

Emergency planning



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This briefing, the twenty-fourth in our Policy Briefing series, looks at national and local policy around emergency planning – the organisations who are involved, how and when emergency plans are adopted and reviewed, and the governance of these arrangements. It suggests ways in which scrutiny can be involved and highlights examples of scrutiny reviews which relate to the topic.

Contents

1. Introduction
2. The Civil Contingencies Act and requirements placed on particular bodies
3. National responsibilities
4. Local Resilience Forums and other local issues
5. Implications for scrutiny
6. Examples of scrutiny work

1. Introduction

What is an emergency and what is emergency planning?

1.1 An emergency is defined in section 1 of the Civil Contingencies Act 2004. It is:

- (a) an event or situation which threatens serious damage to human welfare in a place in the United Kingdom;
- (b) an event or situation which threatens serious damage to the environment of a place in the United Kingdom;
- (c) war or terrorism, which threatens serious damage to the security of the United Kingdom.

- 1.2 The Act further defines the meanings of “human welfare” and “serious damage to the environment” – the definitions are relatively wide.
- 1.3 In practical terms the following kinds of events or situations over the past few decades have been, or could be, treated as “emergencies”:
 - Major disasters such as Aberfan;
 - Maritime disasters, such as the Marchioness, the MV Braer and the MSC Napoli;
 - Rail disasters and accidents such as those at Moorgate, Potter’s Bar, Hatfield and Clapham Junction;
 - Fires and explosions, such as Piper Alpha, Abbeystead, the King’s Cross fire and the Buncefield disaster;
 - Environmental emergencies, such as the Severn Estuary flooding, flooding in the North East or the severe winter weather in 2009/10 and 2010/11;
 - Terrorist attacks (such as the IRA’s mainland bombing campaign and the 2005 London bombings);
 - Infectious diseases – both animal (such as the foot and mouth outbreak in 2001) and human (the 2013 measles outbreak in South Wales).

Who “does” emergency planning?

- 1.4 As a discipline, emergency planning is the process by which these kinds of incidents can be prevented, and if they occur, their effects mitigated. Effective emergency planning also looks at secondary impacts of emergencies (for example, engagement with the press). At its heart this process is based on accurate assessments of risk – understand where risk occurs both in preventing emergencies and in dealing with them.
- 1.5 Emergency planning professionals at local level have a legal responsibility for developing and reviewing plans for dealing with emergencies. This often sits alongside their approach to business continuity – plans that local partners put in place to make sure that, in the event of an emergency, key public services can still be delivered.
- 1.6 Organisations required to develop emergency plans, or who have a stake in responding to and managing emergency situations, are classified by the Civil Contingencies Act into two categories. The respective responsibilities of organisations in these categories are explained below.

2. The Civil Contingencies Act and the requirements placed on different bodies

- 2.1 The law relating to emergency planning was completely overhauled in 2004, with the passage through Parliament of the Civil Contingencies

Act. This Act sought to consolidate a range of previous legislation and guidance into one place. The Act sets out the building blocks for the way that public bodies at national and local level respond to emergencies. It is supplemented by a detailed piece of guidance called “Emergency Preparedness”, which was revised in 2012.

2.2 Part 1 of the Act covers local arrangements for emergency protection. Bodies with a stake in emergency plans are divided into two categories. Category 1 organisations are “first responders” – local authorities, NHS bodies and the emergency services. They have a wide range of responsibilities around contingency planning, which include¹:

- Assessing the risk of an emergency occurring (and using that assessment to modify plans);
- Maintaining business continuity plans;
- Maintaining plans to prevent and mitigate emergencies and to take other connected action;
- Publicising these plans and providing information to the public.

2.3 Category 2 organisations are “co-operating bodies”. They are transport providers (trains, harbours, airports – not buses), utility companies (water, gas and electricity) and the Health and Safety Executive. Until their abolition, Strategic Health Authorities were also Category 2 organisations. These bodies are expected to be involve where emergencies directly relate to their area of services, or where their assistance is otherwise needed as part of a response to an emergency.

3. National responsibilities

3.1 The Civil Contingencies Secretariat (CCS) is a part of the Cabinet Office tasked with the job of ensuring preparedness for emergencies at a national and local level. Feeding into the National Security Council, it is responsible for the National Capabilities Resilience Programme (NCRP), which²:

aims to increase the capability of the United Kingdom to respond to and recover from civil emergencies [...] by building capability to deal with the consequences that are common to most types of emergency, regardless of whether those emergencies are caused by accidents, natural hazards or man-made threats.

