scotland that it would be necessary to revisit the issue of costs. The Minister told the Committee that it was the Scottish Government's view that "... integration of the BTP into Police Scotland will bring efficiencies that might well cover any costs that are associated with that integration".<sup>41</sup> The Minister referred to the potential for:

” £800,000 of savings with regard to the amount that is paid to senior management GB-wide, and we believe that those efficiencies can cover the additional training cost.<sup>42</sup>

75. **Recommendation: The Committee recognises the importance of linking in the proposed Railway Policing Agreements the costs for the railway policing services being provided. The Committee notes the broader cost issues including concerns that costs may increase. The Committee considers that transparency on the costs of future contracts is essential. It considers that all railway operators must know what they are paying for. To reassure the railway operators the Committee asks the Scottish Police Authority to consider whether guidance can be provided on what should be included in a Railway Policing Agreement.**

76. **Recommendation: The Committee requests that Police Scotland provide details on its training needs analysis and the cost prior to Stage 2 deliberations. Any additional costs as a result of integration should not be met by the railway operators. The Committee asks the Scottish Government to clarify who will pay any additional training costs incurred by Police Scotland.**

## Service standards

### Retaining skills and experience

77. The value that is placed on the high quality service that is provided by the BTP in policing the railways was apparent in the evidence that the Committee received. This includes the value of consistency of approach across the UK rail network.
78. The British Transport Police, in its written submission, detail its responsibilities and accountability across the UK-wide rail network and the consistent approach it is therefore able to apply, stating that its responsibilities: "includes the totality of the policing environment of Great Britain's rail network. As such, the structure of BTP provides a single point of contact and uniformity in policing standards across the Scottish, English and Welsh railways".<sup>43</sup>

79. The Committee heard of the necessity of retaining and maintaining skills and experience as well as the strong and effective working relationships that currently exist between the BTP and railway operators. This, along with the areas of best practice that the BTP has developed, which add value to the railway policing service, was described to the Committee as the "ethos" of the BTP.
80. The Committee considered how, if integration is to proceed, this ethos could be replicated within the railway policing unit and throughout Police Scotland.
81. Witnesses told the Committee that the integration, if done in the right way, provided an opportunity to: "improve efficiency" and: "passengers' overall experience", <sup>44</sup> as well as for: "cross-fertilisation of best practice". <sup>45</sup>
82. The railway operators told the Committee of the importance to them of the railway policing specialism being retained and of Police Scotland officers taking an appropriate and sensitive approach to handling railway incidents.
83. David Lister of ScotRail Alliance explained that the BTP's approach is effective because it balances: "... the needs of investigating crime, managing incidents, looking to the needs of the public to travel and getting the network back into operation as quickly as possible". <sup>46</sup>
84. Andrew Cooper of CrossCountry agreed, adding that in his experience geographical forces do not always take into account the wider implications of their decisions. Mr Cooper explained that:
- ” There is a distinction to be drawn between a force that contains a specialism—with 17,000 officers in Police Scotland, it is not easy to see how that specialism could be widespread—and a dedicated force with an ethos and approach to policing the railway that is in the best interests of ensuring that passengers and the public are safe and that there are no unintended consequences of its actions. <sup>47</sup>
85. Neil Curtis of Direct Rail Services Ltd told the Committee of the importance of maintaining a consistent service across the UK after integration that provides value for money:
- ” My concern is that we will need to maintain a contract with the England and Wales BTP and ensure that the consistent approach is maintained. We will need to ensure that—regardless of what country or part of the UK we sit in—we get a good, value-for-money service that provides what we understand to be a BTP service, and that problems on the network will be dealt with professionally whether they are in England and Wales or in Scotland. We need to be consistent on that. <sup>48</sup>

### **Maintaining incident response standards**

86. The Committee heard about the current standards of service that BTP provides. In its written submission, the British Transport Police Federation referred to its service standard of a: "hand back time of 90 minutes after a fatality has occurred on the network". <sup>49</sup>

87. In its written evidence, BTP outlined its approach to managing risk to ensure there is minimal impact from incidents on the rail network. It provided details of analysis it had undertaken in 2013 which compared its response times to those of geographical forces, which showed that: "... dealing with incidents can take significantly longer if officers inexperienced in railway policing are the first responders. BTP's analysis reveals that offences involving cable theft take on average 33% longer to manage, whilst fatal incidents can take almost 50% longer".<sup>50</sup>
88. Chief Superintendent McBride of the BTP Superintendents Branch, told the Committee that there is a cost implication attached to the additional time taken by geographical forces to investigate incidents and re-open railway lines, and he suggested that as a result of integration costs would increase:
- ” Criminal disruption costs more than £5 million—and if you add in the suicide and deaths element, you very quickly go up to more than £13 million. From our data across the country, we know that, when local police get involved in some of those investigations from the start, it takes at least 50 per cent longer to carry out a full investigation and recover the service. I suggest, therefore, that there is likely to be an additional cost in that respect.”<sup>51</sup>
89. Assistant Chief Constable Higgins indicated that Police Scotland was aware of the BTP's 90 minute service standard and gave an assurance that:
- ” We will be embracing what is clearly excellent good practice within the BTP and unashamedly squeezing it in relation to how fatalities and crimes on the line are dealt with. There is no doubt that the BTP can have the line opened up again within 90 minutes; there has to be some learning from that.”<sup>34</sup>

### **Abstraction of officers to other duties**

90. In its submission to the Committee Police Scotland confirmed that "in times of crisis" railway policing officers would be abstracted to carry out other policing duties, if the Chief Constable decided it was necessary, saying that: "in times of crisis for example a major incident such as a terrorist attack, the Chief Constable reserves the right to deploy resources as necessary to deal with any threat posed".<sup>52</sup>
91. The submission from the British Transport Police Superintendents' Association Branch (BTPSA) argued that being part of a geographic force would result in police officers being abstracted to other duties for much longer periods:
- ” It is also difficult not to expect Police Scotland duty officers in control rooms and on divisions faced with trying to resource numerous calls not to allocate / task the closest units, which may on many occasions be railway policing officers in stations and on trains thereby abstracting them from the core duties to operate outside the railway.”<sup>53</sup>
92. David Lister told the Committee that ScotRail Alliance would not expect officers to be abstracted to respond to incidents outwith the railway routinely, saying that he would wish this to be monitored: "... to ensure that railway policing is there for the railway and that officers are not being routinely abstracted for other areas".<sup>54</sup>

93. Assistant Chief Constable Higgins of Police Scotland told the Committee that: "the reality is that, in a terrorist attack, for example, the resources on the rail network would be strengthened, not diluted, because the rail network is key national infrastructure".<sup>55</sup>
94. The Cabinet Secretary for Justice stated that the railway policing agreements would provide an assurance about what is to be delivered and the specialism that is to be retained within Police Scotland. An RPA, he explained:
- ” will give clear detail about what will be delivered and how it will be delivered, as the police service agreements do.<sup>56</sup>

95. **Recommendation: The Committee recognises that a visible presence of railway police officers at train stations and on trains provides reassurance to railway users and staff and can act as a deterrent to criminals. The Committee recommends that the Railway Policing Agreements should, without compromising operational matters, detail where railway police officers will be based and the Scottish Police Authority should regularly monitor whether police officers are being routinely abstracted to other duties or are being supplemented to railway policing.**

## Governance

96. The Bill creates an obligation on the SPA to: set up a formal mechanism for it and the Chief Constable to engage regularly with railway operators about railway policing; work with railway operators and the Chief Constable in order to agree on an annual basis how railway policing is to be carried out; and make arrangements to obtain the views of railway users and other interested persons such as trade unions about railway policing in Scotland.
97. The SPA's main statutory functions under the Police and Fire Reform (Scotland) Act 2012 are to: maintain Police 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.
98. To ensure that the SPA has the relevant railway policing expertise and that railway policing is considered within Police Scotland's overall strategy, David Lister of ScotRail Alliance, suggested that: "one mechanism would be to have that railway experience on the SPA board".<sup>57</sup> Mr Lister added that a reassurance had been received from the SPA that it would add some railway experience to its Board.
99. Neil Curtis of Direct Rail Services Ltd agreed, adding that, otherwise: "decisions could be made under assumption, and assumption can lead you down an expensive route of failure".<sup>58</sup>
100. In its written submission TransPennine Express asked for a Governance Board to be established which is: "made up of representatives from the rail industry (all passenger and freight operators in Scotland), appointed by the Minister for

Transport and the Islands, is established to monitor, approve and hold Police Scotland to account on the delivery of services to the railway".<sup>59</sup>


101. The Cabinet Secretary for Justice was asked to expand on a statement in the Financial Memorandum that: "No changes to the senior command structure within Police Scotland are planned".<sup>60</sup> The Cabinet Secretary explained that once railway policing moves into one of the specialist command areas:

” It will then be for the police to ensure that a structure is in place that ensures that the right skill set is there to deliver that specialism, as they do with existing specialisms.<sup>61</sup>

102. **Recommendation: The Committee welcomes the Scottish Police Authority's commitment to expand its Board membership, should integration proceed, to include someone with railway experience and asks the Scottish Government to seek assurance from Police Scotland that staff with the necessary railway skills and expertise will be retained at senior levels. The Committee seeks an assurance from the Scottish Government that the Scottish Police Authority will successfully absorb these additional responsibilities, given in particular recent concerns around governance.**



