



Review of British Transport Police 2004

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Executive Summary

1. On 22 April the Secretary of State for Transport met with Ian Johnston, Chief Constable of the British Transport Police (BTP). At the meeting it was agreed that the DfT would undertake a short review of the BTP working with the Force and the Home Office.

2. The review would consider the current role of the BTP as the specialist Force for the railways and options for the future. It would also examine the current funding arrangements and future funding options. Finally the review would look at how the establishment of the British Transport Police Authority (BTPA) would affect the governance arrangements of the BTP.

3. This Executive Summary sets out the headline conclusions of the review. The conclusions have been based on working group discussions that incorporated the DfT (Rail Policing Branch), the BTP, Transec and the Home Office. They have also been shaped by discussions with relevant members of the railway industry and other organisations. The review has also considered the reports of Her Majesty's Inspectorate of Constabulary (HMIC) and the Transport Committee as well as detailed submissions from the BTP.

A Specialist Rail Police Force

4. The rail network creates a uniquely complex and at times, dangerous, policing environment. It is also a business environment for the Train and Freight Operating Companies and for Network Rail. Policing the railways therefore requires sensitive handling and an awareness of the working environment. The British Transport Police understand this operational environment. As a long-established Force it understands the specialist skills associated with working on the railways.

5. The Force has developed an understanding and awareness of the commercial context in which the railways operate. The business needs of the industry are also reflected in the Force's well-developed approach to risk management. The BTP aim to fulfil its duties with minimum impact on network operations.

6. The British Transport Police model is also unique compared to the Home Office Forces and reflects the special railway environment. The BTP has been set up as a cross-boundary Force providing a consistent policing standard across the network. This becomes particularly crucial in the policing of travelling football fans moving through a number of Force boundaries. It also reflects the wider issue that criminals will use and move across the entire railway network. A single police force for the railways also provides a single point of contact both for the industry and for the travelling public.

7. The review examined four main areas where the BTP has built up a valuable level of expertise. These were tackling 'route crime', counter-terrorism initiatives, major accident investigation and policing travelling football supporters. These four areas highlighted some of the key skills that the BTP bring to the policing of Britain's railway system.

- **Industry and passengers receive significant benefits from a dedicated force. The BTP should continue in its role as a specialist rail police force.**

What should the Force do in the Future?

8. Having examined the current role of the BTP the review then considered the future capabilities of the Force. It first examined whether the BTP should continue as a functional Force or whether it should merge with Home Office Forces. The main advantage of this would be the potentially enhanced geographical response, with a criticism that the current BTP response is weaker outside of London. The main disadvantage would be the potential loss of the BTP railway specialisms and the loss of the cross-boundary response. During the review many of the external stakeholders acknowledged that railway policing would not receive the same priority or level of service if undertaken by Home Office Forces. The review also drew on the conclusions of the Home Office study into whether the BTP should be merged with the Metropolitan Police to police the London Underground. That review concluded that the BTP had an important role to play in policing London Underground and that an excellent level of joint working already existed.

- **The BTP should continue as a functional Force for the railways and should not be merged with Home Office Forces.**
- **The BTP should consider the possibility of agreeing more co-operative agreements with County Forces.**

9. The review then considered whether the BTP's role should be extended to cover the policing of other transport modes. This would acknowledge that the BTP should have a wider policing role. The advantage of making the BTP a multi-modal police Force would be that it could bring a single form of policing to that mode. It could also lead to the more effective policing of some critical transport hubs. The main disadvantage would be the potential dilution of the railway specialism. There would also need to be detailed and clear evidence that extending the BTP policing role into other transport modes would improve on existing arrangements.

- **The BTP should continue as a specialist Force for the railways and should not be a multi-modal Force.**

10. The review also assessed the potential for enhancement of BTP's counter-terrorism role. This is a long established role supporting the protective security measures undertaken by the rail operators. The strategy includes effective risk management, highlighted by overall incident management, and specific skills such as bomb threat categorisation. Following the Madrid train bombings, and the overall increased international terrorist threat, the BTP has identified a potential enhancement of its counter-terrorism role and capability, building on its existing role. This would include an increased level of high-visibility policy through the recruitment and training of community support officers including an increase in passenger and baggage searches. This strategy is supported by Transec.

- **The review supported the BTP's ambition to enhance its counter-terrorism role.**
- **The Authority will need to judge how that role may be developed alongside core-policing priorities.**

How should the Force be Funded?

11. As well as considering the role of the BTP the review also examined the funding arrangements. The BTP is currently funded by the rail industry under the principle that the "User Pays" for the services it receives. The review established that there are problems with the funding formula, the way in which it was agreed, its complexity and its lack of flexibility. The review also acknowledged that many of the TOCs fund the BTP from the subsidy that they receive as part of their franchise arrangements.

12. The review also recognised that the former Police Committee had not ensured that the BTP was appropriately funded. As a result the BTP faced two main funding pressures. The first is a need to address "legacy" issues created by the inadequate level of funding. These were particularly highlighted in the HMIC report conclusions. The second is the need to ensure that the BTP is funded sufficiently to carry out its future role including an ability to address the wider HMIC conclusions and strategic plan aims. The BTP also need to be appropriately funded to be able to enhance its counter-terrorism role.

