

Report to: Police Authority
Agenda item: 4
Date: 13 December 2012
Subject: Chief Executive Report
Sponsor: Chief Executive
For: Information

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1. Purpose of Paper

- 1.1 The purpose of this report is to summarise the work of the Executive since the last Police Authority meeting.

2. Pan London Agreement

- 2.1 The current version of the pan London agreement is with TfL for approval by their Board in December. The indemnity provisions are now almost agreed and should any additional insurance provision be required by the Authority, this will be arranged.
- 2.2 The next steps are to circulate the agreed contract once the TfL Board have approved it. We will then send it to the Secretary of State for approval.

3. Pensions Update

- 3.1 At the last Authority the Executive was asked to assess whether or not sufficient resources were in place in both BTPA and BTP. The Authority Finance Director will continue to be supported by Punter Southall as advisers and additional budget provision has been made for this. The restructuring of

BTP Corporate Resources will also ensure that there are adequate pension resources within their HR team.

- 3.2 The pensions working group met in November and an update paper on the forthcoming Police Officers valuation is included later in the agenda.
- 3.3 Auto enrolment was also discussed at the pensions working group. It was agreed that any recommendations regarding Auto enrolment would have to be agreed by the Authority. The current staging date of 1 May 2013, can be extended to 1 August 2013 and it is recommended that BTP action this with immediate effect. A proposal will then be reviewed at the next pensions working group and submitted to the Authority for approval in January.

4. Member Recruitment

- 4.1 The DfT are seeking Ministerial and Press Office approval to the Press Releases for the BTPA Chairman and the new Scottish Member.
- 4.2 Confirmation has now been received from the DfT stating that Ministerial Submission seeking agreement to the recruitment process has been given.

5. Governance – Regulations Update

- 5.1 The Home Office has drafted new Police Regulations covering complaints, misconduct, performance and conduct procedures

as well as Police Appeals Tribunal Rules, which do not apply to the British Transport Police. Therefore, the Authority must make its own Regulations under Powers contained in the Railways & Transport Safety Act 2003¹ (the 2003 Act) to enact the relevant changes for BTP. The BTP Regulations must follow the Home Office Regulations as closely as possible².

5.2 The new Home Office Regulations came into force on 22 November 2012 to coincide with the introduction of Police and Crime Commissioners (PCCs). The majority of changes to the Regulations are to accommodate the move to PCCs but there are also a number of procedural amendments resulting from the IPCC Stock Take and general feedback.

5.3 The Authority has drafted and consulted on Regulations which mirror the Home Office versions. The BTP Regulations only differ from the Home Office versions in terms of the appropriate authority (AA) arrangements and other changes to reflect BTP Scotland. In Home Office police forces chief constables will become the AA for the rest of their chief officer team, as they will appoint them. The PCC will only be the AA for the chief constable. BTPA Professional Standards Committee has recommended that BTPA/BTP retain the status quo, with BTPA being the AA for chief officers. The rationale being that BTPA will continue to appoint all chief officers as there have been no consequential amendments to the 2003 Act. This approach has received support from the Chief Constable.

¹ Sections 36(4) and 46

² Section 36(3)

5.4 Home Office officials have however raised the issue that the different AA arrangements may result criticism for the government with the suggestion that they have further complicated police complaint procedures for the public. As BTPA is required to have a section 26³ Agreement with the Independent Police Complaints Commission (IPCC) approved by the Home Secretary, this has caused a delay in implementing the new Regulations. BTPA has rejected the Home Office's suggestion that it change its current AA arrangements citing a number of reasons for the decision to retain the status quo, see below:

- a. The Railways and Transport Safety Act 2003 requires BTPA to mirror the Police Regulations as far as structure and circumstances allow. Since the new legislation makes no change to the legislation which established the Authority with respect to its responsibilities for chief officers, it is BTPA's view that it is not necessary to change the current arrangements whereby the Police Authority deal with any complaints or conduct matters by Chief Officers;
- b. BTPA has a clear policy published on its website that would inform any member of the public how to complain against a BTPA chief officer should they wish to do so. A clear rationale for the difference in our arrangements to Home Office police forces can easily be provided;

³ Under the Police Reform Act 2002

- c. BTP traditionally has a low number of public complaints per annum and complaints against chief officers are very rare;
- d. The 2011 Act⁴ which introduces changes to the police complaints system does not apply in Scotland, where we have a separate agreement with the Police Complaints Commissioner Scotland;
- e. The MoD Police also wish to continue with their current AA arrangements meaning that BTPA and BTP would not be in isolation.

5.5 BTPA will be meeting Home Office officials in the New Year to resolve this issue.

5.6 A further matter to be resolved is with respect to Scotland. At present Scotland has a Police and Crime Commissioner (PCCS) but from 1 April 2013 it will move to a Police Investigations and Review Commissioner (PIRC), who will have similar powers to the IPCC. Therefore, any Regulations introduced before 1 April 2013 would need to be amended from this date to reflect these new arrangements. It is not possible to reflect the PIRC arrangements in our current drafts as the detail remains under discussion.

5.7 To reassure Members, an interim section 26 Agreement has been signed with the IPCC to enable BTPA and BTP to continue to use the 2008 BTP Regulations. The Agreement does not have an end date stating only that new BTP Regulations are anticipated soon and we are informed that

⁴ Police Reform and Social Responsibility Act

there is no legal definition of “soon”. Therefore it is recommended that BTPA delay enacting all the relevant Regulations until 1 April 2013 when all changes can be made for England, Wales and Scotland. This will remove the potential for confusion and gives BTP sufficient time to make suitable transitional arrangements whilst ensuring that all BTP officers and staff remain on the same terms and conditions.

