

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

An Analysis of Responses

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Consultation on the Integration of the British Transport Police in
Scotland into Police Scotland: An Analysis of Responses

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1. Executive Summary

1.1 The British Transport Police (BTP) was established by the UK Government's Railways and Transport Safety Act 2003 to provide a railway police service across the UK. The Scotland Act 2016 gave effect to the recommendation of the Smith Commission¹ that the policing of railways and rail property in Scotland should be a devolved matter.

1.2 Scottish Ministers intend to use these powers to integrate BTP officers and civilian staff into Police Scotland and wish to hear the views of key stakeholders on the best way to do this.

1.3 The Scottish Government published a written consultation document on 29 June 2016 inviting views by 24 August 2016 on how to ensure a smooth transition to integration; how to ensure railway policing in Scotland is subject to appropriate oversight; and how to maintain railway policing as a specialism.

1.4 137 responses to the consultation were received, 107 from individuals and 30 from organisations. A summary of the views they contained follows.

Views on integration and current accountability

1.5 The Scottish Government believes that a specialist railway policing function within Police Scotland would ensure that railway policing in Scotland is accountable, through the Chief Constable and the Scottish Police Authority (SPA), to the people of Scotland; building on the skills, knowledge and experience of the BTP; and enhancing railway policing in Scotland through direct access to the local, specialist and national resources of Police Scotland. Respondents were asked for their views on how to ensure the potential benefits of greater accountability and integration are delivered within the wider policing of Scotland's transport infrastructure.

1.6 The current levels of accountability of BTP in Scotland were highly valued by the rail industry, rail operators and passengers alike. Respondents recommended building on what has been achieved rather than re-inventing new approaches.

1.7 There was much opposition, however, from individuals and organisations, to the proposal to change the current status and integrate BTP in Scotland into Police Scotland. Many considered that a strong case for integration had not been made. This opposition underpinned their responses to questions throughout the consultation, with many respondents providing constructive ideas for making the most of integration, but persistently noting their opposition to the proposal to integrate.

¹ http://webarchive.nationalarchives.gov.uk/20151202171017/http://www.smith-commission.scot/wp-content/uploads/2014/11/The_Smith_Commission_Report-1.pdf

1.8 Key concerns raised were that the breaking up of a BTP-wide service would impact negatively on cross-border services; would reduce competence in tackling major UK issues such as terrorism; would reduce safety of rail passengers and staff with possible reduction in officer posts; would increase costs for train operators; and would hamper career development and progression between transport police in Scotland and the north of England in particular.

1.9 Constructive ideas were put forward for new lines of accountability including: establishing a new Board or Committee to which Police Scotland could be held accountable for railway policing; retaining the BTP as a separate body but the commander of the service in Scotland being answerable to Police Scotland; and collaborative setting of objectives between the BTP in Scotland and Police Scotland.

1.10 Despite the prevailing opposition to integration, several potential benefits were identified including: reduction in emergency response times to remote areas; better value for money due to rationalisation of shared support services; greater transparency in accountability with the SPA perceived as more accessible than the British Transport Police Authority (BTPA); more meaningful local scrutiny and accountability alongside national level accountability; and opportunity for the work of the transport police to impact on wider policies such as hate crime.

Views on ensuring skills of BTP officers are retained

1.11 There was widespread agreement that BTP officers have specialist skills. An overarching view was that the specialism of the BTP should be respected, acknowledged and retained in any integration with Police Scotland.

1.12 Mixed views emerged amongst individual respondents on whether the railway policing specialism should be broadened to a wider transport policy function.

1.13 A common concern was that the specialism of BTP could be diluted by BTP being subsumed within the larger Police Scotland body. Suggestions were made as to how to retain the specialism of BTP following integration: establishing a specialist BTP Division within Police Scotland; maintaining the numbers of BTP officers, possibly with ring-fencing of funding; and retaining the specialist nature of BTP training.

Views on governance and setting policy

1.14 At present, strategic rail planning is carried out at a UK level on a five-year cycle determined by the Office of Rail and Road. The BTPA oversees the BTP, setting its priorities and allocation of funding. It is appointed by and accountable to the UK Government's Secretary of State for Transport. The Scottish Government proposes that, following integration, the SPA would become responsible for ensuring that railway policing priorities are included in its Strategic Police Plan. These priorities would be set by the SPA following engagement with the railway industry in Scotland.

1.15 A commonly held view amongst respondents was that the experience of the BTP would be invaluable in providing a steer towards effective practice going forward.

1.16 Several industry and representative bodies shared the view that the SPA should align its objectives relating to railway policing, with those of the BTPA.

1.17 The proposal to establish a Board or Committee in Scotland with members appointed by Ministers and including representatives with specialist railway knowledge gained support from different sectors. It was envisaged that SPA would submit its policy proposals to this Board for approval.

Views on engaging with stakeholders

1.18 There was much appreciation of what respondents perceived to be the current strong links between the BTP and the rail industry. Recommendations were for these links to continue following integration and to be transparent in order to instil confidence in the travelling public.

1.19 Both formal and informal approaches to engagement between the SPA and stakeholders were called for. These included formal, regular meetings with Train Operating Companies, Freight Operating Companies and Rail Staff Associations, in addition to public consultations, online and face-to-face engagement with passengers and their representative bodies, making use of social media where appropriate.

Views on the future funding mechanism

1.20 The BTP in Scotland is currently funded through contributions from the railway industry, whereby Network Rail, Train and Freight Operating Companies enter into a Police Services Agreement (PSA) with the BTPA in terms of which they pay for the core policing services they receive. The exact costs payable under each PSA are calculated through a model based on a number of factors such as staffing levels and crime levels. The Scottish Government believes that this model could not be replicated easily in Scotland, largely due to the domination of a single franchise, Scotrail. Respondents were asked for views on possible amendments to the current cost allocation regime.

1.21 Common views were that the mechanism for funding the BTP following integration into Police Scotland should be fair; avoid trying to cost-cut; be transparent; consistent over budgeting years to avoid uncertainty; take account of local circumstances with regard to PSAs; and be established as a priority.

1.22 Front-end costs associated with integration (such as new vehicles and uniform) were anticipated with recommendations that these be budgeted for.

1.23 A key concern was how the future funding mechanism could accommodate cross-border franchises such as the Caledonian Sleeper. Another concern related

to potential increased costs of PSAs in England and Wales due to the need to sustain the viability of some services put at threat as a result of integration.

