



Report to: Scottish Railways Policing Committee

Agenda item: 8

Date: 3 September 2020

Subject: Action Update: Audit & Inspection Activity in Scotland

Sponsor: Deputy Chief Constable

For: Information

1. PURPOSE OF PAPER

1.1 The purpose of this report is to provide an overview of the anticipated audit and inspection regime that D Division will be subject to in the next year.

2. RECOMMENDATIONS

2.1 The Board to discuss the scope and timing of the HMICFRS inspection for 2020/21-2021/22.

2.2 The Board to note the information contained within this report.

3. HER MAJESTY'S INSPECTORATE OF CONSTABULARY IN SCOTLAND ROLE

3.1 Inspections of BTP in Scotland are generally done in conjunction between HM Inspectorate of Constabulary in Scotland (HMICS) and Her Majesty's Inspectorate of Constabulary, Fire & Rescue Services (HMICFRS). The basis for this inspection activity is set out in the Railways and Transport Safety Act 2003 which at Section 63 of that Act states that British Transport Police shall, from time to time, be inspected by Her Majesty's Inspectors of Constabulary. It also states that the Secretary of State may request Her Majesty's Inspectors of Constabulary to inspect the force generally, or in respect of a particular matter.



3.2 Under the Police and Fire Reform (Scotland) Act 2012, HMICS has wide-ranging powers to look into the state, effectiveness and efficiency of both the Police Service of Scotland (Police Scotland) and the Scottish Policy Authority.

4. HMICFRS INSPECTION PROGRAMME 2020/21-2021/22

4.1 The inspection programme for BTP is set out in a commissioning letter from the Department for Transport (DfT) to HMICFRS and is designed and agreed through a series of meetings between HMICFRS, BTP, BTPA and DfT.

4.2 BTP/A and DfT are currently considering, with HMICFRS, which inspections BTP will be subject to in 2020/21-2021/22. It is likely that BTP will take part in the below national inspections as well as being subject to a PEEL inspection:

- Policing response to Covid 19
- Serious organised crime - completion of ROCU inspection

4.3 BTP/A are discussing proposals regarding the scope and timing of the PEEL inspections. The scope of the inspections is set to change to make it more of an intelligence-led continuous assessment model and align it with the Force Management Statement (FMS).

4.4 The three pillars that of Efficiency, Effectiveness and Legitimacy (EEL) which were previously in place have changed to ensure better alignment with the FMS; that they reflect current priorities, risks and standards and are focused more on what matters to the public. . HMICFRS's proposed inspection assessment framework for PEEL 2020 is as follows:

- an operational assessment – how well services are provided
- an organisational assessment – how well the police force is run
- a service user assessment – the outcome from the perspective of those receiving the services

4.5 From discussions with HMICFRS, it is expected that the Covid-19 inspection will start in October 2020 and that it will be split into four categories and that they would look to



inspect BTP against Force Response and Custody Processes, but this is subject to discussion with BTP/A:

1. National leadership, preparedness and partnership working
2. CJS - response/opportunities/risks
3. Force response - opportunities/risks, incorporating reporting; investigation; vulnerability; enforcement; wellbeing and enforcement
4. Custody processes and virtual courts

4.6 If BTP is subject to all elements of PEEL, alongside the planned national inspection activity over the next twelve months, this is a potentially significant programme of work. The options being considered are set out below and will be informed by considerations of affordability, value for money and the ability of BTP and the inspectorate to service the proposed programme of work. HMICFRS has engaged with HMICS to inform them that planning is underway for BTP's inspections in 2020/21 and will continue to involve them in the development of the inspection programme. The Board is asked to discuss the options below to inform BTP/A's report on the preferred option to ARAC and BTPA Full Committee in November.

- **Option 1** - Proceed with a full PEEL inspection during 2020/21 alongside national inspections
- **Option 2** - Proceed with a phased PEEL inspection i.e. one of the inspection areas at a time, with priority given to an inspection on organisational efficiency. This option would be split over 2020/21 and 2021/22

4.7 The main risks for D Division for the HMICFRS inspections are around availability of HMICS resources to support the PEEL and other inspection activity in Scotland. HMICFRS has conducted early engagement with HMICS about the plans for BTP's inspection programme and approximate timings.



5. OTHER AUDIT & INSPECTION ACTIVITY

Government Internal Audit Agency (GIAA)

- 5.1 The GIAA provide an internal audit service to BTP/A to give an independent and objective opinion on the adequacy and effectiveness of BTPA and BTP's systems of risk management, control and governance.
- 5.2 BTP/A is subject to an annual audit plan which is focussed on non-operational business areas such as Finance, HR, Commercial and Project Management. All audit reports are submitted to the Audit & Risk Committee for oversight.
- 5.3 This year's Internal Audit Plan for BTP/A is set out below:

No	Review	Proposed timing (Month/Quarter)
1	Covid-19 support	July (Q2)
2	Recruitment	Sep (Q2)
3	Cyber Security	Sep/Oct (Q2/3)
4	E-Expenses	Oct (Q3)
5	IT continuity – Disaster Recovery	Nov (Q3)
6	Transformation Programme	Dec/Jan (Q3/4)
7	Health & Safety	Jan (Q4)
8	EPSA contract management & Income	Feb (Q4)

- 5.4 There are no risks to highlight that will have an impact on D Division specifically.

Investigatory Powers Commissioner's Office (IPCO)

- 5.5 IPCO provides independent oversight and authorisation of the use of investigatory powers by intelligence agencies, police forces and other public authorities.



- 5.6 BTP was inspected by IPCO in October 2019 in relation to its use of communications data. This was a force-wide inspection and IPCO will undertake a further inspection of BTP's use of RIPA in early December 2020.
- 5.7 There are no risks to highlight that will have an impact on D Division specifically.

Office of the Biometrics Commissioner (OBC)

- 5.8 The OBC's role is to keep under review the retention and use by the police of DNA samples, DNA profiles and fingerprints.
- 5.9 The Force was inspected by the OBC in August 2019 for the first time and is awaiting the final report. There are no further dates for an OBC inspection at this time.
- 5.10 The Scottish Biometrics Commissioner Bill became an Act on 20 April 2020. BTP is confident that all biometric samples obtained on their behalf are processed and retained in accordance with the relevant legislative frameworks in England, Scotland and Wales. BTP welcomes being added to the list of bodies subject to the Scottish Commissioner's oversight by means of a section 104 order.
- 5.11 As a cross-border force, BTP has asked that there is close liaison with the English Biometrics Commissioner to try and combine inspections where possible to reduce the impact on the force; this is the approach taken between HMICFRS and HMICS and has worked well in the past. BTP will continue to engage with the Biometrics Commissioner for Scotland on the Codes of Practice.