3.2 The NCRP is divided into 22 workstreams.

- Two “structural” workstreams (central response, and local resilience);

¹ The following is a summary. The full list can be found at s2(1) of the Act

² <https://www.gov.uk/preparation-and-planning-for-emergencies-the-capabilities-programme>

- Eight “functional” workstreams, which each look at specific types of emergency. One of these relates to flooding. Each workstream is led by the relevant Government department for the functional area;
 - Six “supporting” workstreams which reflect likely needs in any kind of emergency, such as telecommunications and humanitarian assistance;
 - Six “essential services” workstreams, which each focus on the risks associated with the loss of capability of services such as healthcare, telecoms and transport.
- 3.3 The Resilience and Emergencies Division (RED) in the Department for Communities and Local Government is responsible for liaison with local authorities, and local resilience forums.
- 3.4 The CCS is responsible for formulating and updating the National Risk Register³. The Risk Register is intended to be used as a starting point for local planners to assess how likely specific risks are for their own area, and the impact on that area⁴. Emergency planners are advised to cross-reference the national risk assessment with local information collected and published by Local Resilience Forums (see below).
- 4. Local Resilience Forums, fire and rescue authorities and emergency response in local areas**

Local Resilience Forums

- 4.1 All those with a stake in emergency planned (ie, all Category 1 and 2 organisations) come together to form Local Resilience Forums⁵. Their role is set out in detail in regulations and guidance, including:
- The Civil Contingencies Act 2004 (Contingency Planning) Regulations 2005⁶;
 - The National Resilience Capabilities Programme;
 - Guidance on Emergency Response and Recovery⁷
- 4.2 LRFs are partnerships, rather than formal legal bodies, but they do have statutory responsibilities under the Act and Regulations. These requirements, and suggested further activities, are set out in guidance

³ “National Risk Register of Civil Emergencies” (Cabinet Office, 2012)
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/61929/CO_NationalRiskRegister_2012_acc.pdf

⁴ Ibid, para 1.17

⁵ Contact details for all Local Resilience Forums can be found at <https://www.gov.uk/local-resilience-forums-contact-details>

⁶ <http://www.legislation.gov.uk/ukxi/2005/2042/contents/made>

⁷ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/61047/Emergency-Response-Recovery-24-7-12.pdf

issued by the Cabinet Office in 2011⁸. Their geographical area of responsibility is contiguous with that of police force areas.

- 4.3 Essentially, one of the main duties of LRF are to make assessments of risk, and to use those assessments to draft and amend emergency plans for the area. Partnership working and the sharing of information is critical to this exercise, as are the preparation of plans for business continuity in the event of an emergency – both among partners themselves, and in the community at large.
- 4.4 These formal responsibilities are placed on Category 1 responders only. Category 2 responders are to be invited to attend LRF meetings as appropriate.

Fire and rescue authorities

- 4.5 Fire and rescue authorities play a prominent role in LRFs. They are responsible for directing the policy and activities of fire brigades. Attempts have been made in the past to reduce the number of fire and rescue authorities, or to regionalise some of their activities. However, the most recent of these plans was scrapped in 2010⁹, with six major regional fire control centres around England being mothballed following their construction. This decision was a byproduct of the decision not to force mergers of fire authorities.
- 4.6 In July 2012 the Government published its Fire and Rescue National Framework for England¹⁰. This document sets out particular responsibilities for fire and rescue authorities, which include:
- Identifying and assessing risks, by using an integrated risk management plan, which must contain a “gap analysis” to tackle areas where capability might be weak;
 - Protect against and prevent these risks from coming about, by working closely with partners and with the public;
 - Putting in place systems to respond to incidents, including interoperability with neighbouring fire and rescue services;
 - Providing resilience, again through close joint working locally, and through working with national structures.
- 4.7 A key theme throughout the National Framework is the need to assure accountability and transparency – including the need to open up decision making to challenge and scrutiny. All fire and rescue

⁸ “The role of local resilience documents: a reference document” (Cabinet Office, 2011), https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/62277/110404-v5-Final-Role-of-an-LRF-A-Reference-Document.pdf

⁹ <http://www.nao.org.uk/report/the-failure-of-the-firecontrol-project/>

¹⁰ Published by the Department for Communities and Local Government under the terms of section 21 of the Fire and Rescue Services Act 2004, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5904/nationalframework.pdf

authorities are now required to satisfy themselves that they have in operation a level of scrutiny that communities expect (they are therefore not required to operate a separate overview and scrutiny function). Authorities also need to have a scheme in place to offer assurance on financial, governance and operational matters, as part of their responsibilities to demonstrate their action to minimise risks under their integrated risk management plan.

