



# Risk Register

|                      |            |
|----------------------|------------|
| <b>Date</b>          | 26/05/2015 |
| <b>Risk Status</b>   | Open       |
| <b>Business Unit</b> | BTPA       |

# BTPA

## 1 BTPA Strategic Risk

| Risk Ref | Risk Title   | Cause & Effect   | Inherent Risk Priority  | Existing Controls   | Residual Risk Priority  | Action Required  |
|----------|--|--|-------------------------|---|-------------------------|--|
| ASR 63   | EPSA contracts not signed  | <p><b>Cause &amp; Effect:</b><br/>EPSA contracts not signed. This could lead to a:</p> <p>Loss of revenue<br/>Reduction in manpower<br/>Reduction in performance</p> | <p>3 2<br/>Moderate</p> | Regular liaison between the area leads and the Authority to assess progress and provide assistance when required. | <p>3 2<br/>Moderate</p> | Update 26 February 2015: Working is continuing on the new HS1 agreement. A draft agreement should be able to be shared with DfT shortly after the meeting being held on the 4 March. The Authority has been notifying the Division of forthcoming expiry dates so that they can liaise locally with the operators to discuss the future of the agreements. |
| ASR 70   | Lack of management and late notification of expiring EPSA during the next 12 months. | <p><b>Cause &amp; Effect:</b><br/>Lack of management and late notification of expiring EPSA during the next 12 months.<br/>This could lead to a:</p>                 | <p>2 3<br/>Moderate</p> | Control 1: Informing the Divisions of forthcoming expiry dates of EPSA.   | <p>2 2<br/>Moderate</p> |  |

**Risk Owner:**  
**Charlotte Vitty**

**Last Updated:**  
**10/04/2015**

Loss of revenue  
Reduction in manpower  
Reduction in performance

Control 2:  
Informing the  
Divisions of  
forthcoming  
franchise changes  
and the effected  
EPSAs.

This a new risk added to the register by the Finance Director. There is currently a number of EPSAs at risk due to refranchising or forthcoming expiry dates during the 2015/16 financial year. The Income and Compliance Manager has been notifying and liaising with the Divisions of forthcoming contract end dates and providing assistance in drafting the new agreements when required.

|        |   |   |                                |  |                                |  |
|--------|---|---|--------------------------------|--|--------------------------------|--|
| ASR 64 | <p>Legislative Anomalies</p> <p><b>Risk Owner:</b><br/><b>Andrew Figgures</b></p> <p><b>Last Updated:</b><br/><b>10/04/2015</b></p> | <p><b>Cause &amp; Effect:</b><br/>BTP has identified a number of legislative anomalies</p> <p>that, by interpretation, do not recognise BTP as a police force or the Chief Constable as a 'Chief Officer of Police'.</p> <p>This has an adverse operational impact and can prevent BTP from fulfilling statutory duties as required by the Railways and Transport Safety Act.</p> <p>(Risk Raised 18 February 2013)</p> | <p>2 3<br/><b>Moderate</b></p> | <p>Legislative Anomaly 1. Road Traffic Act 1988</p> <p>Action directed by Audit Committee following initial entry on BTP SRR. BTPA have required that a specific description of likely risk costs should be included in risk assessment when escalated. The risk entry should highlight the financial impact of any potential claims resulting from unlawful use of powers, and the strategic risk issues associated with being unable to effectively enforce legislation to offences committed at level crossings.</p> <p>In progress: The Anti-Social Behaviour, Crime and Policing Bill</p> | <p>2 3<br/><b>Moderate</b></p> | <p>Action 1: Raise awareness and engage with legislators, the Home Office and DfT to ensure that the status of BTP receives due recognition</p> <p>The issue of anomalous legislation and its impact on BTP was raised at a meeting between BTP/BTPA and DfT in April 2013. Broad agreement was that specific risks should be escalated through the existing meeting structure for DfT to address on a priority led basis. This supports the direction of Audit Committee that the specific concerns in relation to S172 of the Road Traffic Act be escalated to the BTPA Strategic Risk Register (see action 3).</p> <p><b>Person Responsible:</b><br/><b>Andrew Figgures</b></p> |
|--------|---|---|--------------------------------|--|--------------------------------|--|

was included in the Queens Speech which sets out the legislative programme for 2013-14. The Bill includes specific measures that will allow BTP to license Authorised Firearms Officers in the same way as territorial police forces.

On-going :  
Inspector Dixon has been assigned to review the full profile of anomalous legislation as it impacts on BTP's ability to fulfil its mandate to provide a policing service for the rail network. This work is on-going and will be structured to allow key priorities to be easily identified.