# Disputes

103. In its response to the Scottish Government's consultation, the Rail Delivery Group indicated that resolving disputes tended to be a lengthy process: "Experience has shown that the settling of disputes over service provision and/or charging takes a long time and considerable effort from all parties to resolve".<sup>62</sup>
104. The Committee considered whether the proposed mechanism in the Bill would provide a sufficiently effective dispute resolution process.
105. Inserted section 85D provides a mechanism for dealing with disputes, for example when the parties cannot agree the terms to be included in the RPA. Disputes are to be referred to Scottish Ministers to resolve, which is a departure from the current process, where a sanction is imposed if railway operators do not comply with the terms of the PSA.
106. During its scrutiny of the Bill the Delegated Powers and Law Reform Committee questioned whether the new procedure would be effective as there were no sanctions for non-compliance. It stated that:
-  Section 34(2) of the 2003 Act provides that a railway services provider who is required by subordinate legislation to enter into a Police Services Agreement and who provides railway services without doing so commits an offence and, if guilty, is liable to a fine. This provision is not reflected in the power set out in section 1 the Bill. It appears that the lack of any sanctions in the Bill renders the power in section 1 effectively without 'teeth', since there is no incentive for a specific railway operator to comply with any requirement set out in regulations. Please explain why this different approach has been taken and, in the absence, how it is intended to procure the cooperation of specific railway operators in complying with the requirement to enter into an RPA.
- Delegated Powers and Law Reform Committee report on the Railway Policing (Scotland) Bill at Stage 1: <https://sp-bpr-en-prod-cdnep.azureedge.net/published/DPLR/2017/2/22/Railway-Policing--Scotland--Bill-at-Stage-1-1/9th%20Report.pdf>
107. In its response to the Delegated Powers and Law Reform Committee's concerns about the dispute resolution approach, the Scottish Government described the current approach of imposing criminal sanctions as: "disproportionate", adding that to its knowledge sanctions had never been used. The Scottish Government went on to explain that the purpose of Section 85D is to provide an alternative dispute resolution mechanism which is a more: "proportionate, direct and effective means of addressing failure to comply".<sup>63</sup>
108. Inserted section 85F(2)(b) states that the Scottish Ministers: "may appoint a suitable person to determine the dispute". In its submission to the Committee the Law Society of Scotland points out that the Bill is silent: "on the criteria for the "suitable person" and the circumstances and/or types of disputes when that person may be appointed".<sup>64</sup>



109. Section 85F(3) determines that the appointed person: "(a) must give each party to the dispute an opportunity to make a representation, but (b) may otherwise decide the procedure for determining the dispute". The Law Society of Scotland expressed concern that: "the lack of clarity around process could engage human rights issues around Article 1 of the First Protocol (right to property) along with potential public law challenges".<sup>64</sup>

**110. Recommendation: The Committee notes the Scottish Government's intention to take a proportionate approach to resolving disputes between railway operators and Police Scotland, should integration proceed. As dispute resolution has previously proven to be difficult, the Committee asks the Scottish Government to clarify what other mechanisms would be available to it in the circumstances where it is unable to resolve a dispute.**

**111. Recommendation: The Committee highlights the Law Society of Scotland's concerns relating to the criteria for a suitable person to resolve disputes and on a perceived lack of clarity as to their power to determine the procedure for resolving disputes, which it saw as potentially engaging human rights issues and believes the Scottish Government must fully respond to these concerns.**

# Engagement with railway users and other interested persons

112. Section 85L of the Bill places a requirement on the SPA to make arrangements to obtain the views of a broad range of people about the policing of the railways and railway property in Scotland. The SPA must make arrangements to obtain the views of passengers on the railways, employees of railway operators, constables and police staff of Police Scotland, as well as anybody else it considers may have an interest in that policing. In doing so, it is open to the SPA to consult representative bodies and organisations.
113. The Committee notes the reference to maintaining passenger confidence in a number of the written submissions it received.
114. In its written submission to the Committee the British Transport Police Authority indicated that there was a risk of: "A perception of a reduction in the service to passengers and the rail industry" and asked that work be carried out prior to integration to minimise that risk.<sup>65</sup>
115. The British Transport Police Federation, in its written submission asked that the experience and knowledge provided by the British Transport Police in its delivery of policing services to the railway be taken into account as it is directly linked to passenger satisfaction, saying that: "Passenger satisfaction is up 7 percentage points on the UK average and this is no small part down to the successful policing model delivered by BTP. We would seek that these high standards are maintained for the benefit of the travelling public."<sup>66</sup>
116. In its written submission to the Committee the Scottish Women's Convention raised concerns about the safety of women travelling by rail, saying that: "Many women rely on Scotland's railways to travel to more outlying areas, often in the evenings. They need to be given the guarantee that their safety will not be compromised", adding that whilst the new approach has the potential: "to create a more joined-up way of policing overall ... It must, however, be recognised that there are significant safety considerations, particularly for women, which must be taken into account as part of the transfer of power".<sup>67</sup>
117. Transport Focus, in its written evidence, outlined the value of BTP's commitment to more visible policing in the evenings and early mornings as: "a key driver of passenger and public confidence", and asked that current BTP measures be maintained: "to ensure passenger confidence is being maintained and measure the effectiveness of Police Scotland and BTP as viewed by the passenger".<sup>68</sup>
118. Chief Superintendent McBride of the BTP Superintendents Branch was asked if he thought that the abstraction of officers might mean that police officers are less visible on trains. He answered that he did not, as providing confidence to passengers and railway staff would be too important to allow that to happen.<sup>69</sup>
119. To facilitate engagement on a regular basis with railway operators the Bill includes a provision to create a Railway Policing Management Forum. There is no similar

provision in the Bill to facilitate the SPA's engagement with railway users and other interested persons.

120. **Recommendation:** The Committee asks the Scottish Government to confirm the mechanism by which the Scottish Police Authority is to engage with railway users and other interested persons should integration proceed. The Committee also asks the Scottish Government to respond to the concerns of the Scottish Women's Convention about the safety of women travelling by train.

# Potential benefits of integration

121. The Policy Memorandum outlines three key benefits of integration: improved accountability; an integrated approach to infrastructure policing; and more effective operational policing. The Committee considered these points during its evidence taking, as well as any other potential benefits that might arise from integrating BTP Scotland into Police Scotland.

## Improved accountability and an integrated approach to infrastructure policing

122. Should railway policing in Scotland be transferred to Police Scotland it would be accountable, through the Chief Constable and the SPA, to the Scottish Parliament. This would provide one single accountable organisation for policing in Scotland.
123. The Policy Memorandum states that placing all of the major policing functions in Scotland under a single command structure will provide a unified and integrated service for policing Scotland's transport infrastructure, bringing specialist railway policing alongside policing at airports, ports, and on Scotland's road network. The establishment of the infrastructure policing review in England and Wales suggests that the direction of travel there is towards a more integrated infrastructure policing model with simplified accountabilities and command structures. The Policy Memorandum states that integration of railway policing functions within Police Scotland will deliver exactly these benefits in Scotland.
124. At present the BTP is accountable through the BTPA, a Cross-Border Public Authority (CBPA); while Police Scotland is accountable through the SPA, a Scottish Public Body. The Scottish Government believes that there is little sense in having two separate accountability mechanisms for policing in Scotland, and that a Scottish Public Body provides a much more direct and effective form of accountability to the Scottish Parliament than a CBPA.
125. The Committee considered the benefits of a single command structure in Scotland and an integrated approach infrastructure policing, as well as any possible unintended consequences of the proposed approach.

## Policing cross-border trains

126. The Policy Memorandum states that the Scottish Government wants to ensure that the strong relationship which already exists between Police Scotland and the BTP is maintained in order to continue the successful joint-working which has been developed on cross-border routes and across regional and functional boundaries. As the move towards full integration progresses, partnership working will be key to ensuring that there is a seamless transition of railway policing from the BTP to Police Scotland.
127. A number of key stakeholders requested more clarity on exactly how the jurisdictional arrangements for both the BTP and Police Scotland would operate following integration. These included the BTP, the BTPF, the BTPA and some of the railway operators.

128. In particular, stakeholders sought clarification on the roles and responsibilities of officers from the two police forces on trains crossing the border between England and Scotland. These included questions on: how crimes will be recorded; how incidents will be dealt with; how two command and control IT systems and separate policies on the carrying and use of Tasers and firearms might impact on operational capacity; and what powers of arrest officers would have.

### Roles and responsibilities

129. Chief Constable Crowther of the BTP told the Committee that the legislative arrangements would need to be clear about the powers that officers from both forces will have within each jurisdiction, as at present:
- ” Existing legislative arrangements enable a constable to arrest someone in any part of the UK ... I am keen to ensure that there is no ambiguity about the powers that people have, the legislation under which they act and the laws that they enforce during that process.<sup>70</sup>
130. Chief Constable Crowther cited the agreed protocols between the English and French railway police forces which police the Channel tunnel, as an example of how the roles and responsibilities could be clarified, telling the Committee that:
- ” There are specific protocols in place that make very clear, at the point when an officer does not know whether they are in England or France, who can do what and what jurisdiction they are in. I am keen to ensure that the legislative arrangements for our cross-border policing are as clear as they are for when we police into France.<sup>70</sup>

131. **Recommendation: It is imperative that police officers from both police forces are clear about their respective roles and legislative responsibilities when policing cross-border trains. The Committee recommends that, should integration proceed, Police Scotland and the Scottish Police Authority consult with the British Transport Police in order to ensure that agreed protocols are in place well before the date of integration. The Committee notes the request for more clarity on exactly how jurisdictional arrangements would operate following integration and asks Police Scotland to respond to this request.**

### Two command and control systems

132. In its written submission to the Committee, Police Scotland stated that: “the devolution of railway policing will have no detrimental impact on cross-border security arrangements.” The submission explained that: “BTP and Police Scotland currently work together on a number of cross-border operations and this close working relationship would be expected to continue with BTP colleagues south of the border, following 1 April 2019”.<sup>71</sup>
133. However, the BTPSA's written submission said that, whilst it is commonplace for BTP officers to police trains across the border, “the introduction of any form of dual control at the border increases security concerns; protocols blur lines of

accountability and responsibility and open up opportunity for disruption caused by protest".<sup>72</sup>

134. Nigel Goodband of the BTPF told the Committee that:

” ... there could, because of the involvement of two different forces with different command structures, different crime recording systems and different communication systems, be a problem.”<sup>73</sup>

