

Meeting	Authority Meeting
Date	25 November 2020
Location	Video Conference
Title of Paper	Brexit Contingency Planning
Presented By	DCC Will Kerr, Local Policing
Recommendation to Members	For Discussion
Appendix Attached	No

PURPOSE

The purpose of this paper is to provide Scottish Police Authority (SPA) with an update on the contingency planning underway in Police Scotland, in preparation for the United Kingdom’s departure from the European Union on the 31st December 2020.

Members are invited to discuss the content of this paper.

1. BACKGROUND

- 1.1 On 29 March 2017, the United Kingdom submitted notification, to the 27 member states of the European Union (EU27), of its intention to withdraw from the European Union (EU) in accordance with Article 50 of the Treaty on European Union.
- 1.2 On 1 January 2020, a transitional period commenced to facilitate negotiations on the nature of the departure and the cessation of all EU primary and secondary legislation being applicable within the UK. The transitional period will conclude on 31 December 2020.
- 1.3 Periods of negotiations have taken place between UK and EU officials over the past 7 months, with the most current round commencing on 17 August 2020. These negotiations have made little progress, with the EU advocating a wide ranging comprehensive treaty, whereas the UK negotiators are proposing a much simpler free trade deal – competition laws and fishing rights appear to be significant points of contention. The chief negotiator for the EU has singled out judicial matters as being an area where some progress has been made with more flexibility being shown on the role of the European Court of Justice.

2. BREXIT CONTINGENCY PLANNING

- 2.1 Police Scotland have continued to make organisational preparations for the end of the transitional period, whilst co-ordinating arrangements on behalf of the wider Resilience Partnership.
- 2.2 On 5 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.
- 2.3 The revised RWCS planning assumptions have now been received and shared across all members of the Resilience Partnership to assist in the development of plans, preparations and mitigations. The key headings contained within the planning assumptions, are:
 - COVID-19;
 - Concurrent Events;
 - Economic Instability;
 - Commercial Failure;
 - Capacity Challenge – Health and Social Care
 - Disruption to Supply Chains;
 - Border Disruption;
 - Downstream Energy Supply;

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- Maritime Security, including Fisheries;
 - Public Disorder;
 - Law Enforcement, including information and data sharing;
 - Disruption to Health Supplies, including reciprocal health care;
 - Workforce Availability.
- 2.4 Police Scotland have maintained a comprehensive organisational Risk Assessment in relation to EU Exit, which is reviewed regularly. A further review is underway, subsequent to the publication of the revised planning assumptions.
- 2.5 The Reasonable Worst Case Scenario of a 'No Deal' Brexit meets both the definition of an Emergency under the Civil Contingencies legislation and a Major Incident, and as such there is a requirement for Police Scotland to implement major incident arrangements supported by a national command structure.
- 2.6 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.
- 2.7 As noted in the Police Scotland EU Exit Risk Assessment, 'Concurrency' has been identified as a significant risk. This has become 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, given that many of their responses are already 'running hot'.
- 2.8 In response to the risks presented by Concurrency, a sub-group of the Strategic Resilience Partnership has been established and has promoted an 'all-risks' approach to the management of concurrent events. This group is developing a framework to assist all agencies,

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including Police Scotland, in their responses to multiple civil emergencies occurring at the same time.

- 2.9 The key area of the framework currently under development is the establishment of an all-risks approach to the co-ordination of a multi-agency response to concurrent risks. This has led to the evolution of the Brexit Co-ordination Centre to become the National All-Risks Co-ordination Centre (NCC), managing the response to EU-Exit, COVID-19 and any other civil emergency that may occur.
- 2.10 The facility will be commissioned and run by Police Scotland on behalf of the wider partnership and will include the following cells:
- Police Operations and Co-ordination Centre (POCC);
 - Multi-agency Co-ordination Centre (MACC);
 - Intelligence and Information;
 - Public Order Command (if required).
- 2.11 Due to the implications of COVID-19, the NCC will operate on a dispersed model across four locations, with virtualised functionality where appropriate. The virtualisation of the MACC presents an opportunity to flex the response, up or down, depending on the prevailing circumstances, without the necessity of bringing partner agencies into a single co-located environment.
- 2.12 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.
- 2.13 Police Scotland have retained the Force's Flexible Response Unit to provide a nationally deployable asset, capable of responding to challenges at short notice. The future of this asset will be subject of review at the conclusion of the D20 period on the 31 March 2021.

3. FINANCIAL IMPLICATIONS

- 3.1 The officers used for the Flexible Response Unit are included within the overall Police Scotland budgeted establishment and there has been no uplift in staff to achieve this.

3.2 Police Scotland will resource the National Co-ordination Centre, comprising 24 members of staff/officers. These officers/staff will also come from within the budgeted establishment.

3.3 All costs directly associated with EU Exit are being captured on a weekly basis.

4. PERSONNEL IMPLICATIONS

4.1 The Flexible Response Unit comprises 225 posts.

4.2 The National Co-ordination Centre comprises 24 posts.

4.3 The Brexit Contingency Team comprises 5 posts.

5. LEGAL IMPLICATIONS

5.1 The Reasonable Worst Case Scenario of a 'No Deal' EU Exit meets both the definition of an 'Emergency' under Civil Contingencies legislation and a 'Major Incident', and as such there is a requirement for Police Scotland to implement major incident arrangements supported by national command structures.

6. REPUTATIONAL IMPLICATIONS

6.1 Potential reputational implications have been considered and plans are being compiled to mitigate them.

7. SOCIAL IMPLICATIONS

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

8. COMMUNITY IMPACT

8.1 Police Scotland continues to monitor the 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 the EU Exit 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 No environmental implications have been identified, to date.

RECOMMENDATIONS

Members are invited to discuss the content of this paper.