**To be implemented  
by: 31/03/2016**

## 1 BTPA Strategic Risk

| Risk Ref | Risk Title  | Cause & Effect  | Inherent Risk Priority     | Existing Controls   | Residual Risk Priority     | Action Required  |
|----------|---|---|----------------------------|---|----------------------------|--|
| ASR 66   | <p>Pension strategy -new strategy not being agreed</p> <p><b>Risk Owner:</b><br/><b>Charlotte Vitty</b></p> <p><b>Last Updated:</b><br/><b>28/05/2015</b></p> | <p><b>Cause &amp; Effect:</b><br/>Pension Strategy - the new strategy not being agreed nor there being any process to gain agreement of the new strategy before 1 April 2015.</p> <p>This could lead to:</p> <p>Staff papers not being implemented on time.</p> <p>Additional costs being incurred due to non-compliance with HMT requirements.</p> | <p>2 3</p> <p>Moderate</p> |   | <p>2 3</p> <p>Moderate</p> | <p>Action 1:<br/>Consultations taking place with all interested parties concerning the options.<br/><b>Person Responsible:</b><br/><b>Charlotte Vitty</b></p> <p><b>To be implemented by: 30/04/2015</b></p> |
| ASR 67   | <p>Challenge to 2013/14 Actual charges</p> <p><b>Risk Owner:</b><br/><b>Charlotte Vitty</b></p> <p><b>Last Updated:</b><br/><b>28/05/2015</b></p>             | <p><b>Cause &amp; Effect:</b><br/>PSA holders could have reason to initiate a challenge to the Authority upon receipt of the actual PSA charges if they believe they have been over charged.</p>  | <p>2 3</p> <p>Moderate</p> | <p>Full analysis of the actual charges to ensure that any changes are fully understood and can be articulated to the PSA holders in a meaningful way.</p> | <p>2 3</p> <p>Moderate</p> | <p>Currently there has been no formal legal challenge made, but a very small number of the PSA holders have requested a review of their crime records used within the model.</p>                             |

This could lead to:

Loss of revenue

Adverse impact on BTPA's reputation

The Finance Director has had a number of meetings with the operators to explain the charges as this was the first year the model was re-run to calculate actual charges.

The risk closure data has been updated to May'15 to allow for all of the meetings to be held and the queries raised responded to.

**Person Responsible:**  
**Charlotte Vitty**

**To be implemented by: 30/05/2015**

## BTPA

### 1 BTPA Strategic Risk

| Risk Ref | Risk Title  | Cause & Effect  | Inherent Risk Priority | Existing Controls                                     | Residual Risk Priority | Action Required   |
|----------|---|---|------------------------|---|------------------------|---|
| ASR 68   | Emergency Services Mobile Communication Programme | <b>Cause &amp; Effect:</b><br>BTP not being provided the funding for the transition from Airwave to ESMCP | 2 2<br><b>Moderate</b> | Engagement with DfT, Home Office and other government | 2 2<br><b>Moderate</b> | Action 1: The Authority is currently drafting an information brief to |

**Risk Owner:  
Andrew  
Figgures**

**Last Updated:  
10/04/2015**

due to BTP's different funding arrangements. –

This could lead to increase in costs arising from transitioning from Airwave to ESMCP.

Escalated from the BTP Strategic Risk register (DCR4)

departments who are involved.

inform the Justice Department concerning the impact on BTP.

This is a new risk added following the December 2014 Audit & Risk Assurance Committee. The overall financial impact is unknown as the Authority and BTP would need to assess the resource impact on support functions across BTP. Once more clarity is available the Authority should be able to model the potential impact on the PSA holders.

ASR 69

The transfer of functions from BTP Scotland to Police Scotland leads to an increased overhead charge for the PSA holders

**Risk Owner:  
Andrew  
Figgures**

**Cause & Effect:**  
Following the publications of the Smith commission report the Authority will need to work with the Scottish Government to develop a model that supports the proposal to evolve the function to the Scottish

4 3  
High

4 3  
High

**Person  
Responsible:  
Andrew Figgures**

**To be implemented  
by: 31/03/2016**

**Last Updated:  
28/05/2015**

Government.  
Dependant on the  
chosen model  
additional work will  
be required with all  
parties involved  
along with  
assessing its  
impact on the  
Authority.

## BTPA

### 1 BTPA Strategic Risk

| Risk Ref | Risk Title   | Cause & Effect  | Inherent Risk Priority | Existing Controls  | Residual Risk Priority | Action Required  |
|----------|--|---|------------------------|--|------------------------|--|
| ASR 71   | Abolition of contracted-out of State Second Pension<br><br><b>Risk Owner:<br/>Charlotte Vitty</b><br><br><b>Last Updated:<br/>10/04/2015</b> | <b>Cause &amp; Effect:</b><br>As a result of the Pension Bill 2013-14, Authority and in-service members will be required to pay the full rate of NI Contributions from April 2016.<br><br>Currently the |                        | Engagement with the necessary parties to implement a strategy. |                        | Action 1.<br>Consultation with the actuaries on the options available regarding implementation of single tier flat rate State Pension.<br><br>Action 2.<br>Consultation with |

Authority and in-service members pay a reduced rate of NI Contributions as a result of contracting out of the State Second Pension (S2P).

-The new strategy not being agreed nor there being any process to gain agreement of the new strategy before 6 April 2016. BTPA would therefore have to pay the full cost.

Additional costs being incurred due to non-compliance with HMT requirements.

solicitors concerning legal implications of the options available.

ASR 72

Current number of members

**Risk Owner:**  
**Charlotte Vitty**

**Last Updated:**  
**27/05/2015**

**Cause & Effect:**

The current chairman of BTPA has submitted her resignation and her final day of Authority Membership will be 14 August 2015.

The current number

3 3

Moderate

3 3

Moderate

Action 1. DfT to appoint at least two new members with effect from 14 August 2015 to reach the minimum quorum of 11. BTPA to retain contact with DfT in order to get regular updates and offer support

of Members including the Chair is 10. The quorum of Members required by the Railway & Transportation Safety Act 2003 is an odd number and minimum of 11 (maximum 18)

Consequently the number of members is below the minimum number required (11) and BTPA will be without a Chair.

There could be delays in appointing a new chairman and members.

This could also have an adverse impact on BTPA's ability to fulfil its governance requirements.

where possible during the recruitment process.

Action 2. DfT to assign office of Chair of BTPA to Member.