Annual Review

5.8 The annual review of the BTPA Business Cycle will begin in the New Year. This will have a wider remit than in previous years and including a thorough review of the BTPA Corporate Governance arrangements and Member portfolios arrangements. Members and Force colleagues will be consulted as part of this process which will report to the March Authority meeting.

5.9 Following comments at the last meeting a quick review of those areas that overlap different committees/groups was conducted and an explanation for the overlaps is attached at Annex A.

6. Contracts

6.1 The Chief Executive signed and sealed the following contracts:

- Agreement BTP and Superannuation Fund - 30.10.2
- Contract between BTP & Reed Specialist - Temporary Agency Staff - 1.11.12

- Deed of Novation x 4 - Services Contract between NPJA, Airwave Solutions Ltd & BTPA - 7.11.12
- Contract between Carpathia Business Services x 2 - 9.11.12
- Section 16 Addendum to 2007 Agreement with IPCC - 21.11.12
- PSA between Colas Rail x 2 - 22.11.12

7. Police & Crime Commissioners

- 7.1 BTPA has begun to engage with the 41 new Police and Crime Commissioners, for whom elections were held on Thursday 15 November.
- 7.2 The day after voting, as the results were declared, the Chairman wrote to each winning candidate with a short letter introducing BTPA and providing brief details on railway incidents in their area. Thirty-two PCCs were reached by email; a further eight were contacted through Twitter. To date, thirteen candidates have responded to the letter and the Chairman will be speaking on the telephone to some of these.
- 7.3 BTPA was represented by Liz France at a PCC Summit held in Birmingham on 4 December. Engagement and consultation with the new PCCs will continue in the coming months.

8. Recommendations

8.1 Members are asked to note this report.

BTPA Statutory Duties and how these are discharged

Activity	Police Authority	Audit Committee	Professional Standards Committee	Appointments and Remuneration Committee	Strategy Group	Finance Group	Performance Review Group	Policing Plan Group	Pensions Working Group
Policing Plan	Approved by the full PA Progress reported by the PRG and in the CC's report DUPLICATION Recommend only one report back on progress						Monitored by the PRG	Developed by BTP with input from PPG and recommended to the full PA by the PPG	
Strategic Plan	Approved by the full PA Progress reported by the PRG				Developed by BTP with input from SG and recommended to the full PA by the SG		Monitored by the PRG		
MTFP	Approved by the full PA				Steer given by the SG Detailed proposals reviewed and recommended by SG				
Annual Budget	Approved by the full PA					Detailed capital and revenue proposals reviewed by the FG Expenditure monitored by the FG throughout the year			
Annual Statement of Accounts	Approved by the full PA Updates provided in Chief Executive Report	Monitored and recommended by AC		Progress updates through Chief Exec Report to Police Authority and at the Audit Committee					
Approved Annual Report				Doesn't go through meeting structure at present					
Approved PSA Charges	Approved by the full PA					Detailed review and recommendation by Finance group			
Quarterly reports on complaints, conduct and grievances	Highlight report received from the PSC		Received by PSC and highlights reported to the full PA						
Six-monthly custody report	Highlight report received from the PSC		Received by PSC as part of duties under the Corporate Manslaughter Act to ensure BTP is meeting its statutory requirements Whilst PRG has responsibility for the oversight of training custody training is looked at in detail by the PSC. Any concerns of the PRG from their general training oversight specific to custody training will be remitted to the PSC.				A small amount of information is received on custody training as part of the PRG oversight of the overarching BTP Training Plan.		
Make recommendations on staff and officer terms and conditions			Police regulations have been discussed at the PSC as they relate to PSD matters Officer and staff terms and conditions are on the A&RC terms of reference but the experts in this field are at the PSC						

BTPA Statutory Duties and how these are discharged

Quarterly financial reports	Highlight report received from the FG and AC	Report on controls received by AC				Detailed reports received by FG for monitoring			
Quarterly performance reports	Highlight report received from the PRG but also CC on Policing Plan targets						Detailed reports received by PRG for monitoring Covers performance matters not covered		
Capital Projects	Report from AC, FG or PRG highlighting issues where the projects are force level or require the approval of the Authority	Any control matters reported to the Audit Committee				Project spend monitored by the FG for projects that are force level or where the spend requires Authority approval	Project progress against plan reviewed by the PRG for projects that are force level or where the spend requires Authority approval		
HMIC Reports		Reports received by AC and action plans approved then remitted to PRG for monitoring					PRG monitor action plans once approved by AC		
Pensions	Any changes in Investment Strategy, Governance, structure of pension scheme and outcome of valuations must be approved by the full Authority	Any control matters reported to the Audit Committee							Review and recommend to the Authority any changes in Investment Strategy, Governance, structure of pension scheme and recovery plans
Stop and Search	Stop and search complaint figures reported to the PSC						Six-monthly report received by the PRG with figures broken down by area, ethnicity of those stopped, types of stop and search etc		
Risk Management	Risk Registers copied to the full PA as recommended by the auditors and highlights picked out following AC	Risk Registers reviewed in detail by the AC							