135. Andrew Cooper of CrossCountry told the Committee that it was essential to have an effective command and control IT system in place, in order to respond to incidents quickly and to deploy the correct people. Mr Cooper questioned how the current BTP system would work with Police Scotland's three systems, stating that: "we will have three control offices for Scotland and one for the rest of our operations in England and Wales".<sup>74</sup>

136. Darren Horley agreed, adding that a key concern for Virgin Trains staff was how calls will be managed. Mr Horley told the Committee that: "we have the well publicised 6106 number that passengers can call for assistance, but we have concerns about which control centre those calls will go to and how they will be managed".<sup>75</sup>

137. The Committee queried whether operational problems arose currently in relation to UK train services crossing international borders. Chief Superintendent McBride of the BTP Superintendents Branch said that international trains did not provide a direct comparison, as such an example:

” involves a much more controlled environment—we are talking about ports, with all a port's controls.”<sup>76</sup>

138. The Cabinet Secretary for Justice acknowledged that policing the railways, airports and ports: "all have different challenges and risks associated with them". However, Mr Matheson argued that having one command structure provided a more effective approach to infrastructure policing.<sup>77</sup>

139. The Cabinet Secretary said that integrating railway policing: "... will create greater accountability and give us greater coherence in how policing is delivered in a key part of Scotland's public infrastructure".<sup>78</sup> Mr Matheson added that it would also improve decision making as "... a single command structure will speed up the process and give a better line of accountability".<sup>78</sup>

140. **Recommendation: The Committee notes that there is the potential for a single command structure for policing in Scotland to provide a more efficient, effective and accountable approach to policing the railways. The Committee asks the Scottish Government to reflect on the concerns raised by a number of key stakeholders about the wider implications of its approach to ensure that there are not any unintended consequences for the UK-wide rail network, and in particular for cross-border services.**

141. The BTP and Police Scotland currently apply different policies in certain areas such as recording crimes, and the carrying and use of Tasers and firearms. The Committee considered how the application of different policies might impact on cross-border rail services should BTP Scotland be integrated into Police Scotland.
142. Alisdair Burnie of the TSSA explained the different approaches of the BTP and Police Scotland to crime recording, telling the Committee that:
- ” the BTP considers the end location to be the location and it begins to allocate crime inquiries from there, whereas Police Scotland considers the start location to be the location of the crime.<sup>79</sup>
143. Currently only authorised firearms officers within Police Scotland can carry Tasers whereas the BTP has Taser-trained officers, who are not firearms officers. Assistant Chief Constable Higgins of Police Scotland told the Committee that: "should integration occur, one of the first things that I will have to do is to assess the threat in the wider rail network and see whether it is still appropriate, in terms of the wider Police Scotland threat assessment, to continue that practice".<sup>80</sup>
144. Chief Constable Crowther of the BTP agreed with this approach, but questioned what would happen on cross-border trains where different policies were applied, asking: "what happens to officers from either force who transcend into the other jurisdiction carrying Tasers or firearms". He added that what: "... we have to sort out is what interoperability looks like and how it is best managed".<sup>81</sup>
145. The Cabinet Secretary was asked to respond to this evidence. Mr Matheson told the Committee that whilst the issue would be: "... an operational matter for the chief constable",<sup>82</sup> he was confident that informed decisions would be made before deployment: "... on the basis of intelligence and understanding of the associated threat and risk".<sup>83</sup>

146. **Recommendation: The Committee recommends that, should integration proceed, prior to this, a mechanism must be established to ensure that Police Scotland and the British Transport Police continue to work collaboratively to identify any difference in policies and to determine how these will be managed in relation to the policing of cross-border trains.**

## More effective operational policing

147. The Policy Memorandum states that railway policing in Scotland will be enhanced through direct access to the specialist operational resources of Police Scotland.
148. The Committee considered whether the policing of Scotland's railways would be enhanced by officers potentially having direct access to Police Scotland's specialist operational resources, and by there being potentially more police officers trained in railway policing procedures.

### Access to specialist resources

149. Assistant Chief Constable Higgins told the Committee that as Police Scotland is the second-largest force in the United Kingdom, it has assets that are not available to the British Transport Police D Division, saying that:

” Although at present we will deploy those assets on request, they will be routinely deployed should integration take place. That will lead to greater effectiveness and efficiency and, in my view, a greater ability to deploy more resource to locations that currently do not receive them. <sup>84</sup>

150. Assistant Chief Constable Higgins added that Police Scotland is probably one of the most well-equipped forces, given the number of specialisms that it has, telling the Committee that: "We invest heavily in specialisms to make sure that we can deal with any eventuality". <sup>85</sup>

### More trained officers

151. The Committee heard that Police Scotland's intention to provide railway policing training to all of its officers would improve the service provided to the rail network throughout Scotland.

152. The British Transport Police provided supplementary evidence to the Committee detailing the areas where BTP Officers and Special Officers were based in Scotland. This showed that the majority are based in the central belt. <sup>86</sup>

153. Chief Superintendent McBride indicated that the BTP Superintendents Branch had just completed a demand review that considered where officers should be based, depending on demand, and confirmed that: "we are changing how we look and feel to adapt to the demand". <sup>87</sup>

154. In response to evidence that the Committee had received which suggested that Police Scotland is the first responder to a significant proportion of railway incidents, Chief Superintendent McBride told the Committee that figures for this year indicated that: "... Police Scotland attended first at 1.8 per cent of incidents on the railway. That is roughly 2 incidents in a week out of a total of about 250 incidents". <sup>88</sup>

155. Neil Curtis of Direct Rail Services Ltd told the Committee that mutual aid is a requirement under policing legislation and that: "we know that if we have an incident in certain locations, there is a good chance that a Police Scotland officer will turn up and deal with it". <sup>89</sup>

156. David Lister of ScotRail Alliance agreed, adding that: "integration could assist with that element of the response". <sup>90</sup> Mr Lister said that it was critical to ensure that: "people who access the railway follow the appropriate procedures and understand the risks that are associated with it". <sup>57</sup>

157. Darren Horley told the Committee that Virgin Trains views integration as: "an opportunity for more coverage", but that training and expertise were critical. He said that: "we want to get it right, but it is about the right expertise and the right training" for officers. <sup>91</sup>



158. Chief Superintendent McBride of the BTP Superintendents Branch agreed, saying that: "enhancements are welcome if staff are trained".<sup>92</sup>
159. In response to a request for examples of any failures of the current policing model for railways in Scotland, the Cabinet Secretary for Justice, Mr Matheson, explained that policing of railway incidents which occur beyond the central belt, particularly in rural areas: "is largely delivered by Police Scotland. That is because of the length of time that it takes for the BTP to respond to such incidents". Mr Matheson stated that the additional training of police officers, in conjunction with the specialist unit would provide Police Scotland with:
- ” greater capacity to meet these needs across the network in Scotland, alongside the specialist capacity that BTP delivers at the moment to deal with incidents that require specialist input.<sup>93</sup>
160. Mr Matheson added that a further benefit would be Police Scotland learning from the BTP to improve the effectiveness of infrastructure policing. He said that: "benefits will come to Police Scotland through learning from the approach that BTP officers take in handling situations".<sup>26</sup>
161. In response to a question on where railway police officers would be based and on whether current cross-border arrangements would be taken into account, Mr Matheson explained that:
- ” It will ultimately be for the chief constable to determine where they should be based in order to give effect to the agreements that will have been put in place for the delivery of railway policing in Scotland.<sup>94</sup>

162. **Recommendation: The Committee heard that the proposal to integrate BTP Scotland into Police Scotland could provide an opportunity to enhance the police service provided across the rail network in Scotland. The Committee asks the Scottish Government to provide more information about the deployment of resources on the railway by the British Transport Police and Police Scotland, in the light of evidence that Police Scotland is the first responder to 1.8% of incidents on the railways.**

## Risks from integration

163. The Scottish Government's intention is to have a seamless transition of railway policing from BTP Scotland into Police Scotland. Many of the issues which have been raised during the Committee's Stage 1 scrutiny are not contained within the specific provisions of the Bill. Instead they are to be dealt with in the detailed subordinate legislative provision, which would follow, should the Bill be passed.
164. Similar issues were raised in some of the responses to the Scottish Government's consultation and are referred to in the consultation section of the Policy Memorandum.
165. The Policy Memorandum identified various concerns raised in response to the consultation and deals with each in turn. Concerns expressed included that integration: would impact negatively on cross-border services; would reduce competence in tackling major UK issues such as terrorism; would reduce the safety of rail passengers and staff due to a possible reduction in officer posts; could increase costs for train operators; would negatively impact on the terms and conditions of service of BTP officers and staff, and could hamper career development and progression.
166. The Committee considered any potential risks associated with integrating BTP Scotland into Police Scotland and whether these could be resolved prior to integration. Some of the concerns raised during the Scottish Government's consultation process and in evidence to the Committee are considered within the relevant sections of this report.
167. In response to a question on any identified risks associated with the integration of BTP Scotland into Police Scotland, Assistant Chief Constable Higgins of Police Scotland highlighted the following three areas:
- ” There is a risk that, on transfer, that skill base will be diluted, and it is my job to ensure that that does not happen. There is a risk that the terms and conditions might be diluted but, again, we have made it clear that we hope that the Scottish Government will address that. There is also a risk on the financial side. It is necessary to ensure that Police Scotland is properly compensated for taking on the additional responsibility.<sup>95</sup>
168. John Foley of the SPA indicated that the JPB was aware of the risks that had been highlighted, telling the Committee that they were being: "discussed in detail by that board and actions are taken to mitigate them".<sup>96</sup>

## Cross-border services

169. The Committee considered any impacts of integration on the policing of trains which cross the border between Scotland and England.
170. Graham Meiklejohn of TransPennine Express told the Committee of his concerns about what would happen, post-integration, when trains cross the border from one force to another. To address any issues in advance of integration Mr Meiklejohn suggested that: "some sort of agreement between the force in Scotland and the

BTP south of the border would be a wise path to take in order to ensure continuity and cooperation from day 1, with no issues or risk of misunderstandings as our services pass to and fro over the border.”<sup>97</sup>

171. Dan Moore from the Department for Transport reassured the Committee that achieving effective and seamless cross-border policing is a priority for the JPB. Mr Moore explained that jurisdictional issues are to be dealt with in subordinate legislation, saying that:

” statutory instruments will be an important mechanism for effecting devolution because they will set out some of the jurisdictional questions at a later point in the process. We have been thinking carefully about how those instruments should be framed.

