

**Report to:** Authority  
**Agenda item:** 8  
**Date:** 26 January 2017  
**Subject:** Scotland Project  
**Sponsor:** Scotland Project Manager  
**For:** For information

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## 1. Purpose of paper

1.1 Members have requested regular updates on the Scottish Government's plans to integrate the D Division into Police Scotland. Members are asked to note the draft delivery timetable and emerging risks and how the BTPA and BTP are providing support to the programme.

## 2. Background

2.1 The joint programme overseeing the transition continues to gather information from the workstreams that will inform the transition. The Joint Programme Board meets to consider progress on the 30<sup>th</sup> January.

2.2 The Transport Policing (Scotland) Bill was published on 9 December. The deadline for requests for evidence from the Justice and Finance Committees of the Scottish Parliament are 31 January and 3 February respectively.

## 3. Delivery timetable

3.1 Although the Joint Programme Board has not yet signed off detailed delivery plans, the Scotland Project Manager has mapped the key upcoming tasks for each workstream. These are summarised at annex A which also gives an indication of the detailed work that BTP/ BTPA may need to undertake over the transition period in order to secure the best outcomes and minimise costs.

3.2 There are a number of key milestones that we need to prepare for. In particular members should note the Scottish Government plans to lay secondary legislation in the autumn. This means that a significant amount of the policy thinking around many of the key areas will need to be significantly advanced by March/April 2017 to facilitate drafting of the secondary legislation.

### 3.3 Immediate priorities for the project are to:

1. Undertake detailed review of the likely residual overhead costs figure for 2015/16 and agree a strategy for any reductions;
2. Commence scoping work to review the charging allocation model in the light of both Scottish integration and the DfT's recent announcement on the need for Network Rail and TOCs to work more closely together;
3. Undertake and audit of asset and liabilities and associated costs as part of close down of process for 16/17 accounts.; and
4. To press the Scottish Government firmly for more clarity on their proposed approach on the pensions and workforce workstreams.

## 4. Management of Risk

- 4.1 Annex B provides an initial schedule of headline risks. As the programme delivery plans are firmed up we will continue to schedule and develop these to identify the key strategic risks and the controls and actions that need to put in place.
- 4.2 We have put these risks into two categories - those which take effect before transition (i.e. how BTP deliver operations in Scotland up until the handover), and those that might arise post-transition (essentially those that pose a risk to the continued operations in England and Wales). It is clear that the risks from the Scotland project are not standalone and so the annex indicates where a risk exacerbates an existing strategic risk.

## 5. Project approach.

- 5.1 The delivery landscape is complex requiring a programme of secondary legislation in both Parliaments in addition to the Transport Policing (Scotland) Bill.
- 5.2 Subject to enactment of the Bill, Scottish Ministers will need to take secondary legislation through the Scottish Parliament to set up the detailed arrangements in Scotland and give the BTP jurisdiction to exercise their powers within Scotland.
- 5.3 DfT Ministers will take secondary legislation through the UK Parliament using s104 of the Scotland Act, effectively giving Police Scotland any necessary powers in England. The same orders will need to address all of the issues arising from the transfer of functions - including the transfer of staff, pensions, property, and liabilities; contract termination, modification or novation and PSA termination or modifications.

- 5.4 The UK Government, Scottish Government, the Advocate General for Scotland and the clerks at the Scottish Parliament agree that Scotland Act is the appropriate vehicle. DfT have given assurances that s104 can pick up jurisdiction issues.
- 5.5 Finally for the transfer of property and liabilities, S80 of the Scotland Act allows for an Order in Council to be made-subject to scrutiny in both Parliaments and approval by the Privy Council.
- 5.6 Given the complexity and interdependencies, the work will be will be overseen and decisions taken by the joint programme board chaired by DfT/ SG, which the BTP will attend on 30<sup>th</sup> January. To manage the work we have identified executive team leads in the BTPA and are currently identifying leads in the BTP. In addition we are establishing a joint internal board to oversee the BTP/ BTPA input into the project and report back to the Authority.