Appendix A

Options for the devolution of transport policing in Scotland

09 January 2015
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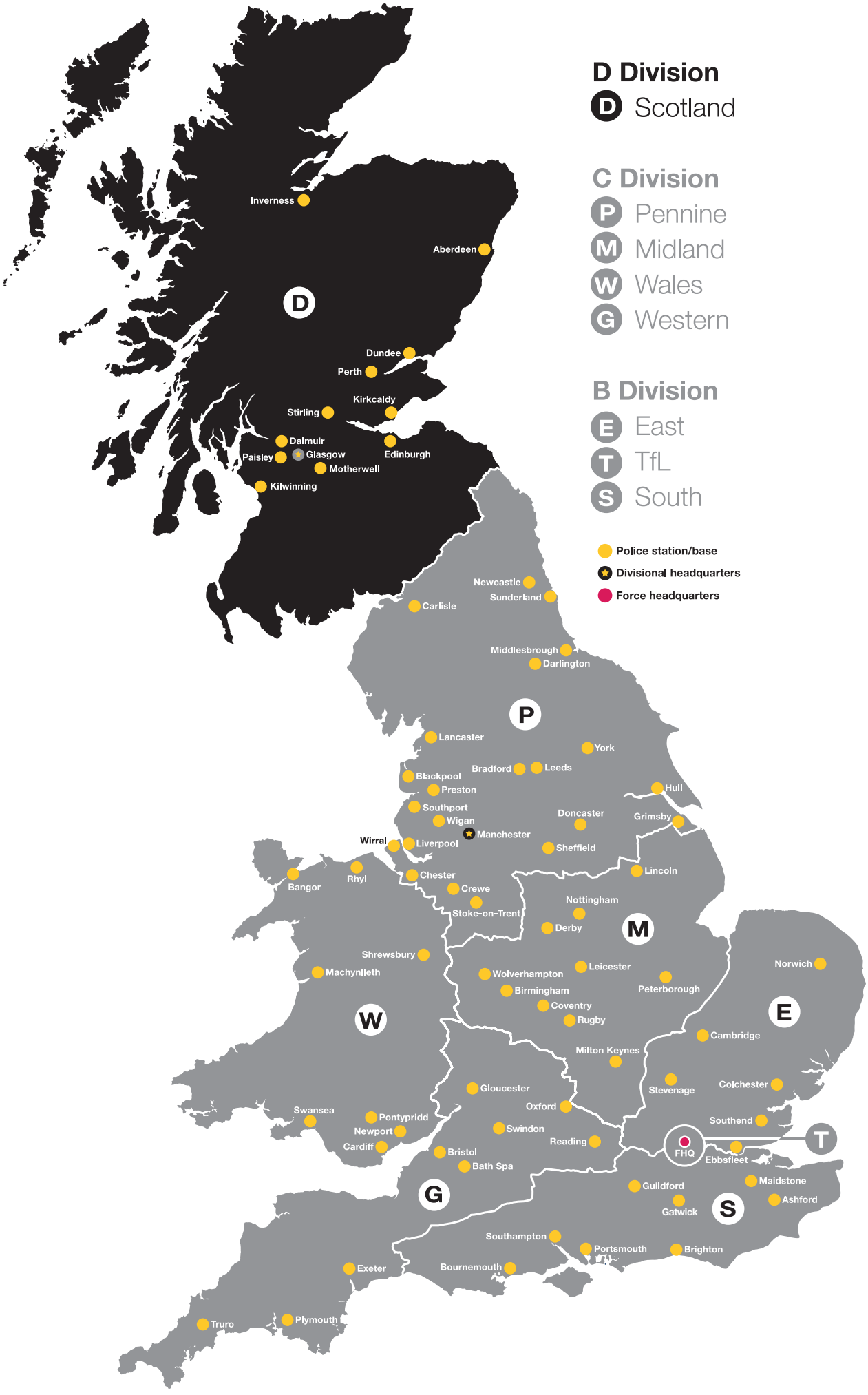
BTPA
British Transport Police Authority

BRITISH TRANSPORT POLICE


D Division
D Scotland
C Division
P Pennine
M Midland
W Wales
G Western
B Division
E East
T TfL
S South
Police station/base
Divisional headquarters
Force headquarters
Inverness
Aberdeen
Dundee
Perth
Kirkcaldy
Stirling
Dalmuir
Paisley
Glasgow
Edinburgh
Motherwell
Kilwinning
Newcastle
Sunderland
Carlisle
Middlesbrough
Darlington
Lancaster
York
Bradford
Leeds
Blackpool
Preston
Hull
Southport
Wigan
Doncaster
Grimsby
Manchester
Wirral
Liverpool
Sheffield
Lincoln
Rhyl
Bangor
Chester
Crewe
Nottingham
Stoke-on-Trent
Derby
Shrewsbury
Machynlleth
Wolverhampton
Leicester
Norwich
Birmingham
Peterborough
Coventry
Rugby
Cambridge
Milton Keynes
Gloucester
Stevenage
Colchester
Swansea
Oxford
Pontypridd
Newport
Swindon
Southend
Reading
Cardiff
FHQ
Ebbsfleet
Bristol
Bath Spa
Maidstone
Guildford
Ashford
Gatwick
Southampton
Portsmouth
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Introduction

British Transport Police (BTP) and the British Transport Police Authority (BTPA) recognise that the proposals for further devolution of powers to Scotland, as set out in the Smith Commission report published in November 2014, are the product of an agreement between all five of Scotland's main political parties and support the strengthening of the Scottish Parliament's ability to pursue its own vision and objectives. We are committed to work with the Scottish and UK parliaments on devolving matters related to transport policing in Scotland.

In line with the principles of the Smith Commission, we aim to achieve a devolved position that is durable and enables the delivery of outcomes that are meaningful to the people of Scotland without being detrimental to the UK as whole, nor to any of its constituent parts, including any adverse financial effect on the UK Government or the Scottish Government. The guiding principle adopted in this paper has been not to increase any risk to rail passengers, staff or the passenger and freight industries as an outcome of any changes that may affect the policing of the rail network.

This paper sets out three options for future devolution of transport policing in Scotland.

Part 1 of the paper describes some of the key aspects of the current specialist policing model that may wish to be retained in the future. This includes the established 'transport policing ethos' and the associated value that is currently provided to the industry through a commercially-aware and risk-based policing style. Details of how BTPA set the budget for BTP are provided as well as pension arrangements, human resource data and the current level of integration between BTP, Police Scotland and the Scottish Parliament. Findings of previous reviews in this area are also summarised.

Part 2 sets out the three options provided that range from a model to ensure far closer scrutiny and accountability of BTP by the Scottish Parliament, but without the need for complex legislative change, to the full integration of BTP's Scottish Division (D Division) within Police Scotland.

It is our hope that this document is found useful by the Scottish and UK governments and meaningfully contributes to both on-going discussions and the final devolved outcome. We remain fully committed to promoting the safety of all of those who use the railways in England, Wales and Scotland and will work with all of our partners, the Scottish Parliament and the UK Parliament to implement any outcome swiftly and efficiently.

Executive Summary

The Smith Commission, which was set up to consider the devolution of further powers to the Scottish Parliament, published a report on 27 November 2014 setting out details of the cross-party agreement. The report recommends that 'the functions of the British Transport Police in Scotland will be a devolved matter'.

This paper examines the implications of this move on existing arrangements, and how the challenges of policing the rail network might be met going forward. Part 1 of the report outlines some of the unique features of British Transport Police (BTP) which can usefully inform the devolution process. A background section explains the rationale behind the existence of a dedicated, specialist force for the railways and how passengers and the rail industry benefit from this set-up. BTP's unique policing style is described and how this supports a strategic objective of reducing disruption and crime on the railways and increasing passenger confidence. Finally, some key information is provided on the way that BTP is funded – the charging model – and organised in terms of workforce, pensions, etc.

Part 2 of the report assesses how devolution might be achieved by looking at three possible approaches to meet the objectives of the Smith Commission. Labelled as Options 1, 2 and 3, these scenarios define what change will mean in practice for governance, accountability, operational policing, finance and pensions, depending on the complexity of the route chosen to achieve devolution.

