

Report to: Scottish Railways Policing Committee

Agenda #: 9.1

Date: 14 February 2020

Subject: Proposed Review Process

Sponsor: Chair

Author: Senior Scotland Project Manager

For: Review & Decision

The Forum
5th Floor North
74-80 Camden Street
London NW1 0EG

T: 020 7383 0259
F: 020 7383 2655
E: general.enquiries@btpa.police.uk
www.btpa.police.uk

1. Purpose of paper

1.1 To consider options for review and evaluation of the effectiveness of the Scottish Railways Policing Committee (SRPC).

2. Background

- 2.1 The Code of Good Practice on Corporate Governance in Central Government Departments puts a requirement on Arm's Length Bodies (ALBs) to conduct an annual review of board effectiveness.
- 2.2 It is proposed to carry out a similar process for the Scottish Railways Policing Committee.
- 2.3 Although a requirement, this is an excellent opportunity to drive improvement in the way the Committee operates by:
 - Identifying areas of good practice/governance and sharing them
 - Identifying areas that could be improved and ways of delivering these improvements
 - Identifying areas for development whether at Committee or an individual level to ensure positive development

3. Scottish Railways Policing Committee

3.1 In November 2014, the Smith Commission published its report on further areas for devolution of powers and responsibilities to the Scottish Parliament. The report included '*the functions of the British Transport Police in Scotland*'¹

¹ http://www.parliament.scot/ResearchBriefingsAndFactsheets/S4/SB_15-03_The_Smith_Commission_Report-Overview.pdf

- 3.2 As work progressed on delivering this, the Cabinet Secretary for Justice provided a series of written updates to the Scottish Parliament's Justice Committee;
- in a letter dated 27 August 2018 the Cabinet Secretary updated that there would be a focus on the development of options to give effect more quickly to the Smith Commission's recommendations short of 'full integration'
- 3.3 in a letter dated 13 December 2018 the Cabinet Secretary shared agreed design principles for any emerging option;
- Addressing the democratic deficit in Scotland
 - Meaningful accountability and transparency for railway policing in Scotland
 - Safe and effective management and operational delivery of railway policing in
 - Designed on best value principles and provide an appropriate mechanism to ensure value for money.
 - in a letter dated 22 January 2019, the Cabinet Secretary announced that a new oversight Committee would be established using existing legislation
- 3.4 The SRPC was established as a sub-committee of the British Transport Police Authority (BTPA) under the terms of paragraph 12(b) of Schedule 4 of the Railway & Transport Safety Act 2003.
- 3.5 At the SRPC's inaugural meeting on 22 October 2019, the Committee discussed options for a review and evaluation process to consider the effectiveness of the Committee and its work.

4. Options

- a. The Committee discussed evaluation at its October meeting, noting that evaluation is about learning and seeking feedback to build on positives and understanding how it compares.
- b. The Committee considered options (see i – iv below) on how a review might best be progressed and discussed a number of routes including;
 - i. current arrangements available within both constituent Authorities
 - ii. good practice elsewhere in the public sector
 - iii. evaluation process built in to every meeting
 - iv. review incorporating an independent element

- c. In relation to b(i) above - There exists in each Authority a mechanism to review Board and Committee effectiveness. Each Authority follows a similar checklist approach. BTPA follow guidelines provided by the National Audit Office² while the SPA follow guidance derived from Her Majesty's Treasury and contained in the Scottish Government's Handbook³
- d. In relation to b(ii) above - Desktop research established that an evaluation of programmes awarded Scottish Government funding to tackle sectarianism highlighted a number of areas of good practice including;
- i. early preparation and planning for the evaluation process
 - ii. utilising an independent body to support the evaluation
 - iii. providing time to engage with the programme
 - iv. consideration of what outcomes are to be measured.
- In addition a Northern Ireland Audit Office report; *Board Effectiveness A Good Practice Guide*⁴ provides guidance for public bodies when conducting reviews and evaluations and highlights;
- v. the benefits of an external view
 - vi. gauging performance against a baseline
 - vii. achieve a holistic view - gaining wider perspectives
- e. In relation to b(iii) above - The Committee in its inaugural meeting incorporated a 'reflections' agenda item. This approach is increasingly evident in a number of public sector committees and boards and allows an immediate reflection and challenge to the Committee to consider what has been achieved and whether that is what was intended.
- f. In relation to b(iv) above - The Committee discussed in October the options of external-body involvement. Specific reference was made to Her Majesty's Inspectorate of Constabulary in Scotland (HMICS) and the Scottish Institute for Policing Research (SIPR). Initial, informal meetings have been held to discuss review and evaluation

Option i - Utilise current Authority arrangements

Option i - Utilise current Authority arrangements	
Strengths	Weaknesses

² https://www.nao.org.uk/wp-content/uploads/2012/10/Self_Assessment_Checklist.pdf

³ <https://www2.gov.scot/Resource/0053/00533811.pdf>

⁴ <https://www.niauditoffice.gov.uk/sites/niao/files/media-files/Board%20Effectiveness-%20A%20Good%20Practice%20Guide.pdf>

<ul style="list-style-type: none"> • existing BTPA process • experience of process • similar to current SPA arrangements 	<ul style="list-style-type: none"> • limited in reach to members only • does not allow for stakeholder input • does not align with agreed design principles • misses opportunity to exceed wider external expectation • limited transparency
---	---

Option ii – Good practice NIAO / Tackling Sectarianism	
Strengths	Weaknesses
<ul style="list-style-type: none"> • identified good practice • advocates independent element to evaluation • recommends consideration of stakeholder input • prepare sooner • can incorporate design principles 	<ul style="list-style-type: none"> • unfamiliar process • resource required

Option iii- Evaluation built in to every meeting	
Strengths	Weaknesses
<ul style="list-style-type: none"> • straightforward to incorporate • identified as good practice 	<ul style="list-style-type: none"> • no stakeholder input • limited account taken of design principals • misses wider external expectation • limited transparency

Option iv- Evaluation incorporating independent element	
Strengths	Weaknesses
<ul style="list-style-type: none"> • seen as good practice • can incorporate stakeholder feedback • maximises transparency • takes account of design 	<ul style="list-style-type: none"> • more complicated to set up and incorporate • resource requirement

principles	
------------	--

5. Analysis

- 5.1 BTPA's constitution and code of governance will provide for oversight and review of the Committee regardless of whether further work is undertaken
- 5.2 The 'reflections' agenda item embedded in to the Committee's agenda introduces elements of evaluation good practice.
- 5.3 The good practice identified in the NIAO work and Tackling Sectarianism programme evaluation including external-body involvement should be considered in any further evaluation work on SRPC.
- 5.4 Using the agreed design criteria to develop a framework of outcomes and indicators that could be agreed would help clarify how any evaluation would be assessed.

6. Recommendations

- 6.1 The Committee is asked to consider a blended approach to evaluation drawing on the options within this paper.
 - Further scoping work with HMICS / SIPR on resource and availability
 - Further work to develop a framework for outcomes and indicators