The guiding principle that we have been trying to work to is to have effective and seamless cross-border policing.”<sup>98</sup>

172. In response to a question on where railway police officers will be based, as currently those who police railways in Dumfriesshire might be based in Carlisle, the Cabinet Secretary for Justice indicated that whilst this is an operational decision for the Chief Constable he would have no issue with British Transport Police officers who are based in Carlisle continuing to cover the railway across the England and Scotland border and operating within Scotland. Mr Matheson told the Committee that: “I would have no problem with that, if that was the approach of the chief constable of Police Scotland”.<sup>99</sup>

173. **Recommendation: The Committee asks the Scottish Government to confirm whether the Joint Programme Board is pursuing the suggestion of an agreement on managing cross-border trains between Police Scotland and the British Transport Police prior to integration.**

## Retaining BTP Scotland officers and staff

174. A key concern from the evidence received is whether or not the existing BTP officers and staff will transfer to Police Scotland should integration proceed. The Policy Memorandum makes it clear that the Scottish Government wishes to: “retain the specialist skills, knowledge and experience that BTP officers and staff have built”, to ensure that: “the policing of Scotland’s transport infrastructure is well equipped to meet current and emerging threats”.<sup>100</sup>
175. It is Police Scotland’s intention to maintain a specialist railway policing function within its broader structure. The Policy Memorandum quotes a letter from the Chief Constable of Police Scotland to the Cabinet Secretary for Justice on 7 June 2016, outlining this commitment and addressing career progression concerns:

” In recognising the vast expertise of British Transport Police in policing the railway community of Scotland and to maintain public and industry confidence of continued excellence, I would see the maintenance of a specialist railway policing function within a broader Police Scotland structure. Whilst a consultation may inform the position in more detail, obvious options would be to have a specialist railway policing function as part of either Operational Support Division which currently owns the portfolios for Roads Policing, Events and Emergency Planning and liaison with Transport Scotland or to align railway policing with Borders Policing Command.

I recognise the importance of providing assurance that following the integration of British Transport Police officers and staff into Police Scotland, there will be a level of protection afforded to allow their retention within the business area of Railways Policing, however this will not inhibit the voluntary movement of officers between this function and other Police Scotland business areas to promote personal and corporate development.

Policy Memorandum, Railway Policing (Scotland) Bill, paragraph 44:  
<http://www.parliament.scot/Railway%20Policing%20Scotland%20Bill/SPBill02PMS052016.pdf>

## TUPE and COSOP

176. The Scottish Government believes that the transfer is likely to fall within the exclusion in regulation 3(5) of the Transfer of Undertakings (Protection of Employment) (TUPE) Regulations 2006, because it is a transfer of administrative functions between public authorities. Accordingly, it is not a relevant transfer for the purposes of the TUPE Regulations and those Regulations therefore would not apply.
177. The Policy Memorandum explains that it is the Scottish Government's intention to abide by the Cabinet Office Statement of Practice on Staff Transfers in the Public Sector (COSOP), in particular by ensuring so far as possible that (1) the transfer (including terms of transfer) is effected by legislation and (2) the staff transferred are treated no less favourably than they would have been had TUPE applied.<sup>101</sup>

## Triple-lock guarantee

178. The Cabinet Secretary for Justice wrote to the BTPF on 1 December 2016. The letter included a "triple-lock guarantee to secure the jobs, pay and pensions of railway police officers and staff in Scotland", and outlined the Scottish Government's approach to integrating BTP officers and staff into Police Scotland, as follows:

” We fully recognise that terms and conditions of service for BTP officers and staff is a very personal matter, particularly in relation to job security and pensions. The Scottish Government will apply a principle of no detriment to the transfer, meaning that we expect future terms and conditions to be similar in overall terms to those that BTP officers and staff enjoy at present, even if some of the details within the terms and conditions change over time. We will aim to ensure that upon integration, pension entitlement is maintained without detriment.<sup>102</sup>

179. The Minister for Transport and the Islands wrote to the TSSA on 6 December 2016 in similar terms.<sup>103</sup>

### Confirming terms and conditions

180. The key issue for BTP staff and officers in making a decision about transferring to Police Scotland is whether they will be able to retain their current terms, conditions, benefits and pensions. BTP officers and staff are employees and not public servants and therefore their terms and conditions are not the same as those of Police Scotland's staff and officers. The Committee heard that finding the right mechanism to enable BTP staff and officers to retain their terms, conditions and pension arrangements was a complex process that had yet to be concluded.
181. Resolving these issues is essential to ensuring that BTP officers and staff agree to transfer to Police Scotland, and the Committee heard that finding a resolution is a priority for the Scottish Government and the JPB. The Committee considered whether the assurances that had been provided by the Scottish Government to BTP and TSSA officers and staff about their terms, conditions, pensions and benefits, gave them enough reassurance, prior to a formal agreement being reached.
182. Chief Constable Crowther told the Committee that whilst the BTP is encouraged by the 'triple-lock guarantee', terms and conditions needed to be confirmed soon, saying that:
- ” From the staff's perspective, the earlier that that can be shared with them, the quicker we will be able to work with individuals to help them understand what it means for them in their individual circumstances.<sup>104</sup>
183. Mr Goodband of the BTPF told the Committee that COSOP did not provide any guarantees as it is not: "legally binding",<sup>105</sup> and therefore this approach could lead to an erosion of terms and conditions for officers over time.
184. Mr Goodband added that the use of terms in Mr Matheson's letter to the BTPF and in the Policy Memorandum, such as: "that is the aim where possible", did not provide a guarantee that terms, conditions and pensions would be retained, telling the Committee that:
- ” In my mind, that does not give a “triple-lock guarantee”. That level of uncertainty continues among British Transport Police officers: what exactly will their terms and conditions and their pensions look like when—or if—they transfer to Police Scotland?<sup>106</sup>
185. Mr Goodband described the retention of existing terms and conditions as a: "major concern" for his members, saying that: "To date, we do not know—we have not been shown—what the legal mechanism is for the transfer of employees to Police Scotland".<sup>107</sup>
186. Alisdair Burnie agreed, saying that the staff and members of the TSSA were: "in fear of the proposed integration". He warned that continued uncertainty may result in staff leaving the BTP:

” Most staff who have options will take them, so please do not think that the number of staff that you expect to transfer will necessarily transfer, because that will not be the case. <sup>108</sup>

187. The TSSA provided supplementary evidence to the Committee which included details of a recent survey that it had undertaken to gauge the views of BTP staff about whether they intended to transfer to Police Scotland. The survey found that: "whilst 62.5% cautiously said they intended to stay, 37.5% indicated that they would be intent on leaving, some through retirement but many through an expectation that they will be made redundant post transfer". <sup>109</sup>

188. In response to the TSSA staff concerns that they would be made redundant should integration proceed, the Cabinet Secretary for Justice, Mr Matheson, confirmed that: "There is no redundancy policy: all staff will transfer to Police Scotland, if they choose to do so." <sup>110</sup>

189. Calum Steele of the SPF told the Committee that Police Scotland currently employs officers under different terms and conditions which were retained when the eight legacy forces merged, and that once integration took place, he expected a similar approach to be taken for BTP officers:

” I suspect that we will, as happens with all organisations as they evolve, get closer to something that looks and feels similar to everybody, rather than having numbers of people on different elements of entitlement, as is currently the case in the police. <sup>111</sup>

190. Michael Hogg stated that members of the National Union of Rail, Maritime and Transport Workers (RMT) were opposed to the integration on safety grounds, and that:

” Our position is clear: from a trade union perspective, we do not support the proposal that is on the table to merge the British Transport Police and Police Scotland. We have not ruled out the option of taking industrial action to retain BTP officers on the railway, because we are concerned about the safety of railway staff and passengers on trains in Scotland. <sup>112</sup>

191. The prospect of a significant number of BTP officers and staff choosing not to transfer to Police Scotland was raised with railway operators. Darren Horley responded that it was critical to Virgin Trains: "to have a seamless force in place". <sup>113</sup> Graham Meiklejohn of TransPennine Express agreed, telling the Committee that whilst the proposal to integrate offered an opportunity to improve efficiency and perhaps lower costs, the importance of retaining people could not be overstated:

” There is an obligation to ensure that the fundamental people issues are addressed and taken into account in order to minimise the risk of people leaving the force unnecessarily. <sup>114</sup>

192. Dan Moore from the Department of Transport confirmed to the Committee that resolving the terms and conditions of staff and officers who may transfer was a priority for the JPB. However, he told the Committee that he did not foresee those issues being resolved prior to the end of the Stage 1 process of the Bill, saying that:



"My sense is that, if we are not in a position to give a substantially greater level of assurance by the late summer, we will have some challenges".<sup>115</sup>

193. Mr Moore went on to identify the potential loss of expertise as at the: "top of the list"<sup>116</sup> in terms of the risks to be resolved, adding that resolution depended on the decisions that the Scottish Government takes in relation to pensions, terms and conditions.

194. In response to questions on the timetable for agreeing the terms, conditions and pension arrangements of the BTP officers and staff, and on whether benefits such as the free travel provision would be retained, the Minister for Transport and the Islands, Humza Yousaf, said that whilst he hoped that the triple-lock guarantee provided an assurance to BTP staff and officers, the issues were complex, telling the Committee that:

” it must be understood that some of the issues are complex—again, I cite pensions as an example—and involve a lot of detail, and it is therefore appropriate that we give the joint programme board time to work through those issues.<sup>117</sup>

195. Mr Yousaf added that salaries would also be protected under the triple-lock guarantee, confirming that: "The protection for terms and conditions would of course apply to salary levels".<sup>118</sup>


196. **Conclusion:** At the time of publishing this report, agreement on the terms, conditions, benefits and pensions of British Transport Police staff and officers has not been reached. The Committee notes that the commitments the Scottish Government has given the British Transport Police and the Transport Salaried Staffs' Association have not reassured these representative bodies that current conditions of employment would be retained upon integration into Police Scotland. The Scottish Government has said that "it will apply a principle of no detriment" to terms and conditions. The Committee notes the use of terms by the Scottish Government such as "the aim, where possible" has not yet provided stakeholders with sufficient reassurance.