Option One

This option is the simplest route to achieve devolution – that is, through administrative means, rather than legislation. It seeks to achieve some of the essential components of devolution in a relatively simple, cost-effective way, whilst retaining the responsibility on the British Transport Police Authority (BTPA) to pass on the cost of the Force to the rail industry, as well as over employment matters and pensions. This model looks at practical ways to increase BTP's accountability to Scottish institutions and how to achieve greater alignment with Police Scotland on initiatives to keep the Scottish people safe. It also considers what role the Scottish Police Authority (SPA) could play in new, joined-up arrangements for scrutiny and performance monitoring. It recommends a change of branding for BTP in Scotland, with a renewed Scottish identity.

Option Two

This option consists of a number of measures, both legislative and administrative, to devolve transport policing within Scotland. Statutory amendments will guarantee an alignment to principles set in Scottish law as well as to strategic police priorities set by Scottish ministers. It crystallises in statute the arrangements by which the Scottish Government may give direction to the BTPA and ultimately specify the direction of railways policing in Scotland. In essence, the model contemplates that the Chief Constable of BTP will engage with the Scottish institutions in much the same way as his counterpart in Police Scotland.

Whilst anticipating that the BTPA retains its responsibilities for pensions, employment contracts and defraying the costs of policing to the rail industry, this option proposes that planning and strategy-setting for railways policing in Scotland should be reviewed to enable greater involvement by the SPA. Option 2 also identifies the changes needed to allow for greater cooperation and mutual assistance between BTP and Police Scotland. As with Option 1, this model brings about a renewed image and identify for BTP in Scotland, which would be known as Transport Police Scotland.

Option Three

This is the most complex route to devolution and it would entail breaking up BTP and absorbing its Scottish operations into Police Scotland. The section details some of the key considerations and risks involved in this model. It highlights some of the substantial implications for the workforce, both in terms of employment and pension arrangements, as well as the financial and legal liabilities which transfers might generate. This model also considers the funding implications of splitting the Force and what burdens this would place on the rail industry in England and Wales. Finally, the option also considers the operational consequences of fragmenting railway policing; how this would dilute specialisation, and also how the experience of passengers – particularly on cross-border services – might be affected.

Part 1

Background: Railways Policing in the UK

1.1 Previous reviews of British Transport Police

1.1.1 When considering the future devolved model of transport policing in Scotland it may be helpful to consider previous reviews of BTP in order to identify the recognised difference between transport policing and geographic models. In 2001, the government response to the consultation by the Department for Transport (DfT) which led to the BTPA's creation ('Modernising the British Transport Police') stated that:

"The Government therefore considers that the national railway network is best protected by a unified police force providing a dedicated, specialist service and able to give proper priority to the policing of the railways."

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

"…the enforced amalgamation/merger of the whole or part of the British Transport Police with one or all Home Office Police Forces would unquestioningly lead to a dilution of the specialist service given to the rail industry and its public users and, most probably, would lead to a significant reduction in the number of police officers and police staff left to police the network." [1]

1.1.3 The Transport Select Committee in 2004, looked at the reforms to BTP's governance arrangements, including the creation of the BTPA, proposed by government.[2] It concluded that:

"The British Transport Police is not a Home Office Force, and nothing we have heard suggests that it should become one. The railways are a specialised environment, with specialised needs, and need a specialised Force…"

and:

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

1.1.4 The government's response[3] to the Committee's Report stated that:

"The Government agrees with the Committee that the national railway network is best protected by a unified police force providing a dedicated, specialist service and able to give proper priority to the policing of the railways. The White Paper re-iterates the Government's support for the BTP continuing as a specialist police force with a key role to play in maintaining safety and security on the railway"

1. HMIC (2004): British Transport Police – A report by Her Majesty's Inspectorate of Constabulary
2. House of Commons Transport Committee 12th Report of Session 2003-04 (2004): British Transport Police
3. DfT (2004): Government Response to the Twelfth Report of the Committee: British Transport Police

And also:

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

1.1.5 In July 2004, the government considered BTP in its White Paper 'The Future of Rail', which stated:

"The BTP have a key role to play in maintaining safety and security on the railway. The industry and passengers also receive significant benefits from a dedicated force, particularly from its approach to managing incidents, which is aimed at minimising delay. The Government confirms its support for the BTP continuing in its role as a specialist rail police force." [4]

1.1.6 The DfT then looked again at BTP post-implementation of the creation of the BTPA, reporting in September 2004.[5] This concluded that:

"The British Transport Police have a key role in maintaining safety and providing public reassurance on the railway network. The specialist service that the BTP provides brings significant benefits to the industry and to the travelling public. The BTP's ability to police in a commercial environment, and to manage risk, provides the industry with considerable cost-savings. Likewise passengers are able to benefit from the sensitive way that the BTP police the railway network and from the re-assurance that the Force provides"

And also:

"Given this support for a specialist rail police force, there is no suggestion that the BTP should be merged or linked to the Metropolitan Police or other Home Office County Forces. To do this would be to lose the valuable specialisms that the BTP has established. It would also take away the extremely positive ability of the BTP to police across boundaries."

1.1.7 More recently, the Triennial Review6 of BTPA concurred with the findings of these previous reviews:

"It is difficult to see how the national plans and strategies which are essential for the delivery of effective policing across a national network could be readily developed where 43 different forces were involved in delivering the service. The review therefore has not found any reason to dissent from the conclusion of previous reviews that a national police force for the railway should be retained."

4. DfT (2004): The Future of Rail, paragraph 3.3.14
5. DfT (2004): Review of the British Transport Police
6. DfT (2014) Triennial Review of the British Transport Police Authority Part 1 Report

1.1.8 The 2014's Triennial Review, Part Two, focused on particular issues related to efficiency and stakeholder influence, noting the benefits to Police Service Agreement (PSA) holders of a stable long term financial plan:

"Although not explicitly required to do so, the Authority have chosen to provide year-on-year as clear as possible a funding context for their policing plans by publishing a medium term financial plan (MTFP) which offers a firm budget for the following year and an indicative requirement for three years after that. The MTFP provides a basis for companies to understand how charges levied in them may vary in the future".

1.1.9 Although these reports did not specifically consider the question of devolved powers, taken together they do suggest that there are aspects of the current model that it may be beneficial to maintain within the future devolved framework. More detail of particular aspects of the current model are outlined in the following sections.

1.2 Development of a transport policing ethos

1.2.1 In order to inform how the future model is developed, this section provides an overview of how transport policing has developed a unique culture and ethos that is highly valued by its stakeholders. BTP's Strategic Plan 2013-19 sets BTP ambitious challenges to reduce crime on the railway network by 20%, to reduce crime-related disruption on the network by 20% and to increase passenger confidence by 10%. The achievement of this strategy will be underpinned by the 'transport policing ethos'. This ethos has emerged through decades of specialist policing experience and encapsulates BTP's unique brand of policing. It is evident in all that BTP does.

1.2.2 BTP has a unique commercial understanding of the needs of the railway and routinely provides discretionary, added value services over and above those services which it is statutorily obliged to provide as a police service. BTP's risk-based approach to policing on the railway has saved the industry billions of pounds over the last ten years.

1.2.3 This ethos is evident in the transport policing culture, in the behaviours and values that officers and staff embody. BTP's workforce is highly valued by the industry; they are innovators, problem-solvers, managers of risk and are natural leaders of people and situations. BTP provides an ethical, visible and reassuring service to all the diverse railway community.

1.2.4 This is also evident in the way that BTP operates as an organisation. BTP is committed to continuous improvement and unit-cost reduction. At the forefront of technology, BTP uses a pioneering evidence-based deployment model to optimise resource coverage and provide best value. BTP is collaborative and fully integrated with the planning processes of the industry to maximise the effectiveness of all resources on the railway network.