13. The review examined a number of future funding options. Although there are some concerns with "User Pays" the overall principle that the industry should pay for the services it receives is sound. The effect of the new legislation will also require the Authority to review the funding arrangements so that it is satisfied that the industry is making the appropriate contribution. The Authority will therefore be expected to improve the business planning arrangements and ensure, with the industry, that the BTP is appropriately funded.

- **The costs of the BTP should remain largely funded by the rail industry. Therefore the Force should not be funded directly by the Department**
- **The establishment of the Authority will create an opportune moment to ensure that the industry is paying enough to secure effective policing of the railways.**

14. The review recognised that there is a need for the BTP to address the conclusions of the HMIC report and the "legacy" issues. As a way to address these concerns the review highlighted the potential ability of the Authority to bid for capital funding from the Department. As an NDPB, sponsored by the Department, arrangements could be put in place to enable it to bid for capital expenditure.

- **The Department should work with the newly established Authority to look at the possibility of capital funding to cover some of the most pressing shortfalls in BTP funding.**

15. The review also acknowledged that there are occasions when the Force should be involved in initiatives that might be seen to have wider public interest or benefit national policing initiatives. Where the BTP was involved in these initiatives it should also have greater access to central funding. These initiatives were most likely to be Home Office led. For example the BTP was involved in the Street Crime Initiative and received funding jointly from the DfT and Home Office. Where the Home Office is promoting these initiatives or providing funding for their 43 Forces there is a need to ensure that there is effective collaboration with the Department. The Department will only be able to be involved in the process if given an early indication of the policing and funding issues. During the course of the review the Department met Home Office officials and discussed the need to ensure that the BTP is included, where appropriate, in bids for central funding. Closer collaboration between the Department and Home Office should ensure that the BTP is included as part of the future bidding processes.

- **The Department and the Authority should consider whether the BTP should have access to central funding from the Home Office or DfT where it is involved in initiatives that benefit the wider public interest or benefit national policing initiatives.**
- **The establishment of the BTPA provides an opportunity for developing better co-operation and collaborative working arrangements in relation to the role and funding of the BTP.**

16. The review also considered the present funding arrangement for the BTP's involvement in counter-terrorism initiatives. The BTP base their counter-terrorism policing priorities on decisions taken at forums led by the Met Police and also the ACPO(TAM) counter-terrorism sub-group. However, the review established that the BTP received no funding for its involvement either from Home Office grants or from the BTP's involvement in the Association of Chief Police Officer's counter-terrorism sub-Committee, ACPO(TAM).

- **There is an urgent need for the Authority to assess the BTP's counter-terrorism funding requirements.**

17. The review also assessed the possibility of the BTP being entirely funded directly by central government. This would clearly provide the BTP with only one funding stream simplifying the funding process. However, it would also remove the valuable link between the BTP and the industry that it serves. The Department would also need to play a much more hands-on role, overshadowing the role and powers of the Authority. There can also be no suggestion that direct public funding would lead to an increase in the funds available or be more consistent than industry funding.

- **As indicated above the BTP should continue to be largely funded by the rail industry. Therefore the Force should not be funded directly by the Department.**

Funding the BTP - Getting it Right in the Future

18. In organising the BTP's funding in the future there is an urgent need to learn the lessons of the past and the problems this has created. The BTP has suffered from the piecemeal way in which it has been funded. This is firstly because the "User Pays" principle has not always been effectively implemented. But the BTP suffer as well from the unsystematic way in which it receives central ad hoc funding. Whilst the

BTP no doubt welcomes access to central funds, the seemingly arbitrary nature of the provision leaves the Force uncertain about future access. Occasional central funding also sends mixed messages to the rail industry, expected to fund the BTP but also aware of ad hoc central funding. The problem is a lack of clarity over how the BTP receives funding.

19. The review of BTP has advocated a future funding arrangement that would remain based largely on funding through the "User Pays" principle but coupled with an element of central funding particularly through access to capital funding. The Authority and the industry will be responsible for ensuring that the BTP is funded effectively through the "User Pays" principle. In the future though arrangements for providing central funding must be organised much better. The situation should not arise that the Force is left feeling the need to lobby for access. Clear guiding principles must be set out which clarify when the BTP should have access to central funding, how that access would work and what it can expect access for. This is particularly necessary for determining any kind of 'public interest test' but is also necessary for any provision of capital funding. The Department, Authority and BTP and where relevant the Home Office need to establish a set of guiding principles that will set out the circumstances under which the BTP should expect access to central funding.

- **There is a need to develop clear guiding principles setting out BTP access to central funding. This should set out how it would work, when it can be considered and how it would be implemented.**
- **The Department should take the lead on developing this piece of work in conjunction with the Authority, the BTP and where relevant the Home Office.**

The Role of the British Transport Police Authority

The final point of the review was to emphasise the crucial role that the newly established BTP Authority will play. The Authority will provide better corporate governance, improving the business planning arrangements and strategic footing of the Force. The Authority will need to assess and agree the core policing role of the BTP and establish what the Force's priorities should be. In making this assessment the Authority, with the industry, will be required to ensure that appropriate funds are in place. The Authority will also have a key role in the review of the charging mechanism with a revised mechanism due in 2006. The Authority will also provide the link to the department as it will be directly account.