197. **Recommendation:** It is clear from the evidence that resolving this issue is critical to achieving a seamless transfer of railway policing to Police Scotland. The Committee asks the Scottish Government to provide an update on progress during the Stage 1 debate on the Bill. The Committee seeks an assurance that the terms, conditions, benefits and pensions of BTP officers and staff will not be adversely affected.

## Risk of dilution of expertise and skills

198. The Committee heard concerns that transferring to Police Scotland would mean that railway police officers would be required to undertake wider policing duties and

that this would lead to a dilution of their skills and expertise over time. This was a particular concern for BTP officers and staff who had chosen to work for BTP Scotland, rather than a geographical force, because they only wanted to work within a railway environment.

199. Chief Superintendent McBride of the BTP Superintendents Branch told the Committee that those who had made a conscious decision to join a specialist railway police force were asking: "Why would I want to transfer into something that is much more generalist?". <sup>119</sup>
200. The Committee considered whether Police Scotland's commitment to establish a specialist railway unit provided enough reassurance to address concerns about the skills and expertise of BTP officers being diluted upon integration.
201. In response to concerns that BTP officers would be required to work in others areas of policing Assistant Chief Constable Higgins of Police Scotland confirmed that:  
 any British Transport Police officer who migrates into Police Scotland will have their legacy right to police the railways honoured. If they choose to remain within the railway environment for the remainder of their career, that will be respected. <sup>120</sup>

## Training

202. The Committee heard that a key element of Police Scotland's ability to retain and maintain the necessary skills and expertise to police the railways would be determined by the initial and on-going training that it would provide, along with the frequency of police officers using their skills.
203. The Committee sought the views of the relevant unions, staff associations and the railway operators to Police Scotland's proposed training programme and found that there were different interpretations of what had been proposed.
204. Section 3 of the Bill provides constables of Police Scotland with a new power of entry in relation to specified railway property through the insertion of a new Section 20A into the 2012 Act. This is in similar terms to the power of entry currently available to constables of the BTP (see Section 31(2) of the Railways and Transport Safety Act 2003).
205. The Policy Memorandum explains that this provision is necessary as there is one unique power conferred by the 2003 Act on members of the BTP which allows those members to enter specified railway property without a warrant, using reasonable force if necessary and irrespective of whether an offence has been committed.
206. This enables BTP officers to access those parts of the railway to which the public normally don't have access, such as railway tracks, to carry out patrols, and to deal with any incidents or potential threats.
207. Nigel Goodband of the BTPF referred to the essential requirement for a Personal Track Safety (PTS) Certificate:



” Every officer in Police Scotland who intends to police the railways - or go anywhere near the railway - will have to have the personal track safety certificate.<sup>121</sup>

208. Michael Hogg of the RMT agreed, adding that: "Police Scotland would not have access to our railways if there was a derailment or a collision or any trespass on a railway. If Police Scotland officers do not have a PTS certificate, they cannot go on or near the running line".<sup>122</sup>

209. Darren Horley of Virgin Trains and Neil Curtis of Direct Rail Services Ltd both confirmed that it would cause operators significant concerns if Police Scotland were not to provide PTS Certificate training for all its police officers.

210. David Lister of ScotRail Alliance told the Committee about the current re-training requirements for BTP officers and asked for clarification of Police Scotland's training proposal, saying that:

” The current arrangement, which is industry-wide, is that the training is refreshed every two years. People cannot retain the competence if they never practise or are not retrained. We want to understand what the proposal is.<sup>123</sup>

211. Neil Curtis of Direct Rail Services Ltd added that it was important that police officers are, and remain, competent in carrying out railway policing duties:

” Two or three weeks, or whatever it is, of training is a good start, but it is only a start. It is not a completion of work. The approach has to take into account how often people will use that knowledge. Knowledge will wane, fade and disappear, so people need continual training.<sup>124</sup>

212. Andrew Cooper of CrossCountry described the proposal, as he understood it, to train all 17,000 Police Scotland officers for the Personal Track Safety Certificate as: "quite a sum and a challenge".<sup>125</sup> Mr Cooper questioned whether those who were not dedicated to railway policing all the time would gain the necessary experience and asked that Police Scotland put in place: "a competence management system for the people who will be put in harm's way on the railway".<sup>125</sup>

213. The Committee wrote to Police Scotland for clarification on the nature and type of training that it intends to provide to all police officers post-integration, and on whether all officers are to undertake Personal Track Safety Certificate training.<sup>126</sup>

214. In his response Assistant Chief Constable Higgins explained that Police Scotland's: "training curriculum for new recruits at SPC [Scottish Police College] is currently under review", adding that the: "proposed integration of BTP in Scotland into Police Scotland provides an opportunity to weave railway legislation, personal track safety and other associated elements into the curriculum for probationer training".<sup>127</sup>

215. In response to a question on whether he thought that all 17,000 police officers would receive Personal Track Safety Certificate training, the Cabinet Secretary for Justice replied that: "Whether it will be a case of all 17,000 officers receiving that certificate or whether it will be the cohort that will operate in railway policing is a decision for Police Scotland".<sup>128</sup>

216. He added that he believed that the railway policing training to be provided by Police Scotland would make it more resilient, as:

” officers will have a greater skill set and an understanding of railway policing, which does not exist at present. I believe that that will create more resilience and capacity in Police Scotland to deal with transport policing issues. At the same time, it will have a highly specialised cohort of officers to deliver the service that the BTP provides at present. <sup>129</sup>

217. **Conclusion: Providing railway policing training for all police officers provides an opportunity to make Police Scotland more resilient and effective in policing the railways. There are areas of the railways that police officers should not enter without a Personal Track Safety Certificate. The Committee requests further information from Police Scotland as to how this currently plays out in practice when Police Scotland officers respond to incidents on the railway estate.**

### British Transport Police specialisms

218. The Committee heard that the BTP has developed a number of specialisms which add value to the railway policing service that it provides. There were concerns that Police Scotland might not adopt the same approach should BTP Scotland be integrated into Police Scotland.
219. An area of great importance to the railway operators is BTP's approach to minimising the impact of incidents on the rail network, by being aware of the UK-wide impact and the economic cost to the railway operators.
220. Particular specialisms include the BTP's work on suicide prevention. Chief Constable Crowther told the Committee that the BTP has: "developed a range of initiatives that identify those who are at risk and implement measures to divert them away from it". <sup>130</sup> Another specialism is the BTP's work to reduce cable theft which Chief Superintendent McBride of the BTP Superintendents Branch told the Committee had resulted in: "a 52 per cent reduction in metal theft across Scotland". <sup>131</sup>
221. Assistant Chief Constable Higgins told the Committee that Police Scotland has a similar ethos to the British Transport Police, saying that: "Police Scotland has the same ethos across the whole force area. It is about keeping people safe and protecting Scotland's communities, which is the same as the BTP's desire to protect the travelling public in Scotland". <sup>132</sup>
222. In response to a question on whether Police Scotland will retain the "ethos" of the BTP, the Cabinet Secretary for Justice described the service provided by the BTP as: "greatly valued", adding that the intention is to retain and maintain specialisms, telling the Committee that he expected: "the current ethos to be recognised and maintained and taken forward in how railway policing is delivered". <sup>78</sup>

223. **Recommendation: The Committee notes that the British Transport Police's approach to identifying and developing specialisms to improve railway policing has added value and recommends that, should integration proceed, Police Scotland build on the specialisms that have been developed.**

## Potential impact on safety and security

224. The Policy Memorandum states that there are around 93 million passenger journeys made in Scotland each year and that demand is growing. About 91% of rail travel in Scotland (freight and passenger) is within Scotland. Around 8 million passenger journeys and 2 million tonnes of freight use the two cross-border rail routes. Passenger satisfaction, as recorded in the National Rail Passenger Survey conducted twice a year by Transport Focus, is consistently 5-7% above the UK average for passenger perception of personal safety and security while on trains and at stations, and passenger numbers have increased by over 45% since 2005-06.
225. The Committee heard that a network-wide approach for railway policing across the UK means that the BTP is the decision maker when there is a threat to the railways. It has a single command structure and a single approach to dealing with terrorist threats across the UK's railway network.
226. In its written submission the BTPSA stated that: "Devolving railway policing and causing the introduction of dual controls at the border with different bomb threat categorisation arrangements will introduce an element of risk".<sup>133</sup>
227. Chief Constable Crowther told the Committee that at present the BTP makes the decision about any threat or potential threat to the railway network across the UK and stressed the importance of a clear decision making structure when dealing with terrorist threats, adding that the challenge would be around:
- ” how decisions are made on threat and risk in relation to matters that could be in one or other of the jurisdictions but which could have a significant impact elsewhere, depending on what decision is made. <sup>134</sup>
228. Nigel Goodband of the BTPF questioned whether Police Scotland's IT systems would be as efficient as the BTP's single command and control system in dealing with day-to-day crimes on the railways, telling the Committee that using two systems: "could throw up unnecessary difficulties".<sup>135</sup>
229. Alisdair Baird of the TSSA agreed, saying that Police Scotland currently has: "at least eight different crime recording systems and at least eight case management systems, none of which speaks to the others".<sup>136</sup>
230. In its submission to the Finance and Constitution Committee, Police Scotland indicated that its ICT systems may require to be changed, saying that: "Full integration may also require investment in ICT structures to ensure operational

compatibility".<sup>137</sup> The submission did not state what the level of ICT investment would be or specify the ICT systems that might require investment.