1.24 A dominant theme was that the current PSAs had been subject to extensive collaborative work between the BTPA and the rail industry and any proposed revisions to these should be also subject to scrutiny by key stakeholders.

1.25 Key recommendations for what should be included in a revised PSA were: a commitment to maintaining at least the current levels of railway police; and that policing of railways should be undertaken by specialist railway police officers.

Views on the BTP workforce

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

1.27 Respondents were asked for their views on the proposals for BTP officers and staff transferring to Police Scotland and on the timing of the negotiations over terms and conditions. Two key options were: negotiation and agreement with officers, staff and their representative associations over the terms on which transfer will occur; or transferring on existing terms and conditions and retaining these for existing officers with a view to harmonising these in due course.

1.28 Majority views against harmonisation of terms and conditions of existing BTP officers and staff included: there should be no detriment to terms and conditions; staff joined BTP and not Police Scotland; BTP officers throughout the UK should have the same terms and conditions; BTP officers have not been consulted on integration and have not agreed to this; harmonisation will result in lowered morale amongst BTP officers; TUPE regulations ensure no officer should suffer loss of terms and conditions.

1.29 In contrast, a minority of respondents recommended harmonisation of terms and conditions to avoid what they envisaged as a “two-tier” system of terms and conditions within one police force.

Views on the timing of negotiating terms and conditions

1.30 The prevailing view was that engagement over terms and conditions should start early to limit uncertainty and insecurity amongst current BTP officers in Scotland.

1.31 There were contrasting views over whether agreement over terms and conditions should be achieved prior to integration or whether these should continue during and post-integration in order to avoid rushing important decisions.

Views on points to consider when discussing the future of BTP pensions post-integration

1.32 The issue of pensions for BTP staff following integration with Police Scotland was considered of high importance by respondents. Timeliness in providing clarity on pension arrangements was highlighted as key.

1.33 The predominant view across sectors was that current BTP officers integrated into Police Scotland should retain their existing pension rights and arrangements.

1.34 Reasons to support retention of existing pension rights included: officers joined the BTP and not Police Scotland; this would provide parity with contemporaries in England and Wales; BTP provide a specialist service deserving of a special pension; integration was not chosen by these officers; changing pension entitlement will impact negatively on morale; BTP officers may choose to leave Scotland if their pensions are altered; only a small number of staff are affected and it would cause less disruption to let them retain their conditions until retirement; and on previous occasions where there has been change, pensions have been protected.

1.35 Minority views were that pensions should be harmonised to ensure comparability with Police Scotland officers and to contain the costs of providing BTP pensions.

Views on impact of integration

1.36 In integrating the BTP in Scotland into Police Scotland the public sector equality duty requires the Scottish Government to pay due regard to the need to eliminate discrimination, victimisation, harassment or other unlawful conduct that is prohibited under the Equality Act 2010; advance equality of opportunity between people who share a protected characteristic and those who do not; and foster good relations between people who share a relevant protected characteristic. The protected characteristics are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; and sex and sexual orientation.

1.37 Respondents were asked to identify any likely impacts the proposals contained in the consultation may have on particular groups of people with reference to the protected characteristics.

1.38 A common view was that the travelling public and the railway workforce could be impacted negatively as a result of integration if railway policing levels diminish. Some felt that this would impact particularly on vulnerable groups. Concerns were that there may be an increase in hate crime particularly on cross-border services late at night.

1.39 Lower levels of specialist BTP officers were also identified as potentially impacting on people with mental health issues who may be at higher risk of suicide on the railway network without more support.

1.40 Potential additional costs for Police Scotland were envisaged as a result of integration, in particular: initial costs of re-branding and purchase of new equipment and uniforms; maintenance of BTP pensions; and provision of specialist training for railway policing.

1.41 Potential additional costs for the rail industry were identified: dealing with an increase in crime due to lower levels of railway policing; putting in place private security arrangements; more business interruption due to slower response times to incidents; and loss of customers to other forms of transport.

1.42 A few respondents highlighted data protection issues which would need to be addressed in the transfer of personal information on staff and incidents from BTP to Police Scotland.

1.43 Minimal environmental impacts were envisaged as a result of the merger.

2. Introduction

2.1 The BTP provide a specialist railway policing function in Scotland, which is highly valued by the Scottish Government, the rail industry, railways staff and rail passengers. The BTP was established by the UK Government's Railways and Transport Safety Act 2003 to provide a railway police service across the UK, accountable to the BTP Chief Constable, the BTPA, and through them to the UK Parliament.

2.2 The Scotland Act 2016 gave effect to the recommendation of the Smith Commission that the policing of railways and rail property in Scotland should be a devolved matter. The Act included provisions to transfer legislative competence, and enable the transfer of executive competence over the policing of railways and railway property in Scotland to the Scottish Parliament.

2.3 Scottish Ministers intend to use the powers devolved in the Act to integrate the BTP officers and civilian staff into Police Scotland, the police service of Scotland.

2.4 Police Scotland intends to maintain a specialist railway policing function within its broader structure. This would be accountable, through the Chief Constable and the SPA, to the people of Scotland; it would build on the skills, knowledge and experience of the BTP; and would enhance railway policing in Scotland through direct access to the local, specialist and national resources of Police Scotland.

2.5 The Scottish Government wishes to hear views of key stakeholders on the best approach to integrating BTP in Scotland into Police Scotland. To this end they are engaging actively with a range of relevant groups including Federations, Unions and Staff Associations, officers and staff of the BTP and the railway industry. In addition, they published a written consultation document on 29 June 2016 inviting views on how to ensure a smooth transition towards integration; how to ensure railway policing in Scotland is subject to appropriate oversight; and how to maintain railway policing as a specialism.

2.6 Views were invited by 24 August 2016 by the online system Citizen Space, by emailing a dedicated mailbox or by writing to the Scottish Government consultation team with comments.

Consultation responses

2.7 The Scottish Government received 137 responses to the consultation. Most respondents submitted their views via Citizen Space. Where responses were submitted in other ways, Scottish Government officials entered them manually onto the Citizen Space system to create one complete database and to aid comparison of views and analysis.

2.8 107 responses were from individuals, some of whom identified themselves as BTP officers or workers within the rail industry. The remaining 30 responses were from organisations. These represented a range of stakeholder categories, the largest being organisations from the rail industry. Table 2.1 below shows the

distribution of responses by category of respondent. A full list of the organisations which responded is in the Annex. The respondent category applied to each response was agreed with the Scottish Government policy team.