1.2.5 The emergence and achievement of this ethos can be most clearly attributed to the specialist nature of transport policing that allows a deep and clear understanding of the requirements of the railway and its stakeholders. At the most senior level, organisational direction is set in consultation with stakeholders and organisational strategy is driven purely by the priorities of the railway industry, passengers and staff. This is possible because of BTP's singular role and it is put in place every day by officers through their specialist knowledge and experience of common threats. Although in the short term, a transfer of staff would preserve this transport policing ethos, this would not be sustainable in the long term without the continued direct strategic leadership and continued promotion of the transport policing model. Diseconomies of scale would also be likely to emerge in terms of servicing and keeping such a relatively small function viable within a larger, much more complex and diverse organisation.

Policing style

1.2.6 Looking ahead, BTP's Strategic Assessment clearly shows that the railway environment in 2019 will be significantly different from that of today. An exponential growth in passenger numbers and network capacity is expected, coupled with changes to the age and socio-economic profile of the railway user, with a consequent effect on travelling patterns outside peak-times. The threat from terrorism is likely to remain and the importance of reducing disruption will be even more critical from a public safety and economic perspective.

1.2.7 In order to meet these future challenges BTP adopts a unique policing style. Crime and incident prevention, through the deployment of a visible and reassuring presence is key to increasing passenger and staff confidence in using the network and supporting BTP's aims to reduce disruption, reduce crime and disrupt terrorist activity. This preventative policing approach is supported by a corporate performance management system that ensures all of BTP's operational units are able to describe their planned activity to achieve the force's strategic aims over any 24-hour period taking account of the local harm, opportunity and threat analysis.

1.2.8 This policing model is further supported by a number of key processes:

- A force-wide evidence-based patrol model that draws upon scientific research and is focussed on pre-determined spatio-temporal hotspots to maximise visibility and reassurance

- A risk-based approach to managing incidents on the network such as bomb threats, fatalities and cable theft so that disruption is prevented or mitigated as far as possible, whilst maintaining investigative integrity

- Active offender management drawing on a multi-agency approach to reduce crime and protect the public

- Officers that are trained and confident to apply 'first-fix' principles to manage both staff and situations and are supported by accurate and timely information

- A tasking model that allows the deployment of security resources across the whole of the railway industry so that best value and effect can be achieved.

1.2.9 In deciding a devolved model for the future policing of Scotland's railways it would be strongly desirable not only to ensure that changes do not result in greater risks for either passengers or staff, but also that this unique and highly successful style of policing is maintained.

1.3 Adding value to the industry

1.3.1 The development of the transport policing ethos has ensured that transport policing across Great Britain is sensitive to and fully supports the commercial requirements of the railway industry. Analysis has been carried out to establish the value of this ethos, specifically the discretionary, added-value services that BTP provides over and above those services which it is obliged in law to provide as a police service. BTP is able to offer these through its specialist nature, function, focus and commercial awareness, whilst still meeting its statutory responsibilities.

1.3.2 An example is fatality management. Legally, BTP is required to investigate to ascertain if a crime has been committed, identify the victim, report the circumstances to the Procurator Fiscal, as well as to support the family. There is also a responsibility to vulnerable people and to preserve life under Human Rights legislation. However, BTP offers much more than this, including preventative analysis, body retrieval strategies, categorisation processes, PIER (Prevention, Intelligence, Enforcement, Reassurance) plans that actively manage risk associated with vulnerable individuals, and engagement and agreements with the Crown Office and Procurator Fiscal service. Other activities where there is a significant element of discretionary activity include cable theft, level crossing misuse, events policing, countering terrorism and protecting vulnerable people including missing and suicidal persons (more detail of these activities is contained in Part 2 of this report).

1.3.3 BTP is able to monetarise the value that is provided to the railway industry through both the reduction of crime and also the unique risk-based approach to incident management. For example, when dealing with bomb threats and unattended items, BTP has dealt with over 10,000 threats to railway network over last ten years and not once recommended closure. Analysis carried out between April 2012 and March 2013 showed that other police forces had attended suspect packages on the railway 13 times and had recommended closure on each occasion (subsequent BTP intervention reversed those decisions). Analysis of past station closures estimate an impact of around 33,320 delay minutes (£931k) for each Central London closure.

A sample of 1,000 incidents shows that other police forces also recommended closure of stations during 70% of the suspect package incidents when they attended before BTP, potentially creating expensive and highly inconvenient disruption to passengers. Other examples of how the transport policing ethos is highly effective in keeping the railway running are fatality incidents where there are typically 50% more delay minutes on average when BTP are not the first responders.

In respect of cable theft incidents, when BTP is first on the scene, delay times are generally around one third that of other forces. When this data is extrapolated, it is clear that BTP save the travelling public great inconvenience and save the industry a significant amount of money through their specialist approach and activity (see Table 1 overleaf).

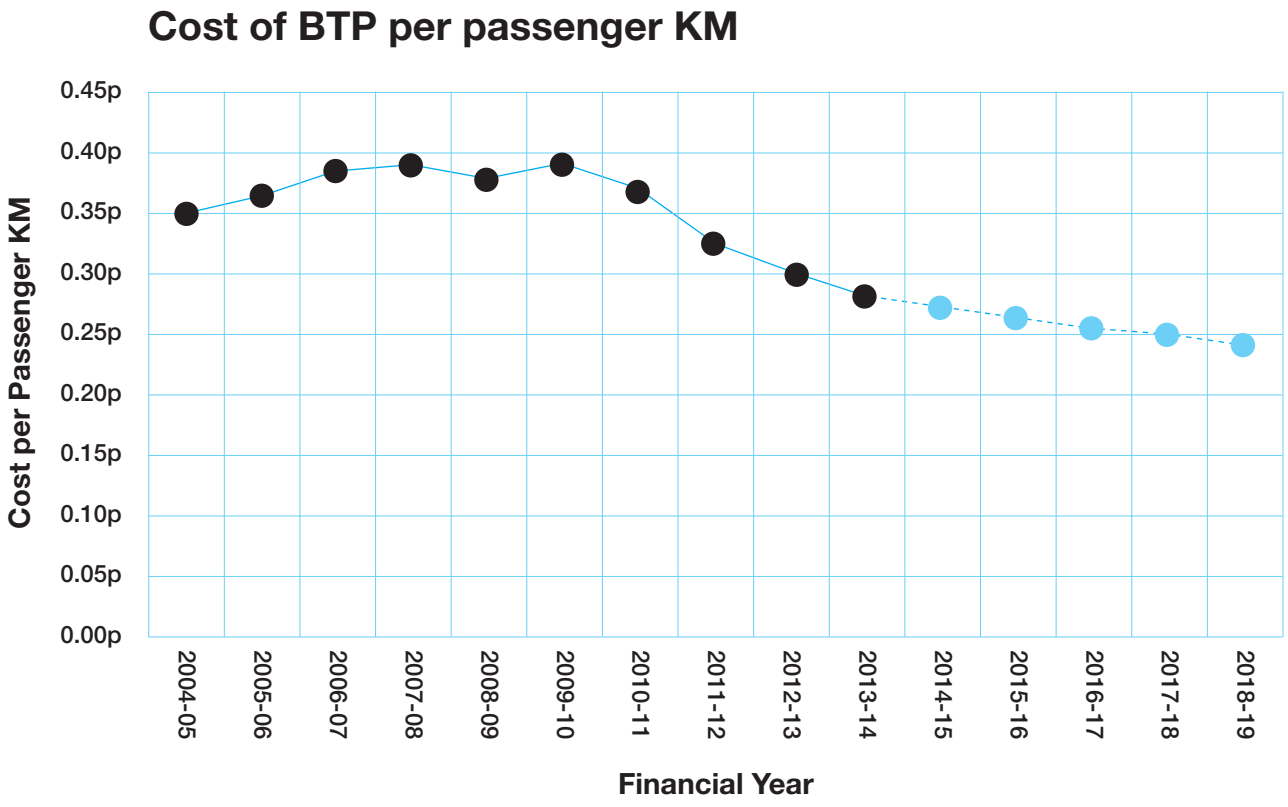
Savings to the Rail Industry

	2004-2013		2004-2013		2004-2013		Annual cumulative savings at 2019	
	Rail Industry	Rail Industry and Society	Rail Industry	Rail Industry and Society	Rail Industry	Rail Industry and Society	Rail Industry	Rail Industry and Society
'Social' costs of crimes prevented [7]		£342,788,152		£109,362,483		£79,752,643		£422,540,795
Disruption costs of crimes prevented	£5,676,913		£5,676,913		£7,220,333		£12,897,246	
Disruption costs of closures avoided due to bomb threats	£1,720,139,957		£863,442,308		£1,032,500,000		£2,752,639,957	
Disruption costs of closures avoided due to unattended items	£129,780,782		£45,165,217		£34,300,000		£164,080,782	
TOTAL SAVINGS	**£2,198,385,804**		**£1,023,646,921**		**£1,153,772,976**		**£3,352,158,780**	
Disruption savings through BTP first attendance	£55,141,479		£36,116,261		£42,182,819		£97,324,298	
TOTAL SAVINGS	**£55,141,479**		**£36,116,261**		**£42,182,819**		**£97,324,298**	
GRAND TOTAL	**£2,253,527,283**		**£1,059,763,182**		**£1,195,955,795**		**£3,449,483,078**	

