

Justice Committee

Railway Policing (Scotland) Bill

Written submission from the Department for Transport

BTP Integration Programme Joint Programme Board Devolving the functions of the British Transport Police in Scotland

This document sets out, in broad terms, the approach to delivering the devolution of the BTP's functions in Scotland in an orderly and effective manner.

The extensive work necessary to deliver the necessary legislative and practical arrangements is being closely overseen and directed by the Integration Joint Programme Board, which is jointly led by the two Governments and with membership comprising officials and legal advisers from both Governments, and representatives of the two Police Forces and the two Police Authorities. This approach is intended to bring together key parties, ensuring that their distinctive knowledge and experience are fully engaged throughout the project.

We envisage that the aims, key milestones and tasks for each workstream will evolve and grow as the project develops and moves into its next phase which will focus on the development of secondary legislation necessary to deliver the transfer and the effective resolution of issues relating to the transfer.

Aims of Joint Programme Board

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 31 March 2019 (subject to the passage of the appropriate legislation by the Scottish Parliament).

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.

Approach

Members of the Board, under the joint shared strategic governance of the two Governments, work collaboratively and in partnership to deliver the shared aims of the project by actively:

- providing clear direction
- shaping the programme
- monitoring project performance
- ensuring effective communication with key stakeholders, including the affected officers and staff, in programme planning and delivery
- mitigating delivery risks

Delivery Programme

The delivery programme comprises a series of separate, but interlinked project workstreams each dealing with specific components of the transfer; these workstreams are led by those parties with the greatest knowledge and expertise in that area.

The workstreams lead on the delivery of, and inform the legislative arrangements for, the orderly and effective delivery of the transfer, including the affected staff and the continuity of effective and seamless railway policing amongst other issues. This is, of course, subject to the passage of the Railway Policing (Scotland) Bill through the Scottish Parliament.

While work is being developed across all of the work-strands reflecting the need to meet the various legislative timescales in the progress, the Governments are particularly focussed on certain key priorities. These are the fair and reasonable treatment of the affected staff, providing as much clarity as early as possible and the maintenance of effective, seamless policing so that passengers and rail staff remain protected.

Project summaries

The following tables provide, for each of the project workstreams, a summary of the project's aims, tasks and timelines. These have been drawn from more detailed project plans for each workstream. The tables respond to the Justice Committee's request for further information on the expected timescales for completion of the JPB's workstreams, and reflect discussions at its most recent meeting on 30 March 2017.

It should be noted that, consistent with the complexity of the project and as noted above, these plans continue to evolve as the process of issue identification continues to develop. In particular there are streams where it has become apparent that activities are overlapping, and where there may therefore be a need to re-define/re-scope projects as the work progresses, as well as any changes in approach which may be required in the light of developing experience. Timescales will similarly evolve, with the need to preserve flexibility to manage the programme in an effective manner.

To achieve this, the workstreams and timescales are kept under active and continuous review under the active scrutiny of the Joint Programme Board, to ensure effective progress continues to be made and the overall aims of the project are maintained.

It is critical to note that there are close interlinkages between the various workstreams. These are being monitored to ensure an effective and coordinated process.

The Committee will note that the tasks and key milestones in the summaries are primarily focussed on the near term. This reflects the significant level of activity

currently underway to identify all of the issues which need to be addressed in the secondary legislation. Mid and longer term tasks and milestones are being considered for resolution as the programme progresses, moving to detailed processes and procedures. This is consistent with the effective management of a phased, multi-year programme of work.