Table 2.1: Distribution of responses by category of respondent

| Category | No. of respondents | % of all respondents |
|---|---------------------------|-----------------------------|
| Rail Industry | 13 | 9 |
| Representative bodies | 8 | 6 |
| Local Authorities | 2 | 1 |
| Other public bodies | 2 | 1 |
| Campaign groups | 2 | 1 |
| Passenger groups | 1 | 1 |
| Voluntary organisations | 1 | 1 |
| Other | 1 | 1 |
| Total organisations | 30 | 22 |
| Individuals | 107 | 78 |
| Grand total of individuals and organisations | 137 | 100 |

NB Percentages may not add to totals exactly due to rounding.

Analysis of responses

2.9 The analysis of responses is presented in the following chapters which follow the order of the questions raised in the consultation document. The analysis is based on the views of those who responded to the consultation and may not necessarily represent the views of the wider population.

2.10 The Citizen Space database was exported by the analyst to an Excel working database for detailed analysis. A considerable volume of respondents either requested anonymity and/or confidentiality, or did not fill in a Respondent Information Form detailing their preferences. In these instances the default position is to treat the response as confidential. Quotations have been included where these illustrate a point clearly and have been selected from a range of responses where the author has provided permission to publish.

3. Integration Arrangements

Background

The Scottish Government believes that a specialist railway policing function within Police Scotland would ensure that railway policing in Scotland is accountable, through the Chief Constable and the SPA, to the people of Scotland; that it would build on the skills, knowledge and experience of the BTP; and would enhance railway policing in Scotland through direct access to the local, specialist and national resources of Police Scotland.

There is already a strong connection between the policing of the railways and wider policing in Scotland with regular joint operational planning and joint response to emergencies. The Scottish Government considers that having all of the major policing functions in Scotland under a single command structure will provide a range of opportunities to ensure a fully unified and integrated service for policing the transport infrastructure, bringing specialist railway policing together with policing at airports and the road network.

The Scottish Government is the principal funder of all railway infrastructure and service provision in Scotland and investment in new and better services to support passenger growth remains a key priority.

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

3.1 125 respondents addressed this question.

3.2 Responses were diverse and ranged from those providing constructive ideas on ways in which to move forward whilst preserving what were perceived to be the valuable elements of the status quo, to those highly critical of the proposal to integrate the BTP in Scotland into Police Scotland.

3.3 Around one-quarter of responses to this question explicitly opposed the integration of the BTP in Scotland into Police Scotland. Recurring views were that the current system of operation works very effectively and there is no problem to address. Many respondents considered the proposal to be politically driven, with some questioning whether a business-case had been made for the change.

3.4 A few respondents provided their view that a consultation on whether or not the BTP should be integrated into Police Scotland had not taken place and this should precede consultation on how best to execute the integration.

3.5 Several respondents argued strongly that the BTP function should remain UK-wide in order to provide a seamless cross-border service. A recurring comment was that rail crimes and incidents do not tend to be localised, but can quickly move from one jurisdiction to another. A few respondents emphasised their view that a UK-wide approach is essential for tackling terrorism issues in particular. Furthermore, links in career development and progression between transport police in Scotland and the north of England in particular, were highlighted by rail industry organisations.

Views on how best to ensure that the benefits of greater accountability are delivered

3.6 Despite having reservations about the proposal, many respondents provided their views on how best to ensure that the benefits of greater accountability are delivered.

3.7 A general view was that current levels of accountability are highly valued by the rail industry, rail operators and passengers alike. One rail industry organisation remarked that in their view the alignment of objectives between the BTP and rail operators is the closest it has ever been with significant benefits for travellers and stakeholders. Respondents recommended building on what has been achieved rather than re-inventing new approaches. A few commented that Police Scotland has recent experience of devising new accountability lines, lessons from which could be usefully harnessed.

3.8 Four respondents from two different sectors suggested the establishment of a new Board or Committee to which Police Scotland could be held accountable for the delivery of railway policing. Mention was made of a specialist Governance Board comprising representatives from the rail industry (passenger and freight), appointed by the Minister for Transport. An individual respondent called for a layman's committee to hold Police Scotland and the Scottish Government to account.

3.9 Several respondents argued for a compromise situation in which the BTP are not integrated into Police Scotland, but are nonetheless answerable to the Scottish Government. In this way, the BTP would be retained as a separate entity but the Chief Constable or local commander for BTP in Scotland would report to the Chief Constable of Police Scotland and the SPA. Collaborative setting of future policing objectives between the BTP in Scotland and Police Scotland was proposed. These respondents foresaw benefits in terms of accountability in this compromise position, but without the need to implement new legislation and create upheaval amongst two organisations. A shared view was:

“...the Smith Commission recommended devolving responsibility in Scotland for the British Transport Police (BTP) to the Scottish Parliament but made no reference about the absorption of the BTP into Police Scotland” (National Union of Rail, Maritime and Transport Workers).

3.10 One individual called for a seat on the SPA for a representative from the rail industry, and a seat on the BTPA for a representative from the Scottish Government.

3.11 A few respondents suggested that clear plans which outlined the remit of the BTP in Police Scotland would be beneficial for accountability. Service Level Agreements and/or clear policing plans were mentioned in this regard.

3.12 An emerging theme was for data on the performance of the BTP in Scotland to be robust, accessible and transparent.

3.13 One local authority respondent remarked that robust local scrutiny should run alongside national scrutiny of the BTP. A rail industry representative recommended that regular reporting from Police Scotland to Community Planning Partnerships should continue but proposed that regular reporting to Boards of Regional Transport Partnerships would also be helpful.

3.14 A rail industry respondent called for rail users to continue to have access to BTP policing plans, strategic plans, objectives and other information.

3.15 Two respondents (one rail industry representative and one individual) urged that meaningful performance indicators (such as time taken to open the West Coast mainline when responding to an incident) and other statistics be made available on a regular basis.

Views on how best to ensure that the benefits of greater integration are delivered

3.16 An overarching view was that the specialism of the BTP, built up over years, should be respected, acknowledged and retained in any integration with Police Scotland. A common concern was that such specialism could be diluted by BTP becoming subsumed within the larger Police Scotland body. A few respondents considered that without an increase in budget to accommodate the BTP within Police Scotland, their specialist policing function may gradually become watered down. A few respondents called for “ring fencing” this specialism and ensuring its funding, culture and successful schemes such as the 61016 text service and the BTP Fatality Hotline, are maintained.