7. DfT unit costs of crime include disruption (i.e. Schedule 8) costs to the railway industry although they were only relevant to; assault (both passenger and staff), criminal damage and line of route offences.

1.3.4 In December 2009, the then Secretary of State for Transport announced a value for money study on Britain's railways which was chaired by Sir Roy McNulty. The final report, which was published in May 2011, found that the UK rail industry overall was approximately 30% less efficient than the most efficient European comparators. The report recommended that a long term target for the UK rail industry should be to improve efficiency and close the gap between its comparators. BTP's increased efficiency has also played a significant role in enabling the railway industry to meet the cost challenges set by the McNulty Report.

1.3.5 Of all the measures used in the McNulty Report the 'cost per passenger kilometre' was the most important. It was this measure that was used to make the recommendation that the UK rail industry should increase its efficiency by 30%. Graph 1 below shows that after remaining relatively stable between 2004-05 and 2008-09, BTP's cost per passenger kilometre is on target to decrease by 29.12% (0.38p to 0.28p) during the McNulty review period. This reduction places BTP in a strong position compared to the railway industry as a whole as it has already made significant progress towards achieving the overall efficiency gains required from the McNulty Report. BTP's cost per passenger kilometre is forecast to decrease by 39.5% over the 2013-19 Strategic Plan period.

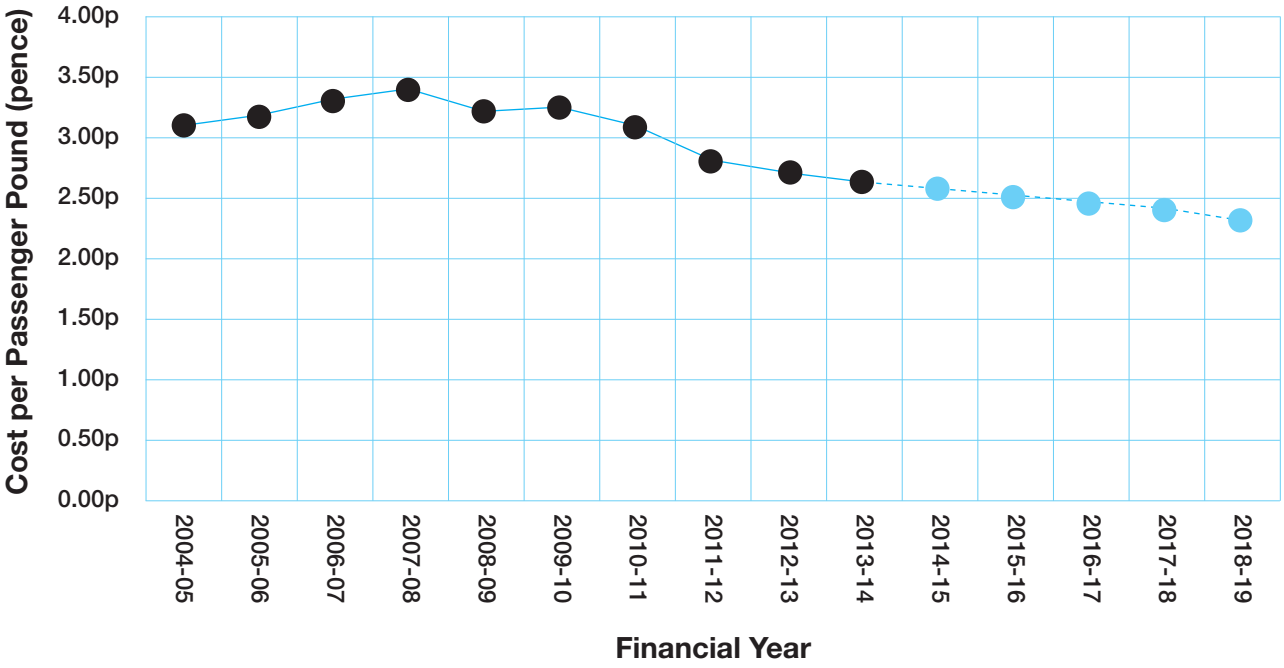


Source Data (added April 2015): Treasury RPI forecast, BTPA budget figures and MTFP, ORR passenger data, ATOC industry plan

1.3.6 Although the 'cost per freight kilometre' was not used in the McNulty Report, BTP have carried out analysis of these figures as Freight Operating Companies (FOCs) are an important stakeholder for BTP. During the period of the McNulty review there has been a 25.2% reduction in BTP's cost per freight kilometre, which is smaller than the reduction for passenger kilometres but still significant. BTP's cost per freight kilometre is forecast to decrease by 37.9% over the 2013-19 Strategic Plan.

1.3.7 The second of the key unit costs in the McNulty review was the 'cost per passenger pound'. As Graph 2 below shows this measurement rose between 2004-05 and 2007-08, however it returned to its 2004-05 level by 2010-11. By the end of the McNulty period the cost per passenger pound will have reduced by 21.8% to 2.35 pence, from 3.08 pence. This figure represents a lower expenditure on security than is suggested in research conducted by Transport for London (TfL) which states 3 pence in the pound is an optimum share of revenue to spend on security.

Cost of BTP per passenger pound



Source Data (added April 2015): Treasury RPI forecast, BTPA budget figures and MTFP, ORR passenger data, ATOC industry plan

1.3.8 It is vital for the industry that a devolved model ensures the continuation of this approach to policing the rail network in which an efficient force not only prevents huge disruption to the public but saves the industry billions of pounds in the avoidance of disruption and the reduction of crime through a holistic, risk-based approach to incident management.

1.4 Charging Model

1.4.1 In order to calculate BTP's revenue budget, a Cost Allocation Model (also known as the Matrix Model) is used. The revenue budget is set by the BTPA and charged to train and freight operators as well as Network Rail and Transport for London who hold statutory Police Service Agreements (PSA) with the BTPA. The methodology applied follows 18 stages that allocates a portion of the total agreed revenue budget to each PSA holder by using a number of proxy measures. The table overleaf shows the various sources of data that are used in order to perform the distribution of the charges.

1.4.2 The model, which has been developed by the BTPA over a number of years, is highly complex and any change in the number of PSA holders or distribution of central costs will have an impact on all PSA holders. Were an element of the model is removed it is very likely that a redistribution of cost would occur, potentially adding to the amount of revenue budget charged to individual PSA holders.

Proxy data used in the PSA Charging Model

Item	Source	Used in 2013/14 PROVISIONAL annual charge calculations	Used in 2013/14 FINAL annual charge calculations
Budget	BTP Performance Management Team	13/14 Budget	13/14 FINAL ACTUAL SPEND
Staff data	BTP Performance Management Team	12/13 P10	13/14 P10
Command & Control	BTP Performance Management Team	Feb, May, Aug, Nov 2012	Feb, May ,Aug, Nov 2013
Incident data (PINS)	BTP Performance Management Team	2012	2013
Track access charges	Network Rail	Forecast 2013/14	Forecast 2013/14
Long term recharges	TOCs	2012/13 as at period 6	2013/14 as at period 6
Station usage	ORR	2011/12	2012/13
Footfall data	NR website	2007	2007
National Rail statistics (for timetabled train kilometres)	ORR website	2012	2013

1.5 Budget and Establishment*

1.5.1 BTP's Revenue Budget for 2014/15 is £257,877k
877k (£52,618k is attributable to the Underground PSA with TfL). The Scottish (D Division) Revenue budget for 2014/15 is £12,324k and the indirect charge is £9,864k, which is split by the following Portfolios.