Joint Programme Board
7 April 2017

PROJECT SUMMARIES

<p>Project 1 - Legislation (Scotland and UK)</p>	
<p>The legislative process required to implement the transfer of functions of the British Transport Police (BTP) in Scotland to be integrated within Police Scotland in an orderly and effective manner. It therefore supports the key issues of reasonable treatment of the workforce, the maintenance of specialist capabilities to ensure seamless policing, and the transfer of assets and liabilities wholly or partly related to BTP's policing of the railways in Scotland.</p>	
<p>Project aims:</p> <p>To ensure an effective legislative process to support an orderly and effective transfer of functions.</p> <p>Create primary legislation in the Scottish Parliament to:</p> <ul style="list-style-type: none"> • Give effect to devolution of the railway policing through the Scotland Act 2016; • Set the legislative framework for the integration of the BTP in Scotland into Police Scotland by 1 April 2019. • Make secondary legislation under Scotland Act 1998 to make provision which is necessary or expedient in consequence of the Act of Scottish Parliament, giving effect to devolution of railway policing. <p>Creating and laying UK secondary legislation, under the Scotland Act 1998, to support the transfer of the BTP in Scotland to Police Scotland by 1 April 2019.</p> <p>Taking detailed inputs from the delivery workstreams (Workforce, Operational Integration etc) to inform the scope and content of the Secondary legislation.</p>	<p>Project team:</p> <ul style="list-style-type: none"> • Scottish Government – Police Division, Transport Scotland, Legal Dept. • UK Government - Department for Transport <p>Key stakeholders:</p> <ul style="list-style-type: none"> • British Transport Police Authority • Scottish Police Authority • British Transport Police • Police Scotland • British Transport Police Federation • Staff Representative Bodies • Rail Delivery Group
<p>Key milestones and tasks:</p> <p>Scotland</p> <ul style="list-style-type: none"> • Scottish Parliament consideration of Railway Policing (Scotland) Bill: Jan – June 2017 • Ensuring that the Scottish Parliament's Justice Committee is briefed and informed to support its scrutiny of the Bill, providing whatever assistance is helpful • Royal Assent: July 2017 – subject to the approval of the Scottish Parliament <p>UK</p> <ul style="list-style-type: none"> • Policy scoping of legislative requirements necessary to deliver the transfer of staff, assets and liabilities : June 2017 • Preparation of 1st draft of the Order(s) under Sections 90 and 104 of the Scotland Act 1998 to effect transfer : September 2017 • Finalising of the Order(s), following a significant process of development: July 2018 • Laying before UK Parliament (and Scottish Parliament for Section 90): Oct 2018 	

- **Commencement 1 April 2019** – subject to the appropriate Parliamentary approvals

Project 2 - Workforce and Pensions

The intention of the workforce project is to ensure that the necessary arrangements are made for the fair and effective transfer of police officers and staff from the BTP to Police Scotland, and so to maintain the specialist railway policing skills, knowledge and experience within the new railway policing unit in Police Scotland.

In order to support this, the Scottish Government has provided a ‘triple lock guarantee’ that secures jobs, pay and pension conditions for transferred officers and staff through the course of integration.

The aim of the pensions project is to ensure that pensions are affordable, sustainable and fair for the police officers and staff in the BTP, their dependents, and the taxpayer.

It is important to note that alongside the work of the JPB there has been and will continue to be effective engagement from the UK and Scottish Government with key stakeholders, including those representing staff.

Project aims:

To provide for the smooth transition of officers and staff to the new organisation.

- Ensure the transfer meets COSOP principles;
- Ensure operational capability is maintained through the effective integration of BTP officers and staff into Police Scotland;
- Provide reassurance to transferring officers and staff, providing information as soon as it is available;
- Develop and present options for transfer of pension provision;
- Work collaboratively with key stakeholders

Project team:

- Scottish Government
- Scottish Police Authority
- British Transport Police Authority
- Police Scotland
- British Transport Police
- SPPA
- Department for Transport

Key stakeholders:

- SPPA Operations
- British Transport Police Federation
- Other Police Officer associations
- Staff Representative Bodies
- Trustees of the BTP pension scheme

Key milestones and tasks:

