

Regulations for the 'Railway Safety Accreditation Scheme'

Northgate's response to the consultation

October 2003

Introduction

Northgate welcomes the publication of the draft regulations to establish a Railway Safety Accreditation Scheme. Allowing certain employees of railway companies to have limited police powers could provide a useful tool to support the British Transport Police (BTP) in its work.

The BTP plays a key role in contributing to community safety and security. It is essential that it is given the resources necessary to protect and reassure both passengers and employees on the railways, underground and regional transport systems. Enabling the BTP to accredit non-police staff in support of their duties will allow officers to focus on preventing and tackling serious crime whilst also ensuring that minor offences are dealt with effectively. However, it is essential that all companies operating such schemes evaluate the health and safety risk to their employees of providing them with such powers and that all employees using such powers are suitably trained for their own and for the public's protection.

In summary, our response recommends that:

- The health and safety and well-being of employees making use of such powers are fully protected by companies administering the schemes.
- The use of penalty notices should form part of a co-ordinated policy mix of education, promotion of rights and law enforcement.
- A publicity drive should accompany the changes to ensure that both public and staff are fully aware of their rights and responsibilities.
- All relevant employees should receive appropriate training and supervision to reduce health and safety risk and to safeguard the travelling public's rights.
- Although outside the remit of the draft regulations, consideration should be given to extending the power to issue penalty notices for disorder under Section 1 of the Criminal Justice & Police Act 2001 to accredited members of a railway safety scheme at the earliest opportunity.

Safety and well-being

The BTP provides a specialist policing service for railway staff and 5 million passengers daily, whose safety and security is of paramount importance. To build up public confidence and get more people to use public transport systems, it is essential that serious crime is tackled quickly and effectively. Officers must be given the maximum time and resources to focus on these issues. Equally, there is a pressing need to tackle the high-volume, low-level crime and nuisance behaviour that impacts on people's lives and can ruin people's enjoyment of using public transport. Public nuisance such as littering and rowdy behaviour often has a major impact on people's travelling experience and contributes to an increased fear or antipathy to using public transport.

The establishment of a Railway Safety Accreditation Scheme is a welcome step. It will allow BTP officers to focus on safety and security in the knowledge that minor offences are being dealt with efficiently and effectively. However, it is essential that the Chief Constable has a duty not only to confer accreditation but to regularly review the operation of such schemes.

It is essential that the health and safety and welfare of employees administering such schemes are safeguarded. We therefore propose that the Chief Constable should consult with “persons whom he considers to represent the interests of employees of the rail industry” before establishing an accredited scheme. We would also recommend that the Chief Constable should have a duty to establish that employers have set up and maintain satisfactory arrangements for carrying out regular health and safety risk assessments.

Penalty notices and nuisance behaviour

We welcome the extension of the powers to issue penalty notices for minor offences so long as these are used appropriately and effectively. A proactive and educative approach to minor crime and nuisance backed up by a system of penalty notice enforcement could help to enhance public trust and improve service delivery.

Penalty notices are a form of administrative enforcement which is increasingly being used to tackle a wide range of offences, offering an alternative to prosecution that does not lead to a criminal record. Once imposed on individuals for particular offences, word of mouth can lead to other individuals improving their performance in order to avoid paying similar fines. By integrating them into the educative process, penalty notices may assist in changing attitudes and behaviour.

The use of penalty notices should be part of a co-ordinated policy mix of education, promotion of rights and law enforcement to optimize prevention of low-level, endemic social and environmental nuisance. Used appropriately, penalty notices can be an effective way of dealing with high-volume low-level crime, environmental and social nuisance and other forms of minor civil infringements of the law which are currently either processed through the courts or where no action is currently undertaken.

Best practice and fair enforcement

Whilst penalty notices may provide an efficient and cost-effective means of dealing with minor offences, Northgate believes that penalty notice enforcement is only as fair as it is fairly employed, and only effective if it is used as part of a wider project of education designed to ensure that both individuals and organisations recognise their rights and understand their responsibilities.

Particular attention should be paid to the training and resources of those who will operate the system and issue the notices. Those accredited under the scheme, including employees of Network Rail or train operating companies, should be adequately equipped to understand how human rights and diversity issues impact on service delivery and be able to deal with the public in a courteous, fair, equitable, respectful and consistent fashion. Employers responsible for accredited persons under the scheme must have adequate systems to monitor employee performance and

ensure that their training and development needs reflect their extended powers. We would like to see mandatory guidelines on the use of penalty notices to encourage best practice.

Information sharing

Crime and nuisance behaviour does not respect local boundaries. It is essential that the BTP works closely with police forces and other public authorities to maximise the effectiveness of the new powers. We welcome the commitment to consult with chief police officers, local authorities and the rail industry before enacting the regulations. Working collaboratively with all bodies is essential to effective monitoring, supervision and the long-term success of the scheme.

As with any financial penalty, penalty notices must be effectively enforced to provide both deterrent and reassurance to the public that such issues will be tackled. The BTP will need to consider what systems are in place to track, enforce and evaluate any scheme introduced.

Preparing the public

It is also important to ensure that penalty notice enforcement is normally directed at those who knowingly commit minor civil or criminal offences. This means taking measures to inform the public about their responsibilities and rights. In the Australian state of Queensland a moratorium of two months preceded the introduction of penalty notices for new offences, giving the public a chance to understand the new system and make any modifications to their behaviour.

We welcome the specification that accredited persons may only exercise their powers whilst either wearing an agreed uniform or a badge that may be specified in future regulations. This is crucial to both public awareness and trust in the scheme.

Extended powers

The draft regulations give those accredited under a railway safety scheme the power to issue penalty notices for the offences specified in Part 4, Chapter 1 of the Police Reform Act 2002. These powers are in line with those given to community safety officers, with the addition of two offences specific to the work of the BTP – trespassing on a railway and throwing stones at a train.

The Anti-social Behaviour Bill gives those accredited under community safety schemes the power to issue penalty notices for minor disorder offences under Section 1 of the Criminal Justice & Police Act 2001. These include the above transport-related offences:

- use of insulting or abusive behaviour likely to cause alarm, harassment or distress;
- throwing fireworks;
- trespassing on a railway;

- throwing stones at a train;
- buying alcohol for those under 18;
- giving false alarm to the fire brigade;
- wasting police time;
- consuming alcohol in a public place and;
- using a public communication system for sending messages known to be false in order to cause annoyance.

We recommend that to ensure a consistent and effective approach to tackling crime and nuisance on the railways, the Department should consider extending the full powers to those accredited under a railway safety scheme at the earliest opportunity.

For further information, please contact:

Kathy Sutton	07966 890403
David Meaden	01442 274007