- Deputy Chief Constable (DCC) Group £538k
- Crime & Investigations £1,582k
- Operations £2,258k
- Corporate Resources £5,310k
- Police Authority £176k

1.5.2 BTP's overall capital budget for 2014-15 is £11,600k. The capital budget includes both D Division specific items (estates improvements, vehicle replacements) and Forcewide projects that benefit the whole of BTP (IT improvements, equipment etc.).

1.5.3 BTP's 2014-15 establishment is 2,907 Officers, 1,478 Staff and 363 Police Community Support Officers (England & Wales only, an overall total of 4,748. The D Division establishment is 223 Officers and 39.93 Staff. In addition there are a small number of Force Headquarters (FHQ) staff that are outbased in Scotland. The total D Division establishment is 272.56 members of staff.

1.6 Pensions

1.6.1 The BTPA currently participates in two final salary pension schemes:

1. the British Transport Police Force Superannuation Fund (the "Fund"); and
2. the British Transport Police Shared Cost Section of the Railways Pension Scheme (the "Staff Scheme").

1.6.2 RPMI, the administrators for both pension arrangements, have provided the following data on the number of members who currently have Scottish addresses, which might give some indication as to the likely number of members affected.

BTP Pension Scheme Members

	The Fund (1970 Contributory Section)		The Staff Scheme		Overall	
	Total	**Scottish addresses**	**Total**	**Scottish addresses**	**Total**	**Scottish addresses**
Active	2,846	216	1711	55	4557	271
Deferred	735	36	1548	32	2283	68
Pensioner	2,617	246	338	15	2955	261
TOTAL	6,198	498	498	102	3597	600

1.6.3 The current liability associated with the pensions held by members with Scottish addresses is approximately £92m which, although not an obstacle to any model, would need to be managed as part of a long term pensions strategy.

*Updated to reflect 2014-15 figures and information

1.7 Stakeholder Engagement

Police Scotland and the Scottish Parliament

1.7.1 BTP's D Division has very effective relationships with both Police Scotland and the Scottish Government. Prior to the amalgamation of Scottish forces, BTP's Assistant Chief Constable (Scotland) was a member of the Association of Chief Police Officers (Scotland). The Assistant Chief Constable attended business area meetings such as Crime, Operational Policing and Professional Standards and held portfolio responsibility for Media and Specialist Police Search. BTP also had representation on various ACPO(S) working groups such as Investigations, Counter Terrorism, Kidnap & Extortion, Criminal Justice, and Crime Recording.

1.7.2 Since the creation of Police Scotland, BTP are represented at a number of meetings such as Serious & Organised Crime and Counter Terrorism, Police Scotland Counter Terrorism Pursue Sub Group and Divert/Deter sub group meetings. When major events take place in Scotland, BTP meets regularly with Police Scotland to ensure seamless policing operations and where appropriate seconds officers to the various functions e.g. intelligence, planning, match commander, joint operations centre, media cell etc.

1.7.3 BTP has also worked closely with the Scottish Government on a range of issues ever since the devolved administration took power. Successive transport ministers have worked effectively with BTP on many initiatives, for example on level crossing misuse. While the Justice Secretary has worked effectively with BTP on metal theft, football-related and alcohol-related offending and the Communities Minister has worked with BTP on initiatives to tackle Sectarianism – the first force in Scotland to publicly tackle this area. Keith Brown, the Transport Minister until late 2014, has given strong endorsement to the work of BTP in the past, particularly on community engagement projects associated with the new Borders infrastructure programme.

1.7.4 BTP are also often invited to provide evidence at Scottish Parliament Committees. For example, the Assistant Chief Constable (Scotland) gave evidence to a Transport Committee with regard to the Glasgow Airport Rail Link (GARL) and associated policing requirements and BTP also appeared at the Justice Committee to provide evidence in support of the Offensive Behaviour at Football Act.

1.7.5 BTP's Assistant Chief Constable (Scotland) and other senior officers also hold themselves to account for the performance of BTP in Scotland, and for the actions of the officers under their command, to elected MSPs and Scottish ministers. Through Transport Scotland, the Scottish Government has the opportunity to influence the setting of BTP priorities and operational objectives in Scotland. The ACC (Scotland) also has regular contact with MSPs and other senior stakeholder to address areas of concern or to provide advice on matters associated with railway security.

Passengers and Rail Industry

1.7.6 BTP's Scottish Division enjoys excellent relationships with its stakeholders at both a senior and operational level and is responsive to the changing priorities and requirements of the local railway community. For example, policing priorities are decided upon in consultation with the rail industry, passenger groups and rail staff representative groups. Stakeholder meetings and presentations take place on a regular basis with specific policing priority presentations taking place in November/ December each year to agree with stakeholders joint priorities for the following year.

1.7.7 Industry partners are represented at monthly Tasking and Co-ordinating Meetings. At this forum, partners receive feedback on what has been achieved over the previous month and what challenges are likely to be faced in the month ahead. Stakeholders are also able to bid for police resources to address specific challenges. The delivery of particular aspects of joint problem solving plans are also addressed at these meetings.

1.7.8 A BTP Chief Inspector attends ScotRail safety council meetings that are chaired by the director of ScotRail and are attended by senior managers along with staff representative bodies. The Divisional Commander meets regularly with the directors of Network Rail and Train Operating Companies (TOCs) enabling industry partners to raise any emerging issues and provide an opportunity for BTP to report on progress.

1.7.9 At a local level, neighbourhood policing Inspectors meet regularly with station and area managers across the network in Scotland where they discuss performance and policing priorities. Problem Solving Plans are created locally in conjunction with industry partners with agreed outcomes and timescales. Levels of satisfaction are thereafter scored by industry partners so that they can directly influence priorities and performance assessment.

1.7.10 This joint approach to railway policing and the level of responsiveness that is provided by the current policing model is valued greatly by stakeholders. An important element of any future model would be the ability to maintain and build on this framework to sustain the impressive reductions in crime, anti-social behaviour and increases in passenger confidence that have already been achieved.

1.8 Performance*

1.8.1 There were 5,112 crimes and offences on the Scottish railway network in 2014-15 which is a decrease of 46% since 2004-05. There have been significant reductions in priority crime types such as robbery (down 62 offences, 85%), theft of passenger property (down 68%, 622 offences), line of route crimes (down 79%, 310 offences), anti –social behaviour (down 32%, 440 offences) and criminal damage (down 65%, 393 offences). This consistent reduction in crime has ensured that those who travel and work on the Scottish railway network continue to do so safely and securely. In 2003-04 there was one crime per 6,115 passenger journeys (or 164 crimes per million journeys); now there is one crime per 11,424 passenger journeys (or 87 crimes per million journeys).

1.8.2 These achievements are even more noteworthy when viewed in the context of an exponentially expanding network. Within Scotland, passenger journeys have increased by 45% and there are around 8 million passenger journeys between England and Scotland each year. A busier network provides more challenges in relation to crime and disorder as well as a far greater volume of people. The introduction of large shopping complexes and licensed premises within stations brings other pressures. A busier network also means that the impact of disruption increases.

1.8.3 Improving passengers' perception of safety is also a key objective for BTP and the wider industry. Passenger satisfaction is predominantly measured by the National Passenger Survey, administered by Passenger Focus. Scottish railway passengers' have significantly higher perceptions of safety whilst using the railway with an average 83.6% satisfaction rate compared with 76.9% in England and Wales.

*Updated to reflect 2014-15 figures and information

Part 2

Options for the devolution of transport policing within Scotland

This part presents three options for the future devolution of transport policing within Scotland:

Option One

Introducing a non-statutory devolved model of governance and accountability for specialist transport policing within Scotland

Option Two

Introducing a statutorily devolved model of governance and accountability for specialist transport policing within Scotland.