Workforce

- Initial officer and staff T&C mapping, including the ‘triple lock guarantee’; stakeholder engagement, agree framework underpinning transfer; input to legislation: June 2016 – June 2017
- Ongoing engagement with staff Representative Bodies on workforce matters, particularly at key decision points.
- Scope secondary legislation requirements for staff transfer: June 2017
- T&C mapping and options development : from June 2017
- Identify IT requirements and transfer process for workforce: May2018
- Working through workforce transfer issues, in conjunction with staff Representative Bodies: Sept 2017 to early 2018
- Transfers system testing: Mar 2018 – Feb 2019
- **Transfer of BTP officers and Staff: April 2019**

Pensions

- SG to receive and agree initial Government Actuary Depart. advice: Mar 2017
- Submission to Scottish Ministers: Mar 2017
- Pensions project team meeting - options scoping: Apr 2017
- Communication to BTP officers and staff: Ongoing
- Development of options and costings: Jun 2017
- Agree in-principle proposals for consultation with staff/officers' associations: Jul 2017
- Communications to officer and staff associations: Summer 2017
- Draft and lay secondary legislation: Oct 2018
- Preparation by trustees to accommodate option: Dec 2018
- **PPS 2015 Amendments and trust deed changes with effect from 1 April 2019**

Project 3 - Communications

The Communications strand seeks to support the successful delivery of the integration programme by ensuring that the strategic and detailed design of the transfer, and its implications for existing staff, for passengers and rail staff, and for the railway companies, are clearly and consistently captured and communicated. Key is that all communications activity is timely, effective, consistent, and represents an agreed position, providing a single version of the truth.

The Scottish Government are working with the UK Government and the British Transport Police Authority, and engage meaningfully with representative staff associations to progress the integration of BTP in Scotland into Police Scotland, including discussions around terms and conditions of service, and pensions arrangements, and maintaining the quality of service for passengers and rail staff.

Project aims

To ensure that the aims of the programme, and the details of its delivery are clearly communicated.

- To maintain the integrity of the Programme by dealing effectively proactively and reactively to media interest concerning the integration;
- Raise awareness of and provide reassurance about the Programme, and ensure stakeholders have access to information.
- Ensure stakeholders are all appropriately informed about any changes, understand how the changes may affect them and that they are afforded the opportunity to ask questions.
- Ensure that the principles underpinning the transfer – maintenance of the effectiveness of railway policing across the rail network, retention of specialist policing skills and knowledge, seamless transition - are clearly communicated.

Project team

- Scottish Government
- Scottish Government – Justice Comms
- Transport Scotland
- Scottish Police Authority
- Police Scotland
- British Transport Police
- British Transport Police Authority
- Department for Transport

Key stakeholders:

- Rail Delivery Group
- Train Operators
- ORR and Passenger Focus
- British Transport Police Federation
- Staff Representative Bodies

Key milestones and tasks:

- Liaise with key stakeholders to create a communications timeline and strategy, outlining key messages that need to be conveyed: Ongoing to April 2019
- Communications to BTP officers and staff: Ongoing
- Publish FAQs following commencement of Bill: Sept 2017
- Communications to officer and staff associations: Nov 2017
- **Regular discussion with communication project partners, developing internal and external core narratives to support delivery: Jan 2017 – April 2019.** (active and pro-active)

Project 4 - Operational Integration

The operational integration strand is focussed on ensuring the effectiveness of railway policing. This includes (alongside project 2) the integration of BTP officers and staff into Police Scotland ensuring that their specialist skills, knowledge and capabilities are transferred and maintained; and that the necessary powers of the two forces' officers when operating in each other's jurisdiction are in place, in order to support the effective and seamless delivery of railway policing across the border post-integration.

Project aims:

To ensure that railway policing continues to be delivered effectively following integration, and that the operational consequences of the creation of a new interface at the border are fully identified and addressed.