231. Calum Steele of the SPF told the Committee that Police Scotland might want to continue to use the current command and control system used by the BTP, and that if it did there might be benefits for the wider service. He said that: "we would need assurances and a response from the police service on that".<sup>138</sup>

232. In response to a question on the IT capabilities of Police Scotland when dealing with terrorist related incidents, Assistant Chief Constable Higgins told the Committee that Police Scotland has access to real-time information at its Gartcosh crime campus, which currently needs to be relayed to the BTP, adding that a benefit of integration would mean that: "there would be no need for that relay; the information would be put directly to the point where it was required".<sup>139</sup>

233. The Cabinet Secretary for Justice told the Committee that if there is a security issue in the UK the police services work collaboratively and he expected that approach to continue. Mr Matheson explained that:

” The police will do that in a co-ordinated fashion that recognises the potential impact that a decision in Scotland can have on the wider network and considers how that decision can be communicated to those in other parts of the network in the UK that might be affected.<sup>140</sup>

234. In response to concerns raised about the effectiveness of Police Scotland's ICT systems, Mr Matheson confirmed that Police Scotland currently has the same access to live information on terrorist events as the BTP, clarifying that: "It has that access now and that will continue to be the case".<sup>141</sup>

**235. Conclusion: The Committee is reassured that the UK-wide systems for dealing with terrorist threats on the railway work effectively.**

**236. Recommendation: The Committee notes on-going concerns around Police Scotland's IT systems. The Committee further notes Police Scotland's view that there may be a requirement to invest in ICT systems to ensure operational compatibility with the British Transport Police and asks the Scottish Government for confirmation that it is their view that there will be no detriment to information sharing, should an incident occur.**

## Commencement

237. The target date for integration of BTP Scotland into Police Scotland is 1 April 2019. The Committee considered whether the timetable is realistic and achievable.

238. The Scottish Government states in the Policy Memorandum that the timetable is to be kept under review, as railway policing across the UK may change depending on

the outcome of the UK Government's current Infrastructure Policing Review for England and Wales.

239. The Committee received assurances from Police Scotland and the SPA that they would be able to successfully deliver integration of BTP Scotland into Police Scotland should the Bill be passed.
240. John Foley said that the SPA would use its experience of merging the eight police forces to ensure a successful merger, and that: "we are extremely confident that we will deliver the merger successfully". <sup>142</sup>
241. Assistant Chief Constable Higgins of Police Scotland said: "I am confident that the transition would occur and that it would be done in collaboration and partnership with the British Transport Police". <sup>143</sup>
242. In response to a question on whether the proposed timescale would be met, Dan Moore of the Department for Transport, told the Committee that he had "confidence in the date", but cautioned that the risk was not parliamentary time to consider the subordinate legislation, but more whether the work of the JPB was able to be completed on time. He told the Committee that:

” For me, the critical question on the date concerns the fact that there is a huge amount of work to do between now and 1 April 2019—I want the committee to be in no doubt about that. <sup>144</sup>
243. The Committee heard from the railway operators that they wanted to be more involved in the work of the JPB and they highlighted some specific areas where they would like to see work being progressed.
244. David Lister of ScotRail Alliance told the Committee that whilst two years is an achievable timeframe, it was important for the rail operators to be involved in the identified workstreams. He said that: "significant work needs to be done now to ensure that the appropriate planning, mobilisation and risk management measures are in place". <sup>145</sup>
245. Graham Meiklejohn of TransPennine Express said that two years should provide enough time to undertake the necessary planning and assessment, adding that the: "ultimate test—is to ensure, just as we are remitted to do, that on day 1, when change happens, the customer or passenger sees no difference and everything continues as normal". <sup>146</sup>
246. Andrew Cooper of CrossCountry said that he would now like to see stated intentions turned into action to ensure a seamless transfer, telling the Committee that: "I think that it comes back to the issue of stated intentions and what we really mean by assurance. In business life, I would normally expect such a significant change to be accompanied by a proper impact assessment of the likely consequences, including any unintended consequences". <sup>147</sup>
247. Dan Moore of the Department for Transport told the Committee that, whilst railway operators were not members of the JPB, he had met with the Rail Delivery Group as Chair of the JPB and would continue that engagement, confirming that: "over the

next couple of months, we will also need to uptick the engagement with both the operators and staff representatives".<sup>148</sup>

248. Some of the evidence that the Committee received questioned whether this was the right time to integrate BTP Scotland into Police Scotland, as the latter was still going through a transformational change.
249. In its written submission, the BTPF referred to the findings in the Scottish Government commissioned "Evaluation of Police and Fire Reform: Year 1 summary report", noting that it: "refers to Police Scotland currently being in a transitional phase and trying to consolidate their position following the legacy integration".<sup>iii</sup>
250. The Cabinet Secretary for Justice confirmed to the Committee that he was confident that the timetable would be met, saying that: "I am confident that there will be sufficient time to take forward the integration".<sup>149</sup>
251. The Cabinet Secretary acknowledged that there are risks involved in the proposed integration of BTP Scotland into Police Scotland, adding that he was confident that these would be managed through the JPB, telling the Committee that:

” I am confident from the advice that I have been provided and from the approach that we are taking that those risks can be appropriately managed and that we can put in place a process that will ensure that we have a mechanism that is able to mitigate the risks and put in place the appropriate level of service agreement with the industry that reflects what it believes is necessary to deliver railway policing in Scotland effectively.<sup>150</sup>

252. **Recommendation: The Committee notes a willingness to work collaboratively to meet the April 2019 deadline should the integration of the British Transport Police into Police Scotland proceed. However, the Committee recommends that the railway operators, relevant unions, staff associations and passenger groups be included in the progress of the Joint Programme Board's workstreams as soon as possible, to ensure that any risks are identified and mitigated prior to integration.**

253. **The Committee further notes that some evidence received questioned whether this was the right time to integrate the British Transport Police in Scotland into Police Scotland, as the latter was going through transformational change.**

<sup>iii</sup> [[http://www.parliament.scot/S5\\_JusticeCommittee/Inquiries/RP\\_BTP\\_Fed.pdf](http://www.parliament.scot/S5_JusticeCommittee/Inquiries/RP_BTP_Fed.pdf) page 6 BTP, 30 Jan 2017]



## Alternative approaches

254. The Policy Memorandum states that some of those responding to the consultation proposed an alternative approach to giving effect to the devolution of the functions of BTP Scotland through the Scotland Act 2016 that would involve the BTP continuing to provide railway policing services in Scotland on an ongoing basis, with some form of accountability to the Scottish Parliament and/or the SPA in addition to their existing UK-wide governance structures.
255. The Committee heard that the Scottish Government's decision to consult on only one option for railway policing in Scotland following the devolution of railway policing powers gave rise to concerns amongst some of those in the railway industry that not all of the options identified by the BTPA had been fully considered. The evidence received during the Committee's Stage 1 scrutiny, and in the majority of the responses to the Scottish Government's consultation, indicated that there is little support from the majority of the written evidence from the railway industry for the proposed approach.
256. Nigel Goodband of the BTPF told the Committee that the consultation should have been on whether BTP Scotland should transfer to Police Scotland, rather than how to integrate it, as this approach would have better reflected the different options available to the Scottish Government:
- ” We feel that, right from the outset, there has been no acknowledgement of our views or those of the police officers whom we represent, because a simple decision has been taken that there is only one option—that of full integration.  
151
257. Mr Goodband added that the BTPF's preferred option is: "for the BTP to remain as one national police force policing the railway environment".<sup>152</sup>
258. In its written submission CrossCountry described the consultation approach of: "not asking 'should we do this' but 'how shall we do this'" as unsatisfactory. It went on to say that the recommendations made by the Smith Commission, to make transport policing in Scotland a devolved matter: "could be effectively implemented in a number of ways and not solely in the manner proposed".<sup>153</sup>
259. In its written submission the Rail Delivery Group asked for greater detail on the expected benefits of the proposed integration, stating that: "It appears from the consultation that the reason behind undertaking the integration is because it can be done as opposed to there being a well set out argument as to why it should be done".<sup>154</sup>
260. The BTPSA in its written submission indicated that there was little support for integration, saying 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".<sup>155</sup>
261. The railway operators told the Committee about some of the opportunities that integration could provide.

262. Darren Horley from Virgin Trains said that integration provided an opportunity for more coverage in Scotland, and asked that the reassurances around safety and level of service be honoured, telling the Committee that:

” Our focus is on ensuring that the BTP continues to play the same critical role in keeping the travelling public and our staff safe. If Police Scotland honours that commitment when it takes over, and if it guarantees us the same level of service that we enjoy from the British Transport Police—the Minister for Transport and the Islands has said that he will give those written reassurances, which we will give to staff—we have no objections to the reforms. <sup>156</sup>

263. David Lister from ScotRail Alliance agreed, adding that: “There are some opportunities for enhancing security at larger stations outwith the central belt, where the wider Police Scotland team can give some support and provide reassurance to staff and the travelling public by responding earlier to incidents. That is one potential opportunity. <sup>157</sup>

264. Neil Curtis of Direct Rail Services Ltd, asked for a guarantee on the level of service, saying that: “we fully support the changes, but we need a guarantee that the current service will be maintained—or improved, if possible, as that would be the best way to go.” <sup>158</sup>

265. In response to a question on why the Scottish Government chose to only consult on one approach to devolving railway policing, the Cabinet Secretary for Justice said that it was usual practice for the Scottish Government to take a policy decision and then consult. Mr Matheson said that the option that was consulted upon was the only viable option, as it provided:

” clear accountability, a single command structure and specialist railway service delivery through Police Scotland, with access to the wider, specialist resources that Police Scotland has as and when necessary and on a routine basis <sup>159</sup>

266. **Conclusion: The Committee acknowledges that there are alternative options for providing railway policing in Scotland, and different views on which options should be pursued. It is clear from the evidence that the majority of respondents oppose full integration. The Committee's role is to scrutinise and report on the general principles of the Bill and it therefore notes the evidence received on alternative approaches to delivering railway policing in Scotland.**