3.17 Two respondents recommended that the BTP specialist function in Police Scotland be led by an officer of “appropriate seniority”.

3.18 There were mixed views amongst individual respondents on whether the policing of railways specialism could be broadened to an overarching transport policing function, encompassing airports, ports, roads and coastal areas.

3.19 A contrasting view amongst a few individuals was that this would dilute the specialist function of the BTP.

3.20 Several respondents from a range of sectors urged for increased or at least current levels of funding of the BTP in Scotland to continue in order to ensure benefits of integration.

3.21 Another recurring view was for strong links to be made between the BTP in Scotland and the specialist crime function in order to address threats to security in a joined-up manner.

3.22 The Scottish Information Commissioner commented on the likely volume of personal data to be transferred to Police Scotland as a result of integration.

3.23 Other views were that integration would be enhanced by: taking into account the views of the BTP and various train operators on how best to proceed; ensuring that BTP officers experience the same training and share the same aims and values as their Police Scotland colleagues; ensuring communication is effective between the BTP and Scottish Ministers, with expanded working relationships between BTPA and SPA; and incorporating transport policing into local policing plans alongside a commitment to retaining local policing knowledge.

What additional benefits can be achieved?

3.24 Additional benefits identified by a range of respondents from a variety of sectors were:

- Reduction in emergency response times, particularly in remote areas.
- Better value for money due to rationalisation of shared support services/control room staff.
- More transparent accountability as the SPA will be more accessible to people in Scotland than the BTPA.
- Broadening of the rail transport remit to include wider public transport. Sharing of expertise/synergies on wider policing of Scotland's transport infrastructure.
- Possibly fewer Scotrail employees needed due to an increase in BTP staff.
- More meaningful local scrutiny and accountability alongside national level accountability through the SPA.
- Stronger links with Police Scotland should support improved sharing of knowledge and response in areas where dedicated railway police are not present.
- Opportunity for the work of the transport police to impact on wider policy areas such as Equally Safe, Scotland's strategy for eradicating violence against women and girls; improved contribution to addressing hate crime.

3.25 In contrast, many respondents argued that there will be no benefits to integration, only threats and challenges. Several provided their view that Police

Scotland has not yet achieved stability following integration and to attempt further change to this organisation would not be sensible.

3.26 The main threats and challenges associated with BTP integration were identified as:

- Loss of specialist skills and identity built up over years.
- Reduction in safety of rail passengers and staff. Two respondents referred to current high levels of passenger satisfaction in areas of personal security on rail transport and in stations and expressed concern that this could be jeopardised by integration.
- Loss of access to specialist training, such as dealing with terrorist incidents, with much of the expertise residing in London.
- Possible increased costs for train operators.
- Reduction in service resilience.
- Loss of officer posts.
- Loss of joined-up policing over different jurisdictions, e.g. cross-border football traffic: “As Anglo-Scottish operator we are concerned over the timely response to incidents just north of the border (for example Lockerbie)” (TransPennine Express).
- Significant amount of legislative change and organisational re-structuring.

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

3.27 107 respondents addressed this question.

3.28 There was overarching agreement that BTP officers do have specialist skills which need to be retained. One respondent referred to BTP skills required in relation to the nuclear industry; another highlighted BTP skills require in relation to suicide prevention and mental health issues:

“...we would urge the retention of BTP’s skills, policies and best practices in rail suicide prevention and mental health within Police Scotland” (Samaritans).

3.29 A substantial minority of respondents, largely individuals, expressed doubt that the specialist skills and knowledge of BTP officers could be retained over time within the Police Scotland structure. Two representative bodies shared the view that the lateral development opportunities for BTP officers, suggested in the consultation document, placed even more risk to the railway policing specialism by potentially detracting BTP officers from their primary focus.

Establishing a new Police Division

3.30 29 respondents specifically recommended that the specialist nature of BTP policing be retained by establishing a specialist BTP Division within Police Scotland, and sitting alongside the other specialist Police Divisions already existing. Suggestions were made for naming the Division: Scottish Transport Police; Scottish Railway Police; or “Rail Policing Unit”. Rail industry representatives called for the new Division to be led by a suitably qualified and senior officer experienced in railway policing.

3.31 Five individuals raised the possibility that BTP be incorporated into a broader “Transport Police Division”, which one described as the best of both worlds, by maintaining the specialism of railway policing whilst sharing this expertise across other forms of transport work.

Ensuring pay and conditions are protected

3.32 A recurring view was that BTP numbers should be maintained in the merger, possibly with ring-fencing of funding in order to secure this.

3.33 A few individuals emphasised their view that pay and conditions (including pension rights) of current BTP staff should be protected throughout.

3.34 Calls were made by two representative bodies and an individual respondent for early reassurances of transfer arrangements regarding pay and conditions and other rights such as travel benefits, in order to minimise uncertainty:

“The current proposals are causing significant uncertainty and any clarity that helps overcome staffs’ fears should be made available as soon as possible to reduce concerns and mitigate against staff leaving” (Individual respondent).

3.35 One representative body and a respondent from the rail industry both recommended that BTP officers should continue to have a career path within their specialism following the integration, including potential for cross-border placements.

Maintaining specialist training

3.36 A recurring theme emerging from respondents across a range of sectors was that the specialist nature of the training of BTP officers should continue. In addition, several respondents highlighted that local training for local knowledge should also be a key aspect of their training.

3.37 One respondent urged that sharing training with BTP in England and Wales should continue in some form:

“...it is important to recognise that there may be specialist advice and knowledge which the remaining BTP HQ for England and Wales may be able to provide which is relevant to Scotland and it is important that this source of intelligence and knowledge is not severed” (Caledonian Sleepers).

3.38 Four respondents identified benefits to BTP staff sharing their specialist knowledge with general Police Scotland officers. One reported that this broader beneficial effect had occurred when Royal Parks police were integrated with the Metropolitan Police.

Other comments

3.39 A few other relevant comments were made each by one respondent:

- Integration should commence with a review of the current capabilities of BTP officers in Scotland.
- Control room staff and their commanders will need to understand the specialist protocols of BTP work in order to support it post-integration. For example, the priority given to getting the network up and running again after incidents.
- BTP staff will have valuable contributions to make on how best to integrate with Police Scotland and they should be involved in informing the plans.