- 4.8 The need to establish robust local arrangements for scrutiny, assurance and good governance comes in part as a result of the decision by the Government to abolish national performance monitoring for fire and rescue authorities.
- 4.9 In May 2013, the Government published a report by Sir Ken Knight, who it had commissioned to look at the possibility of increased efficiencies within the 46 existing fire and rescue authorities. Sir Ken suggested a solution that falls short of calling for outright mergers between authorities (given the lack of local appetite for such moves), but does call for far more co-operation to save money, which may need to happen “at the expense of customisation”. Authorities have also been encouraged to adopt “lean” governance arrangements (such as shared management teams)¹¹. It is likely that given this report, some changes can be expected to the way that fire authorities in England operate.

Bellwin Schemes

- 4.10 The activation of a Bellwin Scheme allows the Government to make available emergency financial assistance to local authorities¹². Broadly speaking schemes are designed to deal with incidents of bad weather. To be eligible an authority needs to have spent more than 0.2% of its budget on an emergency (ie this spending needs to be over and above what Government would expect a council to set aside for this purpose). Where a claim is eligible Government will pay 85% of the total expenditure.
- 4.11 Qualifying expenditure is set out in Government guidance and covers expenditure around, and in the immediate aftermath of, emergency and major incidents, including staff overtime and temporary facilities such as mortuaries. Capital expenditure will generally not be eligible for reimbursement.
- 4.12 Bellwin schemes have been activated in numerous instances in recent years, almost always in response to severe weather events. There are

¹¹ Facing the future: findings from the review of efficiencies and operations in fire and rescue authorities in England” (Sir Ken Knight, 2013)
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/200092/FINAL_Facing_the_Future_3_md.pdf

¹² Under the terms of s155 of the Local Government and Housing Act 1989.

two exceptions – the Buncefield explosion and fire in 2005 and the riots in August 2011.

The Pitt Review and flooding

- 4.13 In response to the major estuarine flooding in the west of England in 2007 the Government established the Pitt Review¹³, to examine how local authorities and their partners should plan to manage and mitigate future floods.
- 4.14 The review had a great deal to say about co-ordination between different agencies, and recommended a leading role for local government. It also recommended a key role for overview and scrutiny, to review flood risk plans and to ensure that those reviews were submitted to the Environment Agency. It suggested that such reviews be undertaken on an annual basis.
- 4.15 The Government incorporated most of the Pitt recommendations into primary legislation via the Flood and Water Risk Management Act 2010¹⁴. Specific requirements for oversight from scrutiny committees were incorporated via the Local Democracy, Economic Development and Construction Act 2009, and were reaffirmed in the Localism Act 2011¹⁵.
- 4.16 There is no requirement for scrutiny committees to review flood risk management plans on an annual basis, but the Act does give them power to request information and make recommendations to risk management authorities. This description includes lead flood authorities (usually a county or other upper tier council), district councils, the Environment Agency, local highways authorities, water companies, and internal drainage boards¹⁶. Other partners who sit on Local Resilience Forums, or other partnership bodies, are not explicitly included.

5. Implications for scrutiny and examples of scrutiny work

Links with other forms of accountability

- 5.1 Across England and Wales (but not in London), the police will have a significant stake in emergency planning, as will fire and rescue

¹³ “Learning Lessons from the 2007 Floods,” (Michael Pitt / Defra / Cabinet Office, 2007), http://webarchive.nationalarchives.gov.uk/20100807034701/http://archive.cabinetoffice.gov.uk/pittreview/ /media/assets/www.cabinetoffice.gov.uk/flooding_review/pitt_review_full%20pdf.pdf

¹⁴ The full Government response to the review can be found at <http://archive.defra.gov.uk/environment/flooding/documents/risk/pitt-progress091215.pdf>

¹⁵ The relevant statutory provisions can be found in s9FH of the Local Government Act 2000 (as amended by the 2011 Act).