## Financial considerations

267. The Financial Memorandum provides background information on funding for railway policing in Scotland. It sets out the: best estimates of the administrative, compliance and other costs to which the provisions of the Bill would give rise; best estimates of the timescales over which such costs would be expected to arise; and provides an indication of the margins of uncertainty in such estimates.
268. The Finance and Constitution Committee issued a call for evidence inviting written submissions on the estimated financial implications of the Bill as set out in Financial Memorandum. It received three responses and decided to give no further consideration to the Financial Memorandum.
269. BTP Scotland is funded through contributions from the railway industry, whereby Network Rail, train operating companies and freight operating companies enter into a PSA with the BTPA, under which they pay for the policing services they receive.
270. 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. The current PSA funding model ensures that the cost of railway policing is met by income from the railway industry.
271. The Scottish Government proposes to maintain the current direct relationship between railway policing and the railway industry in Scotland through the use of RPAs between the rail industry and the Scottish Police Authority. According to the Financial Memorandum the RPAs are to build on the existing PSA model with the railway industry with suitable adaptations to align them with the new institutional arrangements for Scotland.
272. The Financial Memorandum states that the cost of railway policing for the Scottish Government is not expected to rise as a result of the changes made by the Railway Policing (Scotland) Bill, as the costs of operational railway policing in Scotland would continue to be fully funded by the rail industry through the new RPAs. The cost of railway policing in Scotland that is chargeable through the PSAs covers a wide range of operational and wider overhead costs, for example training, equipment, buildings and vehicles. The plan is that these would be met from the income that would flow to the SPA from railway operators under the new RPAs, in much the same way as happens at present under the PSA model.
273. The Committee considered whether there would be any transitional costs arising from integrating BTP Scotland into Police Scotland, and whether the Financial Memorandum accurately reflected all the expected integration costs.

## Transitional and project costs

274. The Financial Memorandum states that there will be minor transitional costs for the SPA and Police Scotland, such as the changing of police badges on uniform/ vehicles, HR data transfer, and aspects of operational integration. The Scottish

Government expects these costs to be small and to be accommodated within Police Scotland's overall costs, given the predicted efficiency savings.

275. In its submission to the Finance and Constitution Committee Police Scotland highlighted a number of areas where it would incur additional costs, which had not been identified in the Financial Memorandum. These included the set-up costs of integration, investment in ICT structures to ensure operational compatibility, and an investment of staff hours and salary. In response to the question in the call for evidence on whether the Financial Memorandum reasonably captured any costs associated with the Bill, Police Scotland said:

” The FM does not make full provision for set-up costs associated with the Bill and, as a consequence, cannot reasonably capture the areas where there is the potential for costs to be incurred. <sup>160</sup>

276. In response to the question in the Finance and Constitution Committee's call for evidence on whether any future costs, which might follow from the subordinate legislation associated with the Bill could be quantified, Police Scotland said that: "It is difficult to assess this at this stage and at least until full due diligence is completed". <sup>161</sup>

277. In its submission to the Finance and Constitution Committee the BTPA indicated that the costs of devolution of railway policing, and its impact on the rest of the BTP, was not yet understood and that it expected there to be substantial costs to the BTPA relating to: "workforce, pensions, how we charge for our services and the transfer of assets and liabilities". <sup>162</sup>

278. In response to a question on whether the costs associated with the proposal had been clarified, David Lister of ScotRail Alliance stated that he had: "not heard any details around that question". <sup>163</sup>

279. In its response to the Finance and Constitution Committee's call for evidence on the Financial Memorandum the Rail Delivery Group expressed concerns about residual costs which will fall on England and Wales PSA holders as a result of integration. It described these as: "not insignificant", <sup>164</sup> and indicated that the RDG and its members (the train operating companies) are currently challenging the decision of the BTPA: "over who should fund the devolution project and any residual costs". <sup>165</sup>

280. In its written submission to the Committee CrossCountry highlighted the following three financial areas where questions remained unanswered: "- The funding of the project to achieve devolution of railway policing in Scotland; - The one off costs of implementing the proposal; and -The ongoing costs to the industry compared to today". <sup>166</sup>

281. Dan Moore, from the Department for Transport, indicated that the JPB had been tasked with providing an understanding of the cost implications so that the UK Government could take a view on the appropriate allocation of transitional costs. Mr Moore told the Committee that this work is on-going, but confirmed that whilst the UK Government's initial view was that the transitional costs should be met by the railway operators, once costs were known, it was willing to: "reconsider whether they should be dealt with in a different way". <sup>167</sup>

## Efficiency savings

282. The Financial Memorandum states that there may be the potential for efficiency savings following integration, specifically on the costs for non-operational overheads for corporate functions of the BTP and the BTPA, such as finance, procurement and HR, which will be provided by Police Scotland under the new arrangements.
283. The FM also states that there may be a requirement for BTP to provide some services, such as specialist training for an interim or extended period, and additional capacity will be required in Police Scotland to deliver some of these functions. The Scottish Government believes that there is scope for significant efficiencies by integrating BTP Scotland into Police Scotland.
284. An example given in the Financial Memorandum is the contribution of around £800,000 per annum by rail operators in Scotland to the costs of the BTP UK-wide senior officer team and their support staff. This cost is not expected to apply in Scotland following integration.
285. In its response to the Finance and Constitution Committee's call for evidence on the Bill, Police Scotland stated that efficiencies may be possible, but added that this would not be known until it had completed its analysis:

” Whilst it is generally accepted that any future operating model **may** create efficiencies in terms of economies of scale and working practices etc., the set-up costs of integration as well as the potential for efficiencies to be made have yet to be fully quantified. Determining a realistic cost of integration to Police Scotland will necessitate a comparative assessment (Due Diligence) of the current operating position within both organisations (BTP and Police Scotland), to identify gaps and overlaps which may create cost pressures as we work towards full integration. A full understanding of the ‘Cost Allocation Model’ is essential to that process”.<sup>168</sup>

286. **Recommendation: The Committee notes the Scottish Government's expectation that railway policing costs are to remain the same, or increase slightly, prior to efficiency savings being realised. It is clear from the evidence that the Committee has received that the Financial Memorandum does not provide enough detail on the expected costs of integration or who would pay, should railway policing costs increase as a result of integration. The Committee expresses disappointment at a lack of detail on costs set out in the Financial Memorandum and invites the Scottish Government to give an assurance that should these costs increase it will report to the Scottish Parliament to clarify who would pay any additional costs arising from integrating British Transport Police Scotland into Police Scotland.**

# Delegated powers in the Bill

287. The Delegated Powers and Law Reform Committee considered the delegated powers provisions in the Railway Policing (Scotland) Bill at Stage 1, which are set out in the Delegated Powers Memorandum. The Committee submitted its report to the Justice Committee for consideration.

## Section 85C(1) Power to require railway operators to enter into an RPA

288. Inserted section 85C(1) enables Scottish Ministers to require by regulations: "a railway operator or railway operators of such description as may be specified in the regulations, to enter into an RPA within such period (if any) as may be specified in the regulations". The Scottish Government proposes that these regulations be subject to the negative parliamentary procedure.

289. The Delegated Powers and Law Reform Committee considered that the negative procedure did not provide sufficient scrutiny, on the grounds that:

” "the requirement for specific railway operators to enter into Railway Policing Agreements with the Scottish Police Authority is fundamental to the operation of the new model for Scotland and therefore to the delivery of the policy intention for the Bill. Similarly, the requirement for operators to enter into RPAs will impose on those operators an ongoing contractual obligation which in turn will have an impact on how their business is managed and financed.

Further, while the Committee notes the Scottish Government's intention to exercise the power initially in a way which broadly maintains the current arrangements, the Committee considers that it would in fact be open to the Scottish Government to exercise the power differently, so as (for example) to introduce a modified railway policing model north of the border".<sup>169</sup>

290. The Delegated Powers and Law Reform Committee recommended that the power in new Section 85C(1) be amended at Stage 2 so that it would be subject to the affirmative procedure.<sup>170</sup>
291. The Scottish Government responded that it retained the view that the negative procedure provides sufficient scrutiny, as the changes would be administrative in nature and may need to be used relatively quickly in response to changing circumstances.
292. The Delegated Powers and Law Reform Committee considered this response and concluded that whilst the power in Section 85C(1) is narrowly drawn its effect is not narrow. It agreed that the power could be used to make administrative changes, but said that this was not the only use to which it may be put. For example, the duty on railway operators to enter into RPAs pursuant to Section 85C(1), together with the power for the SPA to enter into such agreements, were, in the Committee's view, the two central pillars on which the railway policing model rests. It therefore considered that the power could not be properly characterised as purely administrative in nature.