4. Governance and Accountability

Background

Strategic rail planning is carried out at a UK level on a 5-year cycle as determined by the Office of Rail and Road. The BTPA is an independent body responsible for overseeing the BTP, setting its priorities and allocating its funding. Accountable to the UK Government's Secretary of State for Transport, its statutory functions including maintaining an effective and efficient police force to police the railways; entering into agreements for the provision of policing services by that force; setting annual objectives and issuing an annual plan for policing the railways.

The SPA is responsible for ensuring the delivery of the strategic police priorities set by Scottish Ministers. It produces a Strategic Police Plan which sets out the main objectives for the SPA and for policing in Scotland.

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

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

4.1 101 respondents addressed this question.

4.2 A few rail industry and representative bodies expressed doubt that the SPA can achieve what they considered to be the very close and effective working relationship enjoyed between the BTPA and rail industry stakeholders. They emphasised the specialist nature of setting railway policing policy which they described as being set against the backdrop of rail context and not conventional policing, and which required a network-wide outlook which balanced wide-ranging objectives such as secure and safe travel with smooth operational running of trains.

4.3 One representative body highlighted what they anticipated would be duplication of effort in Police Scotland as well as BTP both having representation on relevant safety, rail security and rail union bodies.

Consistency with the BTP

4.4 Amongst those who provided substantive comments on how best the SPA can engage with stakeholders to set railway policing priorities, a recurring view amongst individual respondents was that the experience of the BTP would be invaluable as a steer towards effective practice:

“...the BTP has already many well defined methods of acquiring and acting upon both stakeholder & passengers feedback. These should be maintained”
(Individual respondent).

4.5 Several respondents across three different sectors recommended that the SPA should prioritise aligning their objectives with those of the BTPA, particularly in order to maintain seamless cross-border operating:

“A network wide function allows a coherent strategic direction as well as an operational approach which ensures that incidents affecting the public and rail staff are managed and investigated in a consistent manner. The SPA will need to establish such arrangements with all operators of services relevant to Scotland, and ensure that these are consistent and complimentary to those in place with BTP” (British Transport Police).

Views on appropriate structures

4.6 Calls were made for a new Board to be established in Scotland with members appointed by Ministers and to include representatives with specialist railway knowledge. The Board was envisaged as including representation from all sectors of the rail industry in addition to BTP in England and Wales. The new Board was viewed as providing an authoritative body to which SPA would submit its policy proposals.

4.7 Strathclyde Partnership for Transport suggested that there could be effective engagement between Police Scotland and the transport industry in general, co-ordinated and governed by Transport Scotland in consultation with rail industry stakeholders and Regional Transport Partnerships.

4.8 A few respondents recommended that a person with specific rail knowledge should be appointed onto the SPA Board in order to inform the setting of railway policing priorities.

Views on ways to engage with stakeholders

4.9 Most respondents who addressed this question provided their views on methods and approaches which they considered that the SPA should adopt in order to engage with the rail industry and passengers in setting railway policing priorities. Several emphasised the importance of strong industry links which they described as working very well at present:

“Having the rail industry’s voice heard will be a critical success factor. The rail industry strongly values its ability to influence and shape the activities of railway policing resulting in the setting of priorities and objectives that are highly specific to the rail environment” (Police Superintendent's Association of England and Wales).

4.10 A general view was that such engagement should be transparent in order to instil confidence in the public that railway policing in Scotland will continue to provide a safe and secure environment for passengers.

4.11 Overarching messages from respondents were that rail industry and railway users should be engaged with regularly and openly. Both formal and informal routes to engagement were identified and both online and face-to-face approaches to engagement specified.

4.12 Recommended forms of engagement included:

- Forums/focus groups with industry representatives/members of the public.
- Formal, regular meetings with rail industry stakeholders including Train Operating Companies, Freight Operating Companies, Rail Staff Associations.
- Public consultations.
- Public meetings/Town Hall meetings.
- Surveys of passengers/public.
- Use of online questionnaires targeting rail users.
- Use of social media/online live Q&A sessions.
- Engagement with railway user representative bodies.

4.13 One rail industry body recommended that engagement should not only focus on setting railway policing priorities, but should also include the monitoring and review processes.

4.14 Two local authority bodies and an individual called for engagement to encompass local issues and local communities, suggesting that this take the same form as consultation on local policing plans. One commented that local scrutiny committees should have a role to play.

5. Funding Mechanism

Background

The BTP in Scotland is funded through contributions from the railway industry, whereby Network Rail, Train Operating Companies and Freight Operating Companies enter into a Police Services Agreement (PSA) with the BTPA, in terms of which they pay for the core policing services they receive.

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

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

5.1 Fewer than half of respondents addressed this question, although the precise number cannot be ascertained as amongst these it was not clear whether some were indicating that there should be no change to the current cost allocation regime or that there should be no change to the current BTP structure.

5.2 Many respondents commented that they did not have sufficient information nor knowledge to provide a substantive response to the question. Some called for more detailed disaggregated information to be made available prior to decisions being taken to amend the current cost allocation regime. One rail industry respondent remarked that once amended, the allocation of costs should be regularly reviewed in order to assess its effectiveness and make adjustments if necessary.

Views on general principles

5.3 Even though some respondents considered that detail may currently be lacking, many respondents provided their view on general principles which they recommended should underpin any new cost regime:

- Should be fair, so that those who get the most from railway policing pay their fair share of costs for this. Costs should be commensurate with service level provision.
- Amendments to the cost allocation regime should not be about cost-cutting.
- The cost allocation regime should be transparent.
- Volatility in the allocation should be avoided so that there is some certainty about costs year-on-year to help with budgeting.

- PSAs should take account of local circumstances and maintain a degree of local accountability in addition to accountability between purchaser and provider of services.
- The new regime should be established as a priority.
- Costs to Train Operating Companies and Freight Operating Companies should not rise and could indeed fall due to efficiencies arising from the merger of BTP with Police Scotland.

5.4 The principle of no detriment regarding costs to operators was raised by several organisations including rail industry and representative bodies, with one rail industry organisation calling for a clear statement to this effect.

5.5 Several respondents from different sectors called for funding raised for BTP services following integration with Police Scotland to be ring-fenced:

“You must ensure that the railway Policing is funded separate to the main Police Scotland so as not to dilute the response to Policing the railway” (Individual respondent).

Views on additional front-end costs

5.6 Several respondents identified additional costs which they considered would result from the integration process and would need to be factored into budgeting. These included the general cost of change; training costs; re-branding and awareness costs; purchase of new vehicles and equipment; cost of pensions of BTP staff. The latter was raised by many respondents as a priority to be addressed, with concerns that the merger would result in a loss of pay and conditions including pension rights currently within BTP contracts.

