

British Transport Police Authority
The Scottish Railways Policing Committee

Terms of Reference

Definition

British Transport Police Authority	BTPA
British Transport Police	BTP
Police Service of Scotland	PSoS
Scottish Police Authority	SPA

Background

The British Transport Police Authority (BTPA) has been specified as a cross-border public authority in Section 46 of the Scotland Act 2016.

The Scottish Railways Policing Committee is established as a sub-committee of the BTPA under paragraph 12(b) of Schedule 4 of the Railways and Transport Safety Act 2003. The Committee will provide:

- accountability and transparency for railway policing in Scotland;
- oversight and scrutiny of the safe and effective management and delivery of railway policing in Scotland;
- an appropriate mechanism to assess and report to the BTPA in respect of value for money in relation to those elements of the BTPA Fund invested in railway policing in Scotland.

The Committee will operate in accordance with the Memorandum of Understanding agreed between the SPA and BTPA dated 27 June 2019 and as may be subsequently amended.

Purpose and Scope

The committee will provide oversight of the development of plans and policies, scrutinising policing performance against agreed plans and statutory requirements, and ensuring agreed improvements recommended by external inspections and reviews are implemented.

The Committee will provide assurance to the BTPA, SPA and Scottish Ministers on the delivery of railway policing in Scotland.

In performing its functions, the Committee will have regard to the UK-wide police priorities set and reviewed by the BTPA, and police priorities set and reviewed by Scottish Government.

These terms of reference have been agreed by the BTPA and SPA and are endorsed by UK and Scottish Ministers.

A copy of these Terms of Reference has been laid before each House of Parliament and the Scottish Parliament.

Responsibilities

To keep under review the delivery in Scotland of the BTP Strategic Policing Plan, Police Service Agreements and other documentary agreements relating wholly or mainly to Scotland and report progress, including concerns and observations, to the BTPA Board.

To recommend to the BTPA Board the Scottish Railways Policing Plan (hereinafter referred to as the plan), ensuring due regard has been taken of policing priorities set by Scottish Government, strategic plan set by SPA and Police Scotland, Police Scotland's annual policing plan and that effective consultation has informed the development of the plan.

To scrutinise progress and performance against the plan and to recommend to the BTPA Board any improvement required.

To scrutinise BTP's public and stakeholder engagement work.

To consider the effectiveness of interoperability between BTP and Police Scotland and recommend any improvements to the BTPA Board and the SPA.

To make recommendations and provide oversight on performance standards of railway policing in Scotland taking cognisance of stakeholder engagement and make recommendations to the BTPA Board on any changes required.

To provide visibility and oversight of the funding as it applies to rail provider(s) operating in Scotland, with a view to achieving best value and to recommend any changes to the BTPA Board.

In carrying out its functions, to take into account relevant data and research available in relation to policing, including independent evidence and benchmarking information from across the UK and internationally.

To review recommendations from Government Internal Audit Agency, Her Majesty's Inspectorate of Constabulary in Scotland and other organisations with an inspection, audit, or evaluation remit in relation to railway policing in Scotland, and ensure that action is taken within agreed timescales, subject to BTPA approval.

Meetings

The Scottish Railways Policing Committee will meet quarterly. Meetings are to be scheduled to coincide with the BTPA annual planning cycle. Prior to the beginning of each calendar year, a provisional schedule of meetings will be approved by the BTPA Board and published on its website. Notice of meetings will be advertised on both the BTPA and the SPA websites. The Chair of the Committee may vary meetings, as deemed necessary.

Meetings will usually be held in Scotland. Public meetings will be in venues that are accessible to all people.

All meetings of the Committee are open to be observed by members of the public and media, with the exception of meetings or parts of meetings where business is to be conducted in private. The circumstances in which meetings may be held in private include where:

1. information relating to identified or identifiable individuals (including members of staff) could be disclosed where there is no consent for disclosure and/or where there is a risk of harm to any individual from the disclosure;
2. public discussion of the information may prejudice any police operation or the prosecution of offenders;
3. disclosure of information could prejudice national security;
4. matters to be discussed are the subject of legal proceedings (including misconduct or disciplinary proceedings) or where information to be discussed consists of or includes legal advice provided to either Authority or to a third party;
5. an obligation of confidentiality exists in respect of the information to be discussed;
6. confidential, commercial or financial information not already in the public domain could be disclosed;
7. proposals for significant organisational change, significant changes to the terms and conditions of staff or other sensitive matters are being considered;
8. discussion in public would be likely to inhibit the free and frank provision of advice or the free and frank exchange of views for the purpose of deliberation;
9. other, exceptional, circumstances exist that would justify considering the matter in private, such circumstances to be agreed by the Committee and included in the minute of the meeting.