- Integration of BTP officers and staff into Police Scotland without any diminution of service delivery.
- Retention of BTP officers' specialist expertise.
- Police Scotland work collaboratively with BTP to integrate railway policing into Police Scotland's existing structures and processes.
- Review BTP operational working practices, procedures, guidance, standard operating procedures and policy, to ensure transition to those of Police Scotland.
- To prepare and support BTP officers and staff through the transition period and also Police Scotland officers and staff impacted by the change.
- To identify any changes in legislation necessary to deliver seamless cross border policing post devolution.

Project team:

- British Transport Police
- British Transport Police Authority
- Police Scotland
- Scottish Police Authority

Key stakeholders:

- Scottish Police Federation
- British Transport Police Federation
- Police Superintendents Association of England & Wales
- Association of Scottish Police Superintendents
- Staff Representative Bodies
- HMICS

Key milestones and tasks:

- **Fully Enabled** - Terms and Conditions for transferred officers and staff
 - Identification of current numbers, location, demographic, roles and responsibilities of affected staff: Aug 2017
 - Terms & Conditions – supports Project 2
- **Fully equipped** – identification of current assets and associated liabilities
 - Uniform, PPE & Other Equipment
 - Vehicles, premises and land, animals (Dogs)
 - Technical (ICT & Specialist)
 - Command and Control systems
 - Data Transfer

Creation of deployment model
- **Fully Trained** - Training Needs Analysis (for BTP and PS officers and staff)
 - Current Training and Qualifications (Standard recruit and Specialist): Aug 2017
 - Legal training requirements: Aug 2017
- **Fully Informed** - legislation and powers (supporting Project 1)
 - Process Mapping (Operational): May 2017
 - Policies/ SOP's/ Guidance / Reference Documents - Schedule of Documentation and Compatibility Analysis: December 2017
- **Fully Deployed – April 2019**

Appropriately empowered - in support of Project 1

- Legislation & Powers
 - Identification of necessary 'reciprocal powers' to ensure that policing can be undertaken effectively across primary jurisdictions: workshop April 2017.
 - Secondary legislation requirements for draft Orders: June 2017

Project 5 – Rail Funding and Railway Policing Agreements (RPA)

This rail funding aspect of this strand is focussed on determining the appropriate mechanism/model through which to recover the costs of railway policing in Scotland post-integration, maintaining the 'user-pays' principle. In doing so account will be taken of the impacts on cross border rail operators and Network Rail, who will in future receive separate bills relating to the policing services they receive from the BTP and Police Scotland.

The RPA component will determine the format and content of the Rail Policing Agreements which are provided for in the Railway Policing (Scotland) Bill.

The funding of railway policing in England and Wales RPA will continue to be recovered through Police Service Agreements (PSA). At this stage, this is being specifically considered by the BTPA; it will then be broadly aligned with the workstream below.

Project aims:

To ensure that an appropriate charging mechanism is in place to support Police Scotland's costs relating to policing of the railways, including the development of Rail Policing Agreements between Police Scotland and the rail operators.

Project team:

- Transport Scotland
- Scottish Government – Legal Dept
- Scottish Police Authority
- British Transport Police Authority
- Department for Transport
- Police Scotland