Option Three

Full integration of BTP's Scottish Division within Police Scotland.

In relation to Options One and Two, an overview is provided as to how each model could be introduced and the relevant changes in legislation or governance that would need to be made. For Option Three, the major risks and considerations that would need to be taken into account are described.

Option One

Introducing a non-statutory devolved model of governance and accountability for specialist transport policing within Scotland

2.1.1 In keeping with the Heads of Agreement in the Smith Commission Report, Option One presents a practical, simplified route to devolving railways policing to the Scottish Institutions which is achieved entirely through administrative action rather than through legislation, and therefore offers a straightforward path to implementation. This approach is rooted on every passenger's expectation that there must be an effective police service on both sides of the border – regardless of organisational set-ups. Accordingly, it seeks to achieve the essence of devolution (greater accountability, a more focused effort on coordination, a renewed identity for Scotland, etc.) in a swift and cost-effective way.

2.1.2 Devolution through Option One will guarantee the participation of Scottish institutions in shaping BTP's operations in Scotland. In practice, this will mean that BTP will be aligned with Police Scotland on public awareness campaigns, efforts and initiatives designed to keep Scottish people safe. But it will also mean new tools to ensure that the Scottish people can make sure railways policing is providing an effective service in their stations and rail routes.

2.1.3 The Scottish Police Authority (SPA) is ideally placed to facilitate a strengthened level of accountability to Scottish communities. Opportunities for a joined-up approach to performance management and scrutiny would be sealed in a concordat between the SPA and British Transport Police Authority (BTPA). The Chief Constable of BTP may be asked to attend proceedings of the SPA, and submit reports to both the Authority and the Scottish Ministers. BTP and the BTPA will also look to their counterparts in Scotland to explore greater coordination on community engagement activity and public consultations.

2.1.4 The SPA will be a recognised partner in the preparation of the Annual Policing Plan for Scotland. This means that the SPA will not just be a consultee, but will also be enabled to provide a level of benchmarking against Police Scotland which would assist and encourage continuous improvement in the two police forces.

2.1.5 In that sense, a closer relationship with Police Scotland will also seek to exploit any opportunities for efficiency arising from shared resources and joint procurement. This will include a focus on IT, where there is already a strong interest in ensuring that intelligence and crime management systems are able to dialogue among all police forces operating in Scotland.

2.1.6 BTP in Scotland will benefit from a renewed image and identity that is distinctly Scottish. It will be known as Transport Police Scotland, and it will have a Gaelic identity: "Poileas Còmhdhail na h-Alba". In partnership with Bòrd na Gàidhlig, there will be a focused effort to facilitate access to police services in Gaelic for Gaelic-speakers. Officers in Scotland will wear uniform that will bear distinctive Scottish features such as cap badges. Finally, the values and expectations of those who work in policing in Scotland will be underpinned by adherence to the Code of Ethics for policing in Scotland, thus ensuring consistency with counterparts in Police Scotland.

2.1.7 The appeal of Option One lies in its simplicity. It foresees no changes to the responsibility for entering into Police Service Agreements, which will remain with the BTPA. It also entails no changes to employment of staff or pension arrangements. There will be very little or no impact on legislation as most of its aspects will be introduced by way of bilateral agreements. It will, ultimately, minimise any risks and uncertainty to officers and staff, whilst creating concrete opportunities for closer cooperation.

Measures in Detail

1. Scrutiny and Accountability

1.1. The BTPA and the SPA will make a bilateral commitment to enhance scrutiny and oversight of railways policing in Scotland through joint initiatives. The Scottish Police Authority may, for example, receive regular information from the BTPA on the performance of railways policing in Scotland to assist benchmarking and overall performance review. The SPA may invite BTP and BTPA representatives to attend meetings and give presentations on their work in Scotland.

1.2. The BTPA (with the SPA, if appropriate) will respond to the request of Scottish Ministers for statistics and information relating to railways policing.

1.3. The BTPA will refer reports on matters relating to railway policing in Scotland to the Scottish Ministers, if they specify this.

1.4. In performing his functions, the Chief Constable is to have regard to the Policing Principles set out in s.32 of the Police and Fire Reform (Scotland) Act 2012.

1.5. A statement will be published by the BTP to support the work of railways policing within the Scottish Justice System, in particular, by describing the existing relationship with the Crown Office and Procurator Fiscal Service.

1.6. The functions and powers of HM Inspectorate of Constabulary in Scotland (HMICS) are to include railways policing in Scotland.

1.7. The functions and powers of the Police Investigations and Review Commissioner are to include railways policing in Scotland.

1.8. A Scottish Member of the BTPA will be appointed by the Secretary of State with the consent of Scottish ministers.

2. Planning

2.1. There will be an Annual Policing Plan for railways policing in Scotland. The Scottish Police Authority ("SPA") will be consulted on the draft in the same way that it is invited to comment on Police Scotland's annual plan.

2.2. The Annual Policing Plan will have regard to the Policing Principles set out in S.32 of the 2012 Act and the Strategic Police Priorities (which define the contribution of policing to the Scottish Government's purpose and national outcomes) set by Scottish Ministers.

3. Financial accountability

3.1. The BTPA member representing Scotland must sit on the Finance Committee of the BTPA to ensure that budgetary discussions take account of Scottish interests.

4. Collaboration/Efficiency

4.1. The Force is to continue to pursue greater cooperation between the Force, the BTPA, Police Scotland and the SPA where there is a sound economic case with operational benefits.

4.2. The Force is to continue to pursue opportunities for joint operational working with Police Scotland to enhance the safety and confidence of passengers or wider Scottish railway community.

5. Identity

5.1. BTP in Scotland is to be known as Transport Police Scotland or, in Gaelic language, Poileas Còmhdhail na h-Alba.

5.2. Police officers in Scotland are to adopt Scottish style uniform and insignia as well as the traditional Scottish cap badge.

6. Standards

6.1. Police officers in Scotland are to be bound by the Code of Ethics for Policing in Scotland, which sets out the standards expected of all of those who contribute to policing in Scotland.

Option Two

The introduction of a statutorily devolved model of governance and accountability for specialist transport policing within Scotland.

2.2.1 The vision for Option Two is for the benefits of a dedicated, specialist railways police service to be maintained whilst adapting to a fully devolved model of governance and accountability. This option consists of a number of measures, both legislative and administrative, that fulfil the goal set out by the Smith Commission, without the risks associated with reorganising or replicating complex arrangements such as the charging model and pension matters. It incorporates an enhanced level of accountability to the people of Scotland, and seeks to channel the setting of local priorities through Scottish institutions. The presence of railways policing in Scotland will have a renewed identity and image that is more recognisable by local communities.

2.2.2 The fundamental principle of Option Two is that railways policing in Scotland should be guided by values, objectives and outcomes set by the Scottish Government. The three-year strategy and the annual local plan for Scotland, set by the British Transport Police Authority (BTPA) will be consistent with the policing principles found in Scottish legislation, as well as to the Strategic Police Priorities set by Scottish Ministers.

2.2.3 Devolution through this route will unlock the Scottish Government's ability to ensure the best possible policing of the railway network. Making the Chief Constable of BTP accountable to Scottish institutions will guarantee a more agile response to initiatives and campaigns driven by the Scottish Government. But importantly, it will also draw BTP's work closer to Scottish rail users through openness and communication. This option will ultimately see the Chief Constable of BTP engaging with the Scottish public and its civic institutions in much the same way as his counterpart in Police Scotland.

2.2.4 Recognising its important role in policing oversight, this option also allows for greater involvement by the Scottish Police Authority, alongside the BTPA, in planning and strategy-setting in relation to railways policing in Scotland. It enables mechanisms for the Chief Constable to report on performance and efficiency through the SPA's committees, for example. Additionally, it envisages a unique opportunity to extend the dialogue with Scottish communities, by looking at ways of coordinating engagement activity and public consultations between the BTPA and SPA.

