

BRITISH TRANSPORT POLICE AUTHORITY

Report to: British Transport Police Authority

Date: 26 September 2008

Subject: Government Green Paper on Policing: implications for governance

Sponsor: Chief Executive & Clerk

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For: Discussion and decision

1. PURPOSE OF PAPER

- 1.1 This paper seeks to draw out the implications for governance from the Government's Green Paper¹ on policing. Wider appreciation of the Green Paper is set out in Michael Furness's paper at Agenda item 6.4.

2. BACKGROUND

- 2.1 Concern around local accountability, a more robust efficiency agenda and a renewed push on reducing bureaucracy provided the engine for setting up the Flanagan Review and the desire of the Government to respond with a Green Paper. Items of relevance for the British Transport Police and possible adaptations of the proposed policing pledge, performance management, workforce modernisation and efficiency are set out in Michael Furness' paper. There are proposals with a direct bearing upon police authorities and these are summarised at paragraphs 3.4 – 3.4.3 of that paper.
- 2.2 Although the BTP is name-checked in the Green Paper² and the existence of non-Home Office forces recognised (para. 1.79 of Green Paper), the Green Paper is conceived within and directed at the environment of policing for which the Home Office is the sponsor department. This is one reason why the Green Paper explicitly rules out change to the accountability arrangements for the BTP and the Civil Nuclear Constabulary. Another

¹ *From the Neighbourhood to the National: policing our communities together*. Command Paper 7448. 17 July 2008

² Paragraphs 1.79, 2.37, 6.6 (case study) and 6.43.

reason is the difficulty in replicating the directly elected element that the Government proposes to introduce in (territorial) police authorities (paras 1.69 – 1.78) into our industry specific policing. The specific omission of the City of London police authority (the Corporation of the City of London) is an interesting exception and does not fall into that category. However, the City of London Police is distinct within Home Office forces for a number of reasons and is established under a local statute.

- 2.3 There are other aspects of the Green Paper that bear upon governance. A lot will depend on the appetite of the Home Office and Department for Transport to extend (or not) provisions for collaboration, common standards and systems that will apply to Home Office forces to the BTP. In terms of accountability, a policing pledge in the transport context is an extension of a form of accountability and the force has provided advice on this under item 6.4 of the agenda.
- 2.4 On information technology the Government states (2.42) that “the development of convergence plans under the leadership of the NPIA will require sign off of new investment against compliance criteria relating to national standards and architecture and procurement policy.” It is intended that the Chief Information Officer for the NPIA will act as the CIO of policing in England and Wales. This is intended to constrain the widely varying practices of forces and authorities in procurement and choice of IT systems in favour of greater commonality for obvious reasons. But it also represents a diminished freedom in development and purchasing. To some extent this is inevitable anyway when a force opts into a national service such as the Police National Database (PND) or IDENT (the national fingerprint identification service) and the police authority picks up any necessary investment.
- 2.5 A statutory Code of Practice (2.44) will underpin the co-operation required with the NPIA. Under sections 47 and 48 of the Railways and Transport Safety Act 2003, such requirements would be applicable (with or without modification) to the British Transport Police Authority and the BTP.
- 2.6 At the same time that the Government is offering forces and authorities far greater leeway on targets, there is also a prospect of stronger co-ordinated leadership from the National Policing Board. Both the Association of Police Authorities and the Association of Chief Police Officers are represented. The Government is calling the NPB to give national direction on *procurement* and IT (5.7). It also seems clear that the Government wants to create a *different model for HMIC* which may be more activist (7.10) in addressing performance, a clear overlap with the role of police authorities.
- 2.7 On *collaboration* – the central theme of chapter six of the Green Paper – the Government holds out the prospect of requiring collaboration for protective service areas where an operational or business need is identified (6.9). A good deal of space is devoted to the policing of ports and airports. Proposals in this area have already emerged (separately) from a working party chaired by Lord Stephens of Kirkwhelpington for the Conservative Party and from ACPO. The position of the APA is that this aspect of policing

should remain with Home Office forces. The Green Paper canvasses an option of creating a separate national border force in England and Wales focussing on seaports and airports. Members views on this and whether we should explore the options available to BTP and BTPA are sought.

- 2.8 The proposals for addressing the capacity, role and performance of police authorities are set out at 7.8 of the Green Paper. These are summarised at 3.4.2 of Michael Furness' paper at item 6.4 on the agenda.

3. OPTIONS

- 3.1 Broadly speaking there are three options for the future. The first is for the authority and force to become more closely aligned with the Home Office. This would increase the leverage for money and influence on security and policing policy for the benefit of passengers and our stakeholders. It may thereby weaken the Department of Transport's interest in policing. It may subject the BTP and its authority at times to practices and policies that do not fit the rail environment.
- 3.2 The second option is to continue to develop on the investment of the last three years but to do so with transport policing that is increasingly distinct from Home Office forces. There is no advocate for this at present and the successful policing of rail transport infrastructure depends significantly on working with Home Office forces.
- 3.3 The third option is to continue the current practice of voluntarily seeking to mirror developments with Home Office authorities and forces but with modifications that reflect our different legal status and the distinct environment that the BTP polices. This risks an insufficient profile with some parts of Government and other partners, but this risk can be managed.

4. FINANCIAL IMPLICATIONS

- 4.1 None arising directly out of this paper. Depending on any national procurement and IT policy arising from the Green Paper, there may be efficiencies to be had but no business case has been made for what such a shift would achieve.

5. RISK IMPLICATIONS

- 5.1 Set out with options.

6. DIVERSITY ISSUES

- 6.1 None.

7. RECOMMENDATIONS

- 7.1 That members note this paper in the wider context of item 6.4 and that the authority should tailor any response to the Green Paper (due 10 October) in a way that supports option 3 of this paper.
- 7.2 To signal support for initiatives to improve the performance of police authorities, but to make clear that the chair of the authority already exercises assessment in respect of the Chief Constable; that the process for inspecting police authorities is to be jointly undertaken by HMIC and the Audit Commission but the BTPA is subject to national accounting and any role for the Audit Commission is thereby inappropriate. Any mandatory inspection should be nationally funded; that the Secretary of State may already vary and appoint members of the authority; that the proposal for a power to remove a chief executive is not mirrored in other public bodies and may raise some interesting issues around employment law.
- 7.3 That assessment of the performance of police authorities should appear as an item for the December meeting of the BTPA.
- 7.4 That the Chief Constable and the Chief Executive be invited to provide proposals on how the authority and force should approach the developing work for borders policing in time for the December meeting of the authority.