Stakeholder engagement

The Committee will scrutinise BTP's public and stakeholder engagement work in Scotland.

The Committee welcomes engagement with the Rail Delivery Group, rail provider(s) in Scotland and with Transport Scotland informally and formally to understand their requirements.

The Committee welcomes engagement with academia to collaborate and develop railway policing in Scotland.

Reporting

A forward-looking work plan for the year will be produced by the Committee, describing objectives, actions and proposed outcomes. This will be agreed by the BTPA with consultation, as necessary, with the SPA.

The agenda for each Committee meeting will be circulated to members at least five days prior to the meeting and will be published on the BTPA and SPA websites, excluding matters to be taken in private as outlined above.

Any member of the Committee may ask for an item to be placed on the agenda of a meeting, this to be done at least 15 days in advance of the meeting. The Chair will consider the request, taking advice from the BTPA Chief Executive as appropriate. If the Chair decides not to include the item on the agenda, the member will be advised and the Committee informed during the Chair's opening remarks.

A draft rolling action log will be available no later than five calendar days after each meeting. Draft minutes will be available to the Committee Chair no later than 14 calendar days after the meeting. Once agreed with the Committee Chair, draft minutes will be circulated to all Board Members of BTPA and SPA noting that they are still subject to formal approval at the next Committee meeting.

A summary report will be provided by the secretariat to the Chief Executives of each Authority after each Committee meeting. This will be used as the basis of reporting to the BTPA and the SPA Boards.

Committee members and BTP representatives may be required to provide evidence to Scottish Parliament Committees.

Membership and Attendees

The Committee will comprise the Chair ("the Committee Chair") and no more than four other Board Members. The Chair will be the Scotland member for the BTPA or such other member of the BTPA as nominated by the Chair of the BTPA. The Chair of the BTPA will consult and obtain approval by Scottish Ministers prior to appointing the Committee Chair.

The Committee will include up to two co-opted members from the SPA and up to two members from the BTPA. The Chair of each Authority will be responsible for the nomination of Committee members, and Committee members will be agreed by respective Boards.

The quorum for the Committee will be three Members including the Chair and must include at least one member from the SPA and at least one member from the BTPA.

All members including the Chair will have voting rights. In the event of a split decision, the Chair will have a casting vote.

Members of BTPA and SPA staff and BTP and Police Scotland representatives may be invited to attend Committee meetings. The Chairs of each Authority and Chief Executives have standing invitations to attend meetings. Any other Board Member may attend after consultation with the Committee Chair.

The Committee chair may invite representatives from external stakeholders or partner organisations for consideration of specific agenda items or subject areas.

Secretariat

The BTPA will provide secretariat support to the Committee. The Chief Executive of the BTPA will ensure that appropriate support, data and advice are provided to the Committee, and will consult as necessary with the Chief Executive of the SPA.

The Secretariat will be responsible for all arrangements associated with supporting meetings, other than venues for meetings which will be provided by the SPA.

Governance

The Committee, as a sub-Committee of the BTPA, will comply with the BTPA's Code of Governance in all relevant aspects.

Effectiveness and evaluation

The Committee will review progress against the work plan for the year.

The Committee will be open to external evaluation of its work and the extent to which accountability is enhanced for railway policing in Scotland, and against the design principles¹ and in accordance with BTPA's legislative framework.

Any changes to these terms of reference or to the operation of the Committee will be made only by mutual agreement between the BTPA and SPA.

The operation and effectiveness of the committee will be kept under the review. It is recognised that this is an administrative arrangement, and as such the committee will consider if further changes could enhance or support its role on an ongoing basis.

A Memorandum of Understanding will be agreed between the BTPA and the SPA to support the work and ethos of the Committee.

Dispute resolution and mediation

Where members are unable to reach agreement on an issue, the dispute will in the first instance be raised for discussion with the BTPA. The Chair of the BTPA will consult the Chair of the SPA as necessary. If required, mediation options will be explored by the BTPA. If disagreement between both Authorities persists, escalation of disputes can be made to relevant sponsor teams in Government and to Ministers.

¹ http://www.parliament.scot/S5_JusticeCommittee/Inquiries/20181213SGtoMM-BTP.pdf