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**Report to:** Scottish Railways Policing Committee

**Agenda item:** 7

**Date:** 14 February 2020

**Subject:** Audit and Inspection Regime

**Sponsor:** Deputy Chief Constable

**For:** Information

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**1. PURPOSE OF PAPER**

1.1 The purpose of this report is to provide an overview of the inspection regime BTP is subject to by Her Majesty's Inspectorate of Constabulary Scotland (HMICS).

**2. RECOMMENDATIONS**

2.1 The Committee to note the information contained within this report.

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

3.1 The role of HM Inspectorate of Constabulary in Scotland (HMICS) in relation to British Transport Police is set out in the Railways and Transport Safety Act 2003. 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 In Scotland, inspections of British Transport Police are carried out by HMICS. 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. BTP is subject to inspections by Her Majesty's Inspectorate of Constabulary, Fire and Rescue (HMICFRS) and HMICS.



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3.3 In 2017, HMICS worked alongside HMICFRS on its force wide PEEL inspection of BTP in which it addressed the leadership, legitimacy and efficiency of the force across England, Wales and Scotland. HMICS produced a separate report on the PEEL inspection which considered the performance of D Division and the strategic issues to be addressed for the proposed transfer of BTP in Scotland to Police Scotland.

3.4 In 2019, the force was approached by HMICS to conduct a joint Crime Data Integrity (CDI) Audit with HMICFRS to establish how well the force records crime against the Home Office Rules and Standards. The force's view was that the audit should be carried out for the force, not just one division. Following discussion with HMICFRS, HMICS did not conduct the inspection. From 2020/21, HMICFRS will be conducting CDI audits as part of their integrated PELL inspections.

#### **4. HMICFRS INSPECTION PROGRAMME**

4.1 The inspection programme for BTP is set out in a commissioning letter from HMICFRS and is agreed with BTP, BTPA and DfT.

4.2 In the last three years, BTP has been subject to the following inspections by HMICFRS:

- PEEL Inspection – July 2017
- Effectiveness Inspection – December 2017
- Disruption Inspection – July 2019
- Custody Inspection – January 2020

4.3 In addition, BTP has taken part in some of HMICFRS' rolling programmes of inspection for Counter Terrorism and more recently, County Lines. These are annual inspections which review how the force works with other forces and agencies in these important areas.

#### **5. OTHER AUDIT & INSPECTION ACTIVITY**

5.1 BTP is subject to audit and inspection from many bodies, not just HMICFRS. This activity is also force-wide and is not specific to Scotland:



### **Government Internal Audit Agency (GIAA)**

- 5.2 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.
- 5.3 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.

### **Investigatory Powers Commissioner's Office (IPCO)**

- 5.2 IPCO provides independent oversight and authorisation of the use of investigatory powers by intelligence agencies, police forces and other public authorities.
- 5.3 BTP was inspected by IPCO in October 2019 in relation to its use of communications data. No formal recommendations were provided but an action plan has been developed to address areas of best practice.

### **Office of the Biometrics Commissioner (OBC)**

- 5.4 The OBC's role is to keep under review the retention and use by the police of DNA samples, DNA profiles and fingerprints.
- 5.5 The Force was inspected by the OBC in August 2019 for the first time and is awaiting the final report.

## **6 FUTURE INSPECTIONS**

- 6.1 HMICFRS' commissioning letter to BTP has just come to an end. The consultation process for BTP's next inspection programme is underway and will consider BTP's participation in HMICFRS' programme of PELL inspections or a more specialist inspection like the more recent Disruption inspection. It is likely that BTP will continue to participate in HMICFRS' rolling programmes of inspection for Counter Terrorism and County Lines.