293. The Delegated Powers and Law Reform Committee therefore recommended that the power in new section 85C(1) of the Police and Fire Reform (Scotland) Act 2012 (inserted by section 1 of the Bill) be amended at Stage 2 so that it is subject to the affirmative procedure.<sup>169</sup>

294. **Recommendation: The Committee recommends that the new section 85C(1) of the Police and Fire Reform (Scotland) Act 2012 (inserted by section 1 of the Bill) be amended at Stage 2 so that it is subject to the affirmative procedure.**

# The transition process

## BTP Integration Joint Programme Board

295. The overall programme of work which underpins the Railway Policing (Scotland) Bill, and any subsequent work, is being taken forward through a Joint Programme Board which is chaired jointly by the Scottish Government and the Department for Transport. Its membership also includes the BTPA and the SPA. The following may also attend Board meetings as required: the BTP; Police Scotland; relevant Scottish Government officials; project managers; and legal and other advisers.
296. The aims of the JPB are:
- To provide joint leadership and partnership working in order to deliver the shared objectives of the UK and Scottish governments for the devolution of policing of railways and railway property.
  - To deliver the Scottish Government's intent for the integration of the BTP in Scotland into Police Scotland by a date subject to agreement.
  - In doing so, to take appropriate account of implications for the policing of the railway across the whole of the UK, ensuring as far as possible that there is no detriment to Scotland or the rest of the UK from the proposed approach.<sup>171</sup>
297. The JPB is working to an overall programme of integration of 1 April 2019. On this date, officers and staff of BTP Scotland would transfer into Police Scotland, with Police Scotland assuming responsibility for railway policing in Scotland. Until the transition is complete, railway policing in Scotland would continue to be provided by the BTP on the same basis as present.
298. Some changes to the law of England and Wales would also be required to give full effect to integration. There is a need for some aspects of the policy to be delivered through UK legislation, most likely through the exercise of subordinate legislation-making powers under the Scotland Act 1998. This includes provision on the transfer of staff, assets and liabilities, and cross-border policing, as well as consequential changes in reserved areas or to the law of England and Wales.
299. The Committee heard that the JPB is currently working on seven projects to progress the integration process. Details of the projects, and those who are leading them, are as follows:
- Scottish Legislation – Lead by Scottish Government Police Division
  - UK Legislation – Lead by Department for Transport
  - Workforce project – Joint Leadership by Scottish Government and BTPA
  - Pensions Workstream – Joint Leadership by the Scottish Public Pensions Agency and BTPA
  - Communications – Scottish Government Project Management Unit

- Operational Integration – Joint Leadership by Police Scotland and BTP
- Rail Funding and Railway Policing Agreements – Joint Leadership by Transport Scotland and BTPA
- Governance and Finance – Joint Leadership by the SPA and BTPA
- Assets and Liabilities – Joint Leadership by the SPA and BTPA <sup>172</sup>

300. Dan Moore from the Department for Transport told the Committee that the work of the JPB was fairly advanced and that it was now critical for it to:

” have fully flushed out all the issues, so that we can plan and identify them in the right way. I emphasise that it is a complicated and difficult challenge to make that work in the right way. By the next JPB meeting in a week's time, we will have tried to ensure that all the issues across the various workstreams have been identified. <sup>173</sup>

301. In its written submission the Law Society of Scotland noted that further legislation may be required to facilitate the transfer of BTP Scotland functions to Police Scotland, stating that: "appropriate consultation should be carried out on all draft instruments prior to the final orders and regulations being laid before Parliament". <sup>174</sup>

302. In response to questions on how the JPB will ensure that the consultation process for subordinate legislation which is to be considered by the UK Parliament, is transparent and inclusive, Mr Moore from the Department for Transport replied that the UK Government had: "not established exactly the formal public consultation process". <sup>175</sup>

303. **Recommendation: The establishment of a Joint Programme Board is both welcome and necessary as the Scottish and UK Governments would need to work collaboratively if integration is to be made to work, should it proceed. Many of the issues that are of particular concern to those who work in the rail industry are being considered by the JPB and will be included in future subordinate legislation in both Parliaments. The Committee seeks an assurance from the Scottish Government and other JPB members that they will ensure that the consultation process on these issues is transparent and inclusive.**

304. **Recommendation: The Committee asks the Scottish Government to provide 6 monthly progress reports to the Scottish Parliament on the work of the JPB.**

## General principles of the Bill

305. **Recommendation:** Under Rule 9.6.1 of Standing Orders, the lead committee is required to report to the Scottish Parliament on the general principles of the Bill. Following a division, the Committee supports the general principles of the Bill. The Committee is of the view that integration of the British Transport Police in Scotland into Police Scotland will provide a more integrated and effective approach to infrastructure policing in Scotland.<sup>iv</sup>

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<sup>iv</sup> Margaret Mitchell MSP, Douglas Ross MSP, Oliver Mundell MSP and Mary Fee MSP dissented from this paragraph.



# Annexe A

## Extracts from the minutes of the Justice Committee and associated written and supplementary evidence

### 13th Meeting, 2016 (Session 5) Tuesday 20 December 2016

**Railway Policing (Scotland) Bill (in private):** The Committee considered its approach to the scrutiny of the Bill at Stage 1 and agreed (a) to note the outline timetable for consideration of the Bill at Stage 1; (b) to issue a call for written evidence on the Bill; and (c) to consider potential witnesses to invite to give oral evidence at a later date.

### 5th Meeting, 2017 (Session 5) Tuesday 7 February 2017

**Railway Policing (Scotland) Bill (in private):** The Committee considered written evidence received and agreed proposed witnesses for its scrutiny of the Bill at Stage 1.

### 7th Meeting, 2017 (Session 5) Tuesday 28 February 2017

**Work programme (in private):** The Committee agreed additional witnesses for the Railway Policing (Scotland) Bill and deferred consideration of other matters under this item to a future meeting.

### 8th Meeting, 2017 (Session 5) Tuesday 7 March 2017

**Railway Policing (Scotland) Bill:** The Committee took evidence on the Bill at Stage 1 from—

Charlotte Vitty, Interim Chief Executive, British Transport Police Authority;

Chief Constable Paul Crowther, British Transport Police UK;

Assistant Chief Constable Bernard Higgins, Operations and Justice, Police Scotland;

John Foley, Chief Executive, Scottish Police Authority.

Stewart Stevenson declared that a close family member is a serving police officer.

#### Written evidence

[British Transport Police Authority](#)

[British Transport Police](#)

[British Transport Police \(supplementary submission\)](#)

[Police Scotland](#)

### 10th Meeting, 2017 (Session 5) Tuesday 14 March 2017

**Railway Policing (Scotland) Bill:** The Committee took evidence on the Bill at Stage 1 from—

Nigel Goodband, National Chairman, British Transport Police Federation;

Michael Hogg, Regional Organiser, National Union of Rail, Maritime and Transport Workers;

Chief Superintendent John McBride, Police Superintendents' Association of England and Wales, British Transport Police Branch;

Calum Steele, General Secretary, Scottish Police Federation;

Alisdair Burnie, Staff Representative, Transport Salaried Staffs' Association.

John Finnie declared an interest as a member of the Scottish Parliament's Cross Party Group on Rail.

### **Written evidence**

[British Transport Police Federation](#)

[British Transport Police Superintendents' Association Branch](#)

[Transport Salaried Staffs' Association](#)

[Transport Salaried Staffs' Association \(supplementary submission\)](#)

[Transport Salaried Staffs' Association \(supplementary submission\)](#)

### **11th Meeting, 2017 (Session 5) Tuesday 21 March 2017**

**Railway Policing (Scotland) Bill:** The Committee took evidence on the Bill at Stage 1 from—

Andrew Cooper, Managing Director, CrossCountry;

Neil Curtis, Head of Compliance, Direct Rail Services Limited;

David Lister, Safety, Sustainability and Assurance Director, ScotRail Alliance;

Graham Meiklejohn, Regional Development Manager, TransPennine Express;

Darren Horley, Commercial and Operations Strategy Manager, Virgin Trains;

Dan Moore, Deputy Director, Rail Markets Strategy, Department for Transport.

### **Written evidence**

[CrossCountry](#)

[TransPennine Express](#)

### **Supplementary written evidence**

[Department for Transport](#)

### **13th Meeting, 2017 (Session 5) Tuesday 28 March 2017**

**Railway Policing (Scotland) Bill:** The Committee took evidence on the Bill at Stage 1 from—

Michael Matheson, Cabinet Secretary for Justice, Humza Yousaf, Minister for Transport and the Islands, and Don McGillivray, Deputy Director, Police Division, Scottish Government.

**Railway Policing (Scotland) Bill (in private):** The Committee considered the key issues emerging from the evidence received on the Bill in order to inform the drafting of its Stage 1 report.

**14th Meeting, 2017 (Session 5) Tuesday 18 April 2017**

**Railway Policing (Scotland) Bill (in private):** The Committee considered a draft Stage 1 report. Various changes were agreed to and the Committee agreed to continue consideration of the draft report at its next meeting.

**15th Meeting, 2017 (Session 5) Tuesday 25 April 2017**

**Railway Policing (Scotland) Bill (in private):** The Committee considered a draft Stage 1 report. Various changes were agreed to. The Convener proposed that the recommendation that the Committee supports the general principles of the Bill be agreed to. The proposal was agreed to by division: For 7 (Mairi Evans, John Finnie, Fulton MacGregor, Rona Mackay, Ben Macpherson, Liam McArthur, Stewart Stevenson), Against 4 (Mary Fee, Margaret Mitchell, Oliver Mundell, Douglas Ross), Abstentions 0. The recommendation was agreed to. The Committee agreed to delegate to the Convener responsibility for finalising the report for publication.

# Annexe B

## List of other written evidence

[Anonymous 1](#)

[Anonymous 2](#)

[Ashwood, Joe](#)

[Association of Scottish Police Superintendents](#)

[Blackburn, Paul](#)

[Burnie, Alisdair](#)

[Clark, Rob](#)

[Docherty, Robert](#)

[Elder, Derek](#)

[Forbes, Angus](#)

[Grant, David](#)

[Hathaway, Jules](#)

[Howie, David](#)

[Jeffery, Lesley](#)

[Kavanagh, Alan](#)

[Knox, Henry](#)

[Law Society of Scotland](#)

[Lennon, Dr Genevieve](#)

[Lunan, Mike](#)

[Martin, Raymond](#)

[McCutcheon, Michelle](#)

[Meredith, Clive](#)

[Milton, Lucy](#)

[Office of Rail and Road](#)

[O'Kane, John](#)

[Quinn, Matt](#)

[Quinn, Matt \(supplementary submission\)](#)

[Rail Delivery Group](#)

[Rankin, Lynsey](#)

[Rodgers, Matt](#)

[Samaritans Scotland](#)

[SEStran](#)

[Scotrail](#)

[Scott, Billy](#)

[Scottish Women's Convention](#)

[Serco Caledonian Sleeper](#)

[Summers, Jim](#)

[Transport Focus](#)

[Trotter, Sid](#)

[United Against Separation](#)

[Weldon, Barry](#)

[Wiggins, Richard](#)

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