2.2.5 BTP already works as part of the Scottish Justice System and this relationship will be crystallised by explicit references in statute. There will also be a formal statement describing the responsibilities of Scottish police watchdogs, i.e. HM Inspectorate of Constabulary in Scotland (HMICS) and the Police Investigations & Review Commissioner (PIRC) in respect of officers and operations in Scotland. Regular work plans for HMICS inspections will be agreed between the BTPA and the SPA, to provide a level of benchmarking against Police Scotland. Finally, the BTPA accounts will also be sent to the Auditor General for Scotland.

Measures in Detail

1. Accountability

1.1. The BTPA must provide the Scottish Ministers with such reports, statistics and information relating to railways policing and the functions of the BTPA as they may reasonably require. Additionally, the Scottish Ministers may give a direction to the Authority in respect of the performance of railways policing in Scotland.

1.2. The Chief Constable must refer any reports requested by the BTPA on matters relating to railway policing in Scotland to the Scottish Ministers, if they specify this.

1.3. The Chief Constable (or his nominated representative), may be required to provide the Scottish Police Authority with information relating to the performance of railways policing in Scotland. This means that he may be required to attend proceedings of the SPA and submit reports.

1.4. In performing his functions, the Chief Constable is to have regard to the Policing Principles set out in s.32 of the Police and Fire Reform (Scotland) Act 2012 and any Strategic Police Priorities set out by Scottish Ministers under s.33 of the 2012 Act.

1.5. The Chief Constable must provide the Lord Justice General or a sheriff principal with such reports relating to railways policing as may be reasonable required. A requirement by the sheriff principal may relate only to the policing of rail infrastructure located in areas within their jurisdiction.

1.6. A statement will be published by BTP to support the work of railways policing within the Scottish Justice System, in particular, by describing the existing relationship with the Crown Office and Procurator Fiscal Service. The obligations of the Chief Constable of Police Scotland in respect of lawful instructions of prosecutors, the Lord Advocate, the Lord Justice General and sheriffs principal (as set out in s.17 of the PaFR (Scotland) Act 2012) will also cover the Chief Constable of BTP for operations in Scotland.

1.7. A statement will be published describing the functions and powers of HM Inspectorate of Constabulary in Scotland (HMICS) over railways policing in Scotland. Regular work plans for HMICS inspections will be agreed between the BTPA and the SPA.

1.8. A statement will be published describing the functions and powers of the Police Investigations and Review Commissioner over railways policing in Scotland.

1.9. The BTPA must send a copy of each statement of accounts to the Auditor General for Scotland.

1.10. Information in relation to the exercise of the Force's functions in Scotland (expenditure, etc.) will be published in the manner prescribed in Scottish legislation.

2. Planning

2.1. A three-year Strategic Plan for the entire Force is to have regard to the Scottish Strategic Police Priorities and is to be consulted in much the same way as for the issuing of a Strategic Policing Plan in accordance with s.34 of the Police and Fire Reform (Scotland) 2012 Act. The Strategic Plan is to be published and a copy is to be sent to Scottish Ministers.

2.2. There will be an Annual Policing Plan for the policing of the railways in Scotland. The Scottish Police Authority ("SPA") will be consulted on the draft annual policing plan in the same way that it is invited to comment on Police Scotland's annual plan.

2.3. The three-year Strategic and an Annual Policing Plan will have regard to the Policing Principles set out in s.32 of the 2012 Act and the Strategic Police Priorities (which define the contribution of policing to the Scottish Government's purpose and national outcomes) set by Scottish Ministers.

3. Scrutiny arrangements

3.1. There will be formal arrangements to ensure that the SPA and the British Transport Police Authority ("BTPA") have a joined-up approach to scrutiny and performance management of railways policing in Scotland. This will take account of the SPA's working arrangements as published in their 'Organisational Requirements' document.

3.2. A Scottish Member of the BTPA will be appointed by the Secretary of State with the consent of Scottish ministers.

4. Financial accountability

4.1. The BTPA member representing Scotland must sit on the Finance Committee of the BTPA to ensure that budgetary discussions take account of Scottish interests.

5. Collaboration/Efficiency

5.1. The option for formal collaborative agreements between the Force, the BTPA, Police Scotland and the SPA is to be introduced, in the aim of enabling greater cooperation where there is sound economic case with operational benefits.

5.2.

The Force is to continue to pursue opportunities for joint operational working with Police Scotland to enhance the safety and confidence of passengers or wider Scottish railway community.

6. Identity

6.1. BTP in Scotland is to be known as Transport Police Scotland or, in Gaelic language, Poileas Còmhdhail na h-Alba.

6.2. Police officers in Scotland are to adopt Scottish style uniform and insignia as well as the traditional Scottish cap badge.

7. Standards

7.1. Police officers in Scotland are to be bound by the Code of Ethics for Policing in Scotland, which sets out the standards expected of all of those who contribute to policing in Scotland

Option Three

Full integration of BTP's Scottish Division within Police Scotland.

2.3 Option Three is for the whole of BTP's Scottish Division to become part of Police Scotland. Clearly this option would have the largest impact on BTP staff, Scottish stakeholders, cross border operators and the Scottish people. This section details the key risk and issues associated with this option.

Human Resource Considerations

2.3.1 The Human Resource implications of this option are significant and the complexity of integrating two police forces that are governed by different funding mechanisms and whose staff have different terms and conditions, pension rights and other contractual provisions would be considerable.

Transfer from BTP to Police Scotland*

2.3.2 Our best understanding of the situation at this time is detailed as follows, however this is in no way binding, legally or otherwise and it is to be expected that advice may need to be revised should any formal process develop. Employees benefit from statutory protections when their employer changes as a result of a transfer of an undertaking, or part of it, from one employer to another. These rights are primarily enshrined in the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE). TUPE states that an administrative reorganisation of a public administrative authority, or the transfer of administrative functions between public administrative authorities, is not a "relevant transfer" within the meaning of the Regulations i.e. TUPE does not apply. As such, and in broad terms, TUPE does not apply to transfers within the public sector. There is no definition of what constitutes a public administrative authority but case law holds that it will be "a public body whose functions involve the exercise of public authority". The body need not necessarily be a public sector organisation. In this case therefore, the assumption will be that the TUPE Regulations will not apply as both BTP and Police Scotland are organisations whose functions involve the exercise of public authority.

2.3.3 However, even in cases where TUPE does not legally apply to a transfer in the public sector, the relevant Cabinet Office Statement of Practice dated 2001 and as amended (COSOP) provides for the process to be governed in accordance with the principles of TUPE to ensure that employees in a transfer situation would be transferred and afforded protection of current terms and conditions of employment that are, overall, no less favourable, than if TUPE legally applied. It is considered that it would be highly problematic to attempt to devolve the business of BTP Scotland to Police Scotland without transferring all officers and staff.

*Updated to reflect 2014-15 figures and information

Measures in Detail

Redundancy terminations*

2.3.4 If redundancies were to be made as a result of this option, and the sole or principal reason is the transfer itself, the dismissals are likely to be automatically unfair, unless an economic, technical or organisational (ETO) reason exists. The ETO reason must entail changes in the workforce and this is usually understood to be a reduction in numbers. It is, however, unlikely that Police Scotland would need to make redundancies that are not connected to the transfer. They may consider a need to make redundancies post-transfer, and if so the costs of doing so would lie with them. Any redundancies of BTP staff who had transferred would have to be made in accordance with the enhanced redundancy provisions which BTP staff (and officers) currently benefit from. Furthermore, the pool of employees affected would not be limited to those employees who had transferred from BTP. At this time, and based upon the information available, it is not anticipated that BTP would consider making redundancies as it is expected the principals of a TUPE transfer would apply as a business transfer is occurring as part of an undertaking.

2.3.5 The 2014-15 D Division establishment budgeted workforce target is comprised of the following:

- 223 officers
- 39.93 staff
- 2.63 officers and 8 staff out based.
- 11 special constables

Total – 284.56

2.3.6 The D Division headcount (as of November 2014) is as follows:

- 215 officers (note, an intake of 8 PC's is planned for January 2015)
- 48 staff (excludes out based staff)
- 3 officers, 8 staff – out based
- 11 special constables

Total - 285

2.3.7 Total annual salary costs are circa £9,085,837.70. This consists of Police officers (£7,659,381.00) and police staff (£1,426.456.70). Allowances payable total circa £248,408.61 excluding car allowance and other payments to ACPO ranks, but including dog handling allowance and shift allowance. Eleven employees including three officers are FHQ funded, but based in Scotland.

