

Report to: Stakeholder Relations and Committee
Agenda item: 11
Date: 20th October 2009
Subject: Previous BTPA Consultation Activity with
Statutory Consultees
Sponsor: Deputy Chief Executive
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For: Information and discussion

1. Purpose of paper

- 1.1 To present the Committee with an overview of the Authority's formal consultation work with its statutory consultees and to identify any gaps or weaknesses in this consultation activity.

2. Background

- 2.1 Section 62 of the Railways and Transport Safety Act 2003 establishes a duty for the British Transport Police Authority to;

Make, and review from time to time, arrangements to obtain the opinions about the policing of the railways of--

- (a) passengers on the railways,*
- (b) groups of persons representing passengers on the railways,*
- (c) persons providing railway services,*
- (d) organisations representing persons providing railway services,*
- (e) employees of persons providing railway services,*
- (f) organisations representing employees of persons providing railway services,*
- (g) the Scottish Ministers,*
- (h) the National Assembly for Wales,*
- (i) organisations representing local authorities in England,*
- (j) (Strategic Rail Authority)*
- (k) the Office of Rail Regulation,*
- (l) the Rail Accident Investigation Branch,*
- (m) the Health & Safety Commission*

- (n) *the Health & Safety Executive*
- (o) *other persons with an interest in the railways whom the Authority thinks it appropriate to consult.*

2.2 The table attached at Appendix attached at Appendix A summarises of the Authority's formal consultation activities since 2004/5. This summary does not capture the wide range of informal Member and Secretariat staff activity in this area.

3. Issues arising from the audit

- 3.1 As the table at Appendix A identifies that there are clear gaps in the Authority's formal engagement with both the Health & Safety Commission and employees of rail service providers.
- 3.2 The Health & Safety Executive and Health & Safety Commission were merged on 1st April 2008 to form a single unitary body retaining the name 'Health & Safety Executive'. The Authority will need to ensure that it continues to have regular dialogue with this new body and this task has been captured in the forthcoming BTPA Consultation Strategy.
- 3.3 In terms of rail employees, whilst the Force regularly carries out a dedicated rail staff survey, the Authority has not independently consulted with either individual rail staff or rail staff unions in any formal way. Again this task has been captured in the forthcoming BTPA Consultation Strategy.
- 3.4 As identified in section 2.2 above, the Authority currently has no robust mechanism for capturing all the formal/informal interactions that Members and senior BTPA staff have with stakeholders. As a result the Authority's record of engagement is incomplete.

4. Financial implications

- 4.1 No financial implications arise from this report.

5. Risk implications

- 5.1 The attached table highlights a potential vulnerability for Authority around a lack of formal contact with both rail staff and the former Health & Safety Commission (now part of the Health & Safety Executive) on policing matters. Both of these are named as statutory consultees in the Authority's forthcoming Consultation and Communications Strategy and Plan.

5.2 The absence of an effective mechanism for capturing all Authority interactions with stakeholders has been identified as a risk by the Committee Chair through the process of developing a revised consultation strategy. Discussions have already taken place with the BTP Communications team to explore the possibility of the Authority accessing the Force's consultation database template.

6. Diversity implications

6.1 No diversity implications arise from this report.

7. Recommendations

7.1 Members are asked to note the attached report.