Views on additional considerations

5.7 A recurring theme amongst representative bodies and rail operators was how to accommodate franchises which operate across the border into a cost allocation regime which is Scottish-based. The case of the Caledonian Sleeper was raised by a few who highlighted that most of its mileage is undertaken in England. One rail industry respondent suggested that this operator may need to be treated differently from Scotrail which operates only in Scotland. Another view was:

“As a cross border train operator who pays for policing services it is important we maintain one single charging regime and that the charging regime is clearly proportioned and accountable to a railway specific board.” (Virgin Trains East Coast).

5.8 A few industry respondents and one representative body cautioned that there could be adverse impacts on PSA holders for services in England and Wales as a result of the merger. For example, there could be an increase in costs due to the need to sustain the viability of some services which may be put under threat by the proposed integration.

5.9 Strathclyde Passenger Transport (SPT) identified possible implications of widening the function the BTP in Scotland to general transport policing. They suggested that this would require other transport operators be called upon to fund policing in other areas of transport, e.g. bus service operators; tram companies; ferry services. They commented that SPT pays a contribution at present through a contract arrangement for BTP presence.

5.10 One rail industry respondent proposed that a degree of current BTP centralised costs should be funded by Police Scotland in order to enable Police Scotland to draw upon specialist support from England and Wales when required.

Views opposing amendment

5.11 As noted at the start of the chapter, it was difficult to disentangle the views of those opposed to amending the cost allocation regime from those opposing integration of BTP into Police Scotland.

5.12 Amongst those appearing to oppose any changes to the cost allocation regime, a few substantive comments were made. A few individuals commented that the current regime is fair and should continue to be used. One respondent from the rail industry provided their view that the regime could be usefully replicated in Scotland given that the overwhelming majority of railway policing in Scotland is to support Scotrail passengers.

Question 5: What do you think should be included in a revised PSA to maintain or enhance the policing service currently provided?

5.13 Approximately half of respondents addressed this question, again some responses lacking clarity on whether the respondent opposed the merger itself, or the proposal to revise PSAs. Some respondents stated that they did not know what PSA meant or that they lacked the knowledge required to provide a considered response.

5.14 One theme across a few different sectors was that the current PSA had been subject to extensive collaborative work between the BTPA and the industry and any proposed revisions should also be scrutinised by key stakeholders:

“The current Police Service Agreement (PSA) was developed after extensive discussion between the British Transport Police Authority (BTPA) and the industry. It would require considerable review to see how the need for 2 PSAs can result in sufficient alignment of costing, objectives and measures, particularly where there is scope for cross border issues to arise. PSAs would relate to two different jurisdictions which would have to be understood and considered by railway PSA holders – something which is not an issue for PSA holders under the current model” (XC Trains Ltd (CrossCountry)).

5.15 Other respondents also alluded to the issue of cross-Border services and highlighted that these would require particular attention in revised PSAs.

5.16 A recurring view amongst many individual respondents was that the PSA should remain unchanged. They argued that it worked well at present and should be kept as similar as possible so as not to lose anything in the merger. One individual suggested maintaining the status quo in the short term with a view to revision at a later stage.

Views on what should be included in a revised PSA

5.17 Most commonly respondents recommended that any revised PSA includes a commitment to maintaining **at least the current levels of railway police**; another strong theme was that a commitment should be included to the effect that policing of railways will be **undertaken by specialist railway police officers with dedicated training**. One exception was that of SPT who called for a commitment for the provision of policing of the wider public transport network including the Subway.

5.18 A few respondents recommended that a revised PSA include commitment to **enhanced levels of frontline policing**.

5.19 A few rail industry organisations considered that PSAs should include commitments to **funding specialist areas** such as maintaining links with the BTP regarding areas requiring a consistent UK-wide approach (e.g. terrorism); and commitment to developing Problem Solving Plans annually or as new risks emerge.

5.20 Two rail industry respondents recommended revised PSAs cover commitment to providing detailed **annual Policing Plans**.

5.21 Other recommendations included:

- Tougher key performance indicators in order to create tighter links between the costs of provision of the police service and performance.
- Commitment to continuous improvement and cost reduction.
- Commitment to provide mobile solutions to policing a wide area (e.g. higher specification vehicles).

5.22 An emerging theme amongst a few individuals was for more emphasis on community, neighbourhood and local policing to be reflected in PSAs.

6. The BTP Workforce

Background

BTP officers and staff are employees of the BTPA, with officers also being office holders accountable to the Chief Constable of BTP. Those officers and staff within BTP in Scotland at the time of transfer will become officers and staff of Police Scotland and the SPA respectively.

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

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

6.1 85 respondents addressed this question.

Views on proposals for transferring BTP officers and staff

6.2 The Scottish Government proposed two broad options for the process of transferring into Police Scotland: negotiation and agreement with officers, staff and their representative associations over the terms on which transfer will occur; or transferring BTP officers and staff on their existing terms and conditions at the point of transfer with a view to harmonising these in due course.

6.3 Views were divided amongst respondents between the first of the Scottish Government options outlined above, and an emerging third option, that of transferring on existing terms and conditions but retaining these for existing officers without harmonising them. Those advocating the latter approach far outweighed those supporting negotiation on terms and conditions.

6.4 A number of arguments were put forward against harmonisation of terms and conditions for existing BTP officers and staff:

- There should be a “no detriment” principle in keeping with the Smith agreement.
- Staff joined the BTP and therefore should retain the terms and conditions of the BTP.
- BTP officers throughout the UK should have consistent terms and conditions.

- BTP officers were not consulted on the integration with Police Scotland and have not agreed to this, so should not have their pay and conditions changed due to integration.
- Harmonisation of pay and conditions with general Police Scotland officers will impact negatively on morale of BTP officers.
- TUPE regulations ensure that no officer should suffer loss of terms and conditions.

6.5 Amongst the few respondents in favour of negotiating terms and conditions and harmonisation, the key argument was that what they envisaged as a “two-tier” system of terms and conditions in one police force will not work. One individual remarked that any BTP officer with concerns over harmonisation could transfer to England and Wales.