<ul style="list-style-type: none"> • Ensure that Rail industry stakeholders are proactively engaged and content with SG aspirations and actions. • Create a simple and robust cost model • Create workable RPAs • Create a mechanism to ensure railway policing priorities are addressed by Police Scotland (PS) <p>Additionally</p> <ul style="list-style-type: none"> • Ensure BTPA PSAs will continue to work for England and Wales. • Ensure the BTPA cost allocation model remains fit for purpose post devolution. 	<p>Key stakeholders:</p> <ul style="list-style-type: none"> • ScotRail and Caledonian Sleeper • All cross border passenger and freight service operators • Network Rail • Rail Delivery Group • British Transport Police
<p>Key milestones and tasks:</p> <p><u>Rail Funding</u></p> <ul style="list-style-type: none"> • Identification of impacts of the excision of Scotland operations on the existing BTPA charging model: June 2017 • Development of possible charging options for railway policing in Scotland: June 2017 • Engage with stakeholders: Jun 2017 – Oct 2017 <p><u>PSAs</u></p> <ul style="list-style-type: none"> • Agree any secondary legislation requirements for E&W: Jun 2017 • Draft proposed Rail Policing Agreements: Summer 2017 • Consult and agree new RPA format with industry: Summer 2017 – Feb 2018 • RPAs signed: March 2019 	
<p>Project 6 – Governance and Finance</p>	
<p>This project looks at the design of governance arrangements and financial management and reporting for the Police Scotland railway policing unit. The intention is that the Scottish Police Authority (SPA) will hold Police Scotland to account for its delivery of policing of the rail network in Scotland.</p> <p>Finance component links to Project 5 (Funding). The JPB intends to consider at its next meeting whether it's appropriate to merge Projects 5 and 6.</p>	
<p>Project aims:</p> <p>To ensure appropriate governance arrangements are in place to provide effective oversight of Police Scotland's railway policing function.</p> <ul style="list-style-type: none"> • Transition and integration of effective governance from British Transport Police Authority (BTPA) to the Scottish Police Authority (SPA) • Transition and integration of railway policing Priorities and Performance into SPA / Police Scotland (PS) planning arrangements • Transition and integration of assets and liabilities to SPA / PS and effective management and reporting. 	<p>Project team:</p> <ul style="list-style-type: none"> • Scottish Police Authority - governance/strategy, legal and finance • Police Scotland - governance/strategy, legal and finance • British Transport Police Authority • Scottish Government – police finance • British Transport Police <p>Key stakeholders:</p> <ul style="list-style-type: none"> • Train operators • Network Rail

<p>Key milestones and tasks:</p> <ul style="list-style-type: none"> • Engagement with rail industry and stakeholders - ongoing • Develop options for detailed arrangements for Governance based on the forum model included in the Scottish Parliament Bill: Dec 2017 • Map railway policing governance to SPA overall governance arrangements: Dec 2017 • Develop strategic planning, performance and reporting (acknowledging any specific legislative requirements): Nov 2017 - onwards • First draft exercise of estimated costs to run railway policing within Police Scotland (early due diligence): July 2017 • Final due diligence: Jan 2018 • Transition date: April 2019 	
<p>Project 7 – Assets and Liabilities</p>	
<p>This project is to ensure that existing assets and liabilities (property, rights, liabilities and obligations) held by the BTPA in relation to its operations in Scotland are identified, and necessary legislative provision made for their effective transfer to the Scottish Police Authority/Police Scotland.</p>	
<p>Project aims:</p> <p>To ensure the necessary transfer of assets and liabilities from the BTPA to SPA/PS reflecting the division of functions and responsibilities.</p> <ul style="list-style-type: none"> • Identification of assets and liabilities that will transfer from British Transport Police Authority (BTPA) to the Scottish Police Authority (SPA) • The agreement and transition of assets and liabilities (property, rights, liabilities and obligation) to the SPA, doing so on the basis of those which are used wholly or partly by the BTP for policing the railways in Scotland. 	<p>Project team:</p> <p>Police Scotland – legal, finance, estates, contacts and ICT</p> <ul style="list-style-type: none"> • British Transport Police Authority • Scottish Government – police finance <p>Other key stakeholders:</p> <ul style="list-style-type: none"> • Police Scotland • British Transport Police
<p>Key milestones and tasks:</p> <ul style="list-style-type: none"> • Complete drafting policy instructions: June 2017 • Identify current assets and further information required: Sept 2017 • Confirm operational dependencies and requirements: Nov 2017 • Detailed scrutiny and decision making process regarding specific assets and liabilities: Ongoing from Nov 2017 • Development of secondary legislation (Scotland) if required: Dec 2018 • Final due diligence: Dec 2018 • Asset transfer by 1 April 2019 	