2.3.8 The majority of police staff are employed on (current) Engaging Police Staff (EPS) terms and conditions although two members of staff retain former railway employee "Red Book" terms and conditions of employment that offer greater protection. Officers and staff attract enhanced contractual terms in relation to sick pay, maternity pay and redundancy pay, subject to minimum qualifying periods.

*Updated to reflect 2014-15 figures and information

2.4 Operational Considerations

Network-wide policing

2.4.1 There is an accepted argument for Britain's railways to be policed in a manner that is not constrained by the geographic boundaries of other police forces or legal frameworks that the rail industry cuts across. Currently, BTP's boundaries cover the total policing environment of the British rail network and the structure of BTP provides a single point of contact and consistency in policing standards across the Scottish, English and Welsh railways. This includes working across two legal systems, which is important in day-to-day terms. For example, when a crime or disorder occurs, often the exact location of the incident cannot be pinpointed. As BTP is responsible for policing the whole network, it currently does not matter a great deal at what exact point of a train journey the crime took place. If the policing of the railway network were to be carried out by two bodies, there is a risk for confusion to arise over who would record and investigate crimes, which would be highly distressing for victims and cause unnecessary delay.

2.4.2 Regular policing operations involving cross-border travel should also be considered. An example of this type of travel that is now policed by BTP is the policing of Newcastle United FC supporters from points across Scotland down to Newcastle (and back) for home matches which is coordinated between BTP D Division and Pennine Sub-Division taking account of the need to control public space and reassure the travelling public. A further example is the policing of the last service trains leaving Carlisle for Dumfries and further north. These are policed in operations by BTP D Division and Pennine Sub-Division, reassuring staff and the travelling public. Equally the new Caledonian Sleeper service will need careful coordination to ensure consistency of safety and support services provided by the police on both sides of the border requiring a significant level of coordination. The risk that this joined-up method of policing, highly valued by the railway industry and passengers, would not continue would need to be fully mitigated by the model created by this option.

Specialist Operational response

2.4.3 There are many areas of railways policing where BTP's specialist nature and commercial awareness has allowed the development of railway specific policing responses. Repeated common threats have allowed BTP to gain experience and safely manage critical events on the network using highly specialised judgement and assessment techniques.

2.4.4 Fatality management, counter-terrorism, cable theft, dealing with people in precarious positions on the railway are examples of areas where BTP's approach to policing on the railway has ensured that passengers are kept safe and are faced with the minimum of disruption to their journeys and has saved the industry billions of pounds over ten last ten years.

2.4.5 Terrorism remains a high security concern for the UK as a whole, and the long-standing threat to transport infrastructure is very real. By raising the threat level in August 2014 to 'severe', the Home Secretary confirmed the increased risk to the public owing to the conflicts in Syria and Iraq, where terrorist groups are known to be planning attacks against the West. In addition to that, the nature of the threat is changing, with a heightened risk of 'lone-wolf' attacks in crowded places including railway stations. These developments have underlined the need for a more coordinated and integrated approach to counter-terrorism. The efforts to combat terrorism and extremism must be cross-border – an attack on Scottish soil may well be stopped in England. Equally, any perceived vulnerability arising from fragmented jurisdiction will be exploited by those planning an attack, and jeopardising the ability to police the network as a whole could well result in greater risks to passengers.

Planning and Objectives

2.4.6 BTP and BTPA have closely aligned their priorities with that of the railway industry. This allows BTP to respond to changing, local, priorities. An example of this is the Borders railway team that was officially launched by Keith Brown MSP, then Minister for Transport, in 2013. Given the importance of this project, BTP embedded a team of dedicated officers to support the Borders to Edinburgh railway as it was being built and after it was opened. Working with Network Rail, contractors and local residents, BTP were able to offer a dedicated reassuring presence, expert advice and support to ensure the successful completion of the project and ongoing running of the network.

2.4.7 BTP's Strategic Plan has set long term objectives to reduce crime on the railway, reduce crime-related disruption and to increase passenger confidence and Divisional Policing Plans set operational targets that focus on local railway priorities and risks. Consideration will need to be given as to how this degree of attention and corporate focus can be preserved.

2.5 Financial Considerations

Pensions

2.5.1 The BTPA currently participates in two final salary pension schemes:

1. the British Transport Police Force Superannuation Fund (the "Fund"); and
2. the British Transport Police Shared Cost Section of the Railways Pension Scheme (the "Staff Scheme").

2.5.2 RPMI, the administrators for both pension arrangements, have provided the following data on the number of members who currently have Scottish addresses, which might give some indication as to the likely number of members affected:

BTP Pension Scheme Members

	The Fund (1970 Contributory Section)		The Staff Scheme		Overall	
	Total	**Scottish addresses**	**Total**	**Scottish addresses**	**Total**	**Scottish addresses**
Active	2,846	216	1711	55	4557	271
Deferred	735	36	1548	32	2283	68
Pensioner	2,617	246	338	15	2955	261
TOTAL	6,198	498	498	102	3597	600

2.5.3 The liability associated with the pensions held by members with Scottish addresses is approximately £92m. RPMI have provided initial advice on the possible impact on pensions if this option were to be taken forward. Were D Division to be integrated into Police Scotland then it is likely that the SPA would need to become a participating employer in the existing pension arrangements or a new scheme would need to be administered by the SPA. Liability for members would be taken on by the SPA. There are also likely to be considerable short term costs while the issue is discussed and a resolution is sought.

Charging Model Considerations

2.5.4 In order to calculate BTP's revenue budget, a Cost Allocation Model is used. The model is governed by contractual agreements between BTPA and each train operator (passenger and freight) and Network Rail. The model was judicially reviewed in 2009 and any changes which involve the reallocation of costs would need to be agreed with all those with whom BTPA have a Police Service Agreement (PSA). There are currently 46 PSA holders. The methodology applied follows eighteen stages that allocates a portion of the total agreed revenue budget to each PSA holder by using a number of proxy measures.

2.5.5 The charges to operators have a direct and overhead cost. The overhead cost is for central departments such as CID, counter terrorism support, firearms policing and training. The overhead charge for D Division operators is £9.7m. Although some of this overhead charge could be reduced if D Division was to be integrated into Police Scotland, initial analysis shows that circa £6.8m would need to be re-charged to English and Welsh operators to sustain the viability of some of the departments (this figure will be subject to further scrutiny in January 2015). This could potentially lead to an increase in charges for English and Welsh PSA holders.

2.5.6 There would also be a significant change in the proxy measures used for the charging model were the Scottish elements to be taken out. However, given the complexity of how these proxies contribute to the overall charge it is not possible to accurately predict what these changes would be in relation to individual operators. The disaggregation of proxies for long haul, cross border operators would be particularly challenging.

Assets

2.5.7 Consideration would need to be given as to how to treat D Division assets. As well as the assets on the asset register, there are several assets that are located within D Division that have been funded through the BTP capital programme. Examples include vehicles, radios, and IT equipment. There are 15 premises throughout D Division. Each premise has assets including MFD's (multi-functional device), computers, furniture and police equipment. There are also a number of pieces of TSU (Technical Support Unit) equipment that the Division uses.

2.6 Stakeholder Considerations

2.6.1 BTPA / BTP work very closely with passenger and freight industry operators and their views would need to be taken into account during any change process. Recent reviews have indicated that stakeholders value the close and mature relationship that they have with BTPA / BTP as well as the benefits that BTP's ethos and policing style provides. It would need to be shown that, in the long term, financial pressures, wider policing priorities and political imperatives would not lead to a progressive drift away from the concerns of passengers, staff and industry if the proposal is to have the full support of the railway community.

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British Transport Police
Force Headquarters
25 Camden Road,
London
NW1 9LN

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