6.6 More specific comments were made regarding the transference of BTP officers and staff. Some concern was expressed that officers would be required to re-locate against their wishes; one individual recommended that all officers should be offered a posting in England and Wales should they prefer this option to that of integration with Police Scotland; another urged that there should be no redundancies as a result of the merger. A respondent from the rail industry highlighted the need to consider the career paths of BTP officers following integration:

“The proposals would result in two classes of railway policing officers in the UK. Those on standard BTP employment terms and conditions in England and Wales, and those in Scotland who police the railway under Police Scotland employment terms and conditions. This break of terms and conditions will affect the ability of railway policing officers to transfer across the UK to progress their career” (TransPennine Express).

Views on a preferred option for the timing of negotiating terms and conditions

6.7 There were contrasting views within and across sectors on the timing of negotiating terms and conditions. A general view, however, was that discussions should be open and transparent:

“Ensure that Government and Senior officers meet and discuss openly and fully with open meetings for rank and file officers and staff to attend” (Individual respondent).

6.8 The prevailing view was that engagement over terms and conditions should commence early in order to limit uncertainty and insecurity amongst current BTP officers in Scotland. It was considered vital that BTP officers could get on with their work without worry over their future job security:

“Staff transfers and the need to safeguard terms and conditions is causing significant concern to officers and staff. Therefore early sight of the legal mechanism proposed by the Scottish Government to effect the transfer will allay some of the uncertainty” (Police Superintendent's Association of England and Wales).

“The proposal and its implications for terms and conditions will inevitably cause significant uncertainty for affected staff. Understanding the legal framework for transfer will help reduce this” (British Transport Police).

6.9 Whereas several individual respondents, rail industry and other representative bodies called for negotiations over conditions to be conducted and finalised prior to transfer, largely to avoid what they could foresee as unrest at a later date, others called for an extended period for negotiations, possibly post transfer, in order to be meaningful and to avoid rushing important decisions.

6.10 Overall, there was no clear recommendation for timing of negotiation over terms and conditions, other than commencing this early and ensuring the process is transparent and inclusive.

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

Views on the main points to consider

6.11 98 respondents addressed this question, although amongst these four respondents simply re-iterated their opposition to integration.

6.12 A common theme was the importance of the issue of pensions for BTP staff. Indeed some respondents suggested that fear of losing current pension entitlements was at the heart of most of the opposition to integration amongst BTP officers in Scotland.

6.13 Timeliness in providing clarity on pension arrangements post-integration was highlighted as key by a few respondents, not only for the sake of existing officers, but also for planning purposes:

“A decision on the future of the BTP Superannuation schemes is important to inform the triennial investment strategy (as it would affect the actuarial valuation). Decisions on investment strategy are expected to be considered by the end of 2017, so clarity on future set-up would be required as soon as possible, and in any case before that process gets underway” (British Transport Police Authority).

6.14 A few respondents expressed surprise that what they considered to be such a significant issue had been put to the public and others in a general consultation rather than discussed beforehand with BTP serving and retired officers.

6.15 The predominant view across sectors was that current BTP officers who are integrated into Police Scotland should retain their existing pension rights and

arrangements. At least 70 respondents clearly supported this view with many providing supporting rationales:

- Officers originally joined the BTP and not Police Scotland so should retain BTP rights.
- Maintaining existing rights provides parity with contemporaries in England and Wales.
- BTP provide a specialist service so should have a special pension.
- Integration is being forced upon BTP officers and they have not chosen this, nor foreseen it.
- Changing pensions will impact negatively on morale.
- There may be an exodus of BTP officers to England and Wales if their pension entitlement and arrangements change as a result of integration.
- There are only a small number of officers affected and it would cause less disruption simply to let them continue on the same conditions until retirement.
- On previous occasions when there has been major change (e.g. privatisation of the railways), existing pensions have been protected.
- The current BTP officer pension scheme is a private scheme so should not be changed by a public body.
- BTP staff have paid more into their pensions and should expect more out than general Police Scotland officers.

6.16 Views put forward by only a few respondents were that anyone policing the railways post-integration should have the same pension rights and arrangements as Police Scotland officers. One individual respondent remarked that Police Scotland officers have already experienced having their pension arrangements altered and BTP officers should be no different.

6.17 There were mixed views over whether BTP staff leaving this specialism for a more general role should lose BTP pension entitlement in doing so. Whilst a few respondents considered this reasonable, others disagreed, with one individual respondent recommending that the threat of losing pension rights should not become a barrier to promotion.

6.18 The case of already retired BTP officers was raised by a few respondents who called for clarity on whether they will maintain their pension entitlement (as respondents advocated) or have these changed to those of Police Scotland. One respondent queried how retired officers on the protected scheme would be dealt with. The overriding view was that retired BTP officers should suffer no detriment to their existing entitlement.

More specific points to consider

6.19 A few respondents raised other, more specific points to consider when discussing the future of pensions for BTP officers and staff:

- Cost of maintaining the BTP pensions. A minority view was that these pensions should be harmonised with Police Scotland pensions to keep costs affordable, so long as officers are given sufficient advanced warning: “Final salary pensions should be phased out and money purchase / define benefits schemes introduced, as per private sector employees. The Scottish public sector cannot afford to keep paying gold plated pensions” (Individual respondent).
- Staff need to feel listened to in discussions over pensions which are so significant for them and perhaps an independent arbitrator could usefully facilitate discussions.
- The situation could be helped by effective “selling” of the benefits of Police Scotland pensions.

7. Assessing Impact

Equality

Background

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

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

These three requirements apply across the “protected characteristics” of: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; and sex and sexual orientation.

Question 8: Are there any likely impacts the proposals contained in this consultation document may have on particular groups of people, with reference to the “protected characteristics” listed above? Please be as specific as possible.

7.1 62 respondents addressed this question. A small number of other respondents commented that they could not find a listing of the protected characteristics and were therefore unable to pass comment².

7.2 14 respondents comprising individuals and rail industry organisations could not identify any likely impacts the proposals may have on particular groups of people.

7.3 Amongst the other respondents, the most common view was that the travelling public and the railway workforce, who will included those with protected characteristics, could be impacted negatively if the level of policing diminishes:

“The most likely impact is that officers will be diverted from their current roles to support an under strength general force, and losing presence on railways will put people at risk, will encourage anti-social behaviour which in turn will result in a loss of confidence in the public to use our rail services, particularly late at night” (Individual respondent).

