

<b>Meeting</b>	<b>Authority Meeting</b>
<b>Date</b>	<b>30 September 2020</b>
<b>Location</b>	<b>Video Conference</b>
<b>Title of Paper</b>	<b>Brexit Contingency Planning</b>
<b>Presented By</b>	<b>DCC Will Kerr, Local Policing</b>
<b>Recommendation to Members</b>	<b>For Discussion</b>
<b>Appendix Attached</b>	<b>No</b>

**PURPOSE**

The purpose of this report is to provide an update to the Scottish Police Authority on EU Exit contingency plans.

Members are invited to discuss the content of this paper.

## 1. BACKGROUND

- 1.1 The purpose of this paper is to provide an update on the preparations underway for the United Kingdom's departure from the European Union. Further to this, it will reference the multi-agency arrangements being established through the co-ordination of the Strategic Resilience Partnership, EU-Exit Sub-group.
- 1.2 Police Scotland continues to prepare for Brexit. Our response is managed in two distinct areas: Brexit Contingency Planning and Brexit Delivery Team.
- 1.3 The Contingency Planning team are responsible for preparing the force for any civil unrest and protests and the engagement with Strategic Resilience and Planning partners, whilst the Delivery Team are responsible for ensuring international investigations and intelligence sharing are maintained post-Brexit. Both teams have been established to respond to the forces EU Exit Strategy which is:
- To maintain law and order and provide a lawful and proportionate policing response to any protest;
  - To protect, as far as possible, service delivery in local communities;
  - Where appropriate, to lead, co-ordinate and support multi-agency responses;
  - To continue to deliver transformational change across the service;
  - To support, where appropriate wider UK Policing.
- 1.4 The overarching strategic intent is to 'Keep People Safe', and to act with our values of Integrity, Fairness and Respect and in consideration of Human Rights at all times.
- 1.5 The proposals contained within this report will also support the organisations future demands over the next 3 years and specifically supports Police Scotland's Strategic Outcomes 1-5.
- SO 1: Threats to public Safety and wellbeing are resolved by a responsive police service.
  - SO 2: The needs of local communities are addressed through effective service delivery.
  - SO 3: Public and communities are engaged, involved and have confidence in policing.
  - SO 4: Our people are supported through a positive working environment enabling them to serve the public.
  - SO 5: Police Scotland is sustainable, adaptable and prepared for

future challenges.

## **2. FURTHER DETAIL ON THE REPORT TOPIC**

### **2.1 Brexit Contingency Planning**

#### **2.1.1 Planning Assumptions and Risk Assessment (Civil Contingencies and Resilience)**

On the 5<sup>th</sup> August 2020, the UK Government announced that it would issue an updated set of 'reasonable worst case scenario' (RWCS) planning assumptions in late August/early September 2020.

The Scottish Government intend to provide resilience partners across Scotland with a Scottish interpretation of these planning assumptions, as they did in 2019. The RWCS planning assumptions have now been received (Sept 2020) from the UK Government and will be shared. Police Scotland have received a portion of these planning assumptions, as they relate to 'law enforcement'.

The Scottish Government Organisational Readiness Team have conducted an inward facing risk assessment to ensure all Directorates are prepared for the departure from the EU and the areas of uncertainty that exist. This risk assessment has been completed under the following headings:

- Economic;
- Inequalities;
- Public Services;
- Supply Chains;
- Civil Contingencies;
- SG Resource Capacity;
- Legislative Capacity.

Police Scotland have also carried out a review of its previous risk assessment, under the following headings:

- Travel, Freight and Borders;
- Disruption of Services;
- Information and data sharing;
- Demonstrations and disorder;
- Challenges to Scotland;
- Concurrency;
- Fisheries.

This risk assessment will remain under constant review, specifically now we have received following UK Government RWCS planning assumptions.

### 2.1.2 Preparations and Contingency Planning

The Scottish Government have already signalled their intention to activate the Scottish Government Resilience Room (SGoRR) in response to EU Exit and it is expected that the UK Government will do likewise through COBR (Cabinet Office Briefing Rooms). It is expected that there will be a need to co-ordinate and monitor response activity for a period of 12 weeks beyond 31 December 2020.