7.4 Concern was expressed by a few respondents that the current BTP policy and protocol, aimed at protecting vulnerable groups, may not continue under the new regime. For example, vulnerable staff may feel pressurised into taking redundancy; specialist training for BTP officers on positive action and practices to protect such

² The online response form did not list the protected characteristics although there was a link to the full consultation document which listed them.

groups may no longer be delivered; and initiatives aimed at containing incidents (such as discreet text reporting of incidents on trains) may be discontinued.

7.5 Concerns were raised that the proposals may result in an increase in **hate crimes** based on race, religion or sexual orientation. Several respondents referred to additional risk on cross-border services late at night, particularly when carrying football supporters which may be posed if the railway policing on such services is not seamless.

7.6 A few individual respondents provided their view that the separation of BTP in Scotland from the rest of the UK created an arbitrary division which contributed to fuelling hate crime against the rest of the UK.

7.7 Lower levels of specialist BTP officers to deal with suicide prevention was anticipated by a few respondents who considered that people with **mental health** problems may be disadvantaged by the proposals. Calls were made for initiatives such as “Operation Avert” to continue along with the maintenance of expertise and multi-agency working in this field.

7.8 **Older** members of BTP staff and those already retired and receiving pensions were highlighted as possibly impacted by the proposals if pensions are changed to their detriment.

7.9 **Staff with caring responsibilities** were identified as potentially disadvantaged by the proposals if required to re-locate or change their working patterns.

7.10 One individual commented that they had a **disability** and would feel less comfortable and more vulnerable travelling post-integration.

Business and regulation

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

7.11 88 respondents addressed this question. The vast majority of these envisaged an increase in costs due to the proposals; a few individuals said they needed more details before being able to give informed comment.

Views on increased costs

7.12 Many respondents provided their general view that costs would generally increase without being more specific on which costs and which sector would bear this burden.

7.13 Most commonly, however, additional costs were identified for **Police Scotland**:

- Initial costs of integration relating to re-branding; computer equipment and networks; other specialist equipment; uniforms; taking over BTP assets in Scotland.
- Maintenance of BTP pensions; assimilation of different pensions; taking over the estimated £92 million pension liability.
- Specialist training provision for railway policing.
- Lack of economy of scale with some core BTP services still required, for example, counter terrorism training.
- Higher levels of sickness due to lower staff morale.
- Redundancy/resettlement packages.
- More calls on general police officers to fill in for lower levels of railway police.
- Increase in levels of railway crime.
- More time spent on railway incidents due to lack of specialist expertise.
- Handling disputes which are currently resolved under one legal framework.

7.14 Many respondents identified potential increased costs for the **rail industry**:

- Dealing with increase in crime due to lower levels of specialist railway police.
- Costs of putting in place private security arrangements to meet the shortfall in policing envisaged.
- Rail staff experiencing more crime.
- Requirement for additional PSAs.
- Liaison costs due to dealing with one general force rather than a smaller specialist body.
- Loss of customers to other modes of transport.
- Business interruption costs due to slower response times by Police Scotland.

7.15 A minority of respondents identified potential increased costs for other bodies. Tax payers in Scotland and rail passengers in Scotland were identified as potentially paying for the additional costs to Police Scotland and the rail industry. Local authority respondents considered that there could be indirect costs to public bodies and local services. One individual respondent suggested that the NHS in Scotland and the criminal justice system may experience a knock-on cost impact.

A rail industry organisation identified BTP and BTPA as bearing some of the costs of bringing into effect the transfer of function to Police Scotland.

7.16 One rail industry organisation and a campaign group highlighted potential negative impacts to BTP and the rail industry in England and Wales due to loss of economies of scale.

Other views

7.17 Three individuals and one rail industry organisation considered that proposals could be cost-neutral.

7.18 Seven respondents, including individuals, rail industry and representative organisations, predicted savings in the longer term as potential efficiencies in practices are realised.

Privacy

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

7.19 Very few respondents provided any substantive comment in relation to this question. Around 30 respondents, including individuals and rail industry organisations explicitly stated that they did not consider there would be any likely impacts on the privacy of individuals.

7.20 As documented earlier, the Scottish Information Commissioner commented on the likely volume of personal data to be transferred to Police Scotland as a result of integration.

7.21 A small number of individual respondents suggested that potential impacts on individual privacy may arise from:

- Negotiation over pensions.
- Harmonisation of other terms and conditions.
- Transfer of data from BTP to Police Scotland relating to ongoing investigations, including personal data of victims and witnesses.
- Potential increase in stop-searches undertaken on the rail network by general officers rather than specialist BTP officers.

Environmental

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

7.22 37 respondents provided a clear response to the question. Of these, 18 provided their view that there are no likely impacts of the proposals on the environment.

7.23 Two respondents considered that there could potentially be beneficial environmental impacts if railway policing services are enhanced and a smoothly operating rail service results.

7.24 Others identified potential negative environmental impacts as a result of the proposals:

- Transport-mode switch by freight and passenger customers who change to forms of less environmentally-friendly transport due to concerns over safety on the railway.
- Higher CO2 emissions if officers have to travel further by road to reach rail destinations. Those travelling to cross-border locations such as Carlisle were mentioned in particular.
- Train delays due to slower response to incidents and handling of them when on site.
- Paper wasted on the policy proposals.
- Pollution associated with new hardware, uniforms and equipment for Police Scotland that need not otherwise be created.

Annex: List of Respondents

Rail Industry

Caledonian Sleeper
Direct Rail Services Limited
Network Rail
Network Rail Infrastructure Limited
Rail Delivery Group
Railway Safety Directorate, Office of Rail Regulation
Scotrail Alliance
Scotrail Alliance and Caledonian Sleeper
Strathclyde Partnership for Transport
TransPennine Express
Virgin Trains East Coast
Virgin Trains West Coast
XC Trains Ltd (CrossCountry)

Representative Bodies

Associated Society of Locomotive Steam Enginemen and Firemen (ASLEF)
British Transport Police Federation (BTPF)
National Association of Retired British Transport Police Officers
National Union of Rail, Maritime and Transport Workers (RMT)
Police Superintendents' Association of England and Wales
Railways Pension Trustee Company Limited and RPMI Limited
Transport Salaried Staffs' Association (TSSA)
Unison Police Staff Scotland

Local Authorities

Convention of Scottish Local Authorities
East Ayrshire Council

Other Public Bodies

British Transport Police
British Transport Police Authority

Campaign

Scotland in Union
United Against Separation

Passenger Group

Transport Focus

Voluntary Organisations

Samaritans

Other

Information Commissioner's Office

Individual respondents

107 individual respondents



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