Police Scotland have prepared an EU Exit Contingency Plan, which is a comprehensive document, outlining organisational and departmental mitigations. Included within this plan are the following sections (amongst others):

- Command and Co-ordination Structure;
- Mutual Aid in support of UK Policing;
- Multi-agency co-ordination;
- Information flows and the use of Resilience Direct as a conduit;
- Community Impact;
- Departmental and/or Divisional Plans;
- Corporate Services;
- Finance;
- Public Communications;
- Post Deployment processes;
- De-escalation.

Integral to the effective management of EU Exit as a 'Civil Emergency' is the establishment of a National Co-ordination Centre and its interdependencies with wider structures, which will be implemented on the 7<sup>th</sup> December 2020. This will allow sufficient time to 'test and exercise' the working practices within the facility and oversee and manage the immediate build up to EU Exit.

### 2.1.2 Concurrency

As noted within the Police Scotland EU Exit Risk Assessment, 'Concurrency' has been identified as a significant risk. This has

become even more apparent as a consequence of the worldwide pandemic COVID-19. The management of concurrent civil emergencies throughout the autumn and winter of 2020 has become a significant risk for all Category 1 and 2 responders.

A 'Concurrency' sub-group has been established under the COVID-19 Strategic Co-ordinating Group, however it is acknowledged that this issue is broader than one civil emergency. It has therefore been recommended to the Scottish Strategic Resilience Partnership (SRP) that this group becomes a sub-group in its own right. This group has already conducted an assessment of preparedness across all category one responders, against the twelve common consequences of a civil emergency.

## 2.3 **Brexit Delivery Team**

### 2.3.1 **Justice and Home Affairs**

The Police Scotland Brexit Delivery Team, in conjunction with our International Bureau and key Scottish, National and International partners, continues to prepare for the loss of access to Justice and Home Affairs (JHA) measures. The JHA Brexit Delivery Group has been re-established with a number of sub groups comprising of Subject Matter Experts (SME) to deal with this complex business area and to support the creation and development of specific contingency plans and processes, to ensure the operational readiness of Police Scotland post EU Exit.

The UK Legal text concentrated on a small number of the thirty-five JHA measures for negotiation. These are as follows:

- SIS II
- Extradition/European Arrest Warrant
- Passenger Name Records (PNR)
- Prüm
- ECRIS
- EIO/Mutual Legal Assistance
- Europol
- Eurojust

These capabilities are currently under negotiation with varying levels of progress

## **3. FINANCIAL IMPLICATIONS**

3.1 There are no reported financial implications at this time.

#### **4. PERSONNEL IMPLICATIONS**

4.1 There are no identified personnel implications at this time.

#### **5. LEGAL IMPLICATIONS**

5.1 The procurement team continues to engage with suppliers to identify any risks posed to the capabilities of Police Scotland.

#### **6. REPUTATIONAL IMPLICATIONS**

6.1 Any reputational implications have been considered and plans to mitigate any potential reputational risk are being compiled to reduce this risk.

#### **7. SOCIAL IMPLICATIONS**

7.1 Brexit is a highly contentious subject and the Brexit Contingency Planning Team are fully aware of the potential civil unrest. Police Scotland's Brexit Intelligence officers continue to assess relevant information and intelligence to ensure Police Scotland can appropriately prepare and respond to any potential protests.

#### **8. COMMUNITY IMPACT**

8.1 Police Scotland continues to monitor any community impact of EU Exit to ensure the needs of our communities across Scotland are understood and responded to appropriately. The number of incidents remains at a constant with no issues directly related to Brexit being identified.

#### **9. EQUALITIES IMPLICATIONS**

9.1 Under the process of Equality Impact Assessment, any identified inequalities will be assessed.

#### **10. ENVIRONMENT IMPLICATIONS**

10.1 There are no environmental implications currently identified.

### **RECOMMENDATIONS**

Members are invited to discuss the content of this report.