¹⁶ See Annex A, “Co-operation and requesting information in flood and coastal erosion risk management: statutory guidance on the implementation of the Flood and Water Management Act 2010 sections 13(1) and 14 in England” (Defra, 2011), <http://www.official-documents.gov.uk/document/other/9780108510373/9780108510373.pdf>

authorities. These organisations have their own accountability arrangements:

- Policing – Chief Constables are accountable to Police and Crime Commissioners, who are themselves accountable to Police and Crime Panels. Both PCCs and PCPs are likely to have a stake in understanding emergency planning insofar as it impinges on policing responsibilities. Where scrutiny wishes to examine performance in the aftermath of major events, liaison with these other people and organisations will be necessary to prevent unnecessary duplication.
- Community Safety Partnerships – these partnerships are held to account by local scrutiny committees; many of their members will represent organisations who are Category 1 organisations on Local Resilience Forums, and a number of responsibilities may cut across all bodies. The risk of duplication is a particularly consideration in two-tier areas, as LRFs are designed to be coterminous with Force areas (which, in many areas, are themselves coterminous with county boundaries) but CSPs are coterminous with district boundaries;
- Fire and Rescue Authorities – these bodies are made up of local councillors and are responsible for directing the strategy of fire and rescue services. They are required to demonstrate that they have robust internal systems for scrutiny; some authorities, but not all, have established separate scrutiny committees to carry out this work.

5.2 In London, authorities considering reviews of emergency planning will need to consider the role of the Mayor, the Deputy Mayor for Policing and MOPAC, the London Assembly Police and Crime Committee and the London Fire and Emergency Planning Authority (LFEPA).

Particular opportunities for scrutiny

5.3 There are a number of ways in which scrutiny can investigate emergency planning issues, and feed into the activities of partners who are planning for emergencies. The most obvious of these relates to flooding.

5.4 In all instances, as with any topic, scrutiny should focus on the eventual outcomes for local people. The scrutiny of issues – particular policy areas and impacts – will be of more value than scrutiny of a particular partner, or scrutiny of partnership structures.

5.4 Flooding - Scrutiny has particular powers to investigate flood risk management, arising from the Pitt Review (see above). The Pitt review suggested an annual review of flood risk actions being undertaken by local partners. Given resourcing constraints experienced by many authorities this could be carried out by an analysis, by the chair and supported by scrutiny officers (where they exist) of risk management

plans, with a subsequent oral hearing being used to highlight areas of concern, should any exist. The opportunity could be taken to link the scrutiny of flood risk management to the wider work of Local Resilience Forums, to ensure effective co-ordination – particularly on risk planning.

- 5.5 Effective partnership working and communication – a range of local organisations are required, under the Civil Contingencies Act and the Flood and Water Risk Management Act 2010, to work together to tackle the risk of emergencies. Given the potential complexity of the relationship between these bodies, scrutiny can add value by looking at the strength and resilience of partnership working – for example, by looking at a particular LRF workstream, or an area of a wider local policy that is of particular importance, in which emergency planning partners have a significant stake. Concerns around partnership working can be highlighted to scrutiny by problems in co-ordinate of LRF, or other emergency planning, activity that reveals itself through scorecards or delays in the production of documents or plans (or documents or plans that seem to lack rigour).
- 5.6 Effective assessment of risk – below, we explain more about the particular skills involved in assessing risk. This can be a useful exercise, tied to more substantive work on a wider policy area, or as a standalone review of a draft strategy for risk management (such as the requirements imposed by the 2004 and 2010 Acts). Scrutiny can challenge assumptions made about strategic risks, analyse and critique the evidence base, and draw in additional evidence from other sources to make the development of that strategies more robust.
- 5.7 Learning lessons from recent local incidents – scrutiny can come into its own in the immediate aftermath of a major incident. Many of the examples of scrutiny reviews on emergency planning issues look at such incidents – reviews of winter weather responses, and responses to flooding, for example. Scrutiny offers an independent forum to bring together a number of different agencies to consider what went well, and what lessons can be learned for planning in the future. Importantly, an open process like this – as opposed to a closed, officer-led review – allows public views to be taken fully into account.
- 5.8 Translating national policy, directions and experiences into local action – there is significant prescription about how local authorities and their partners should go about developing emergency plans. Scrutiny can evaluate the extent to which local action mirrors requirements set out on the national stage, and can help officers to understand and act on their responsibilities.
- 5.9 Developing an understanding of risk - Unquestionably, key to the effective scrutiny of emergency planning issues is an acute and comprehensive understanding of risk. Councillors will need to be confident that they understand not only how the council and its partners

make judgments on risk, but they will also need information at hand that will allow them to challenge these calculations and assumptions.

- 5.10 An understanding of risk is vital to scrutiny of other topics too. Authorities could use the scrutiny of emergency planning – where risk is central to planning and delivery – as a convenient and effective means to introduce scrutiny members to risk as a concept, with a view to using these skills to explore other related and unrelated topics.

6. Examples of scrutiny work

- 6.1 In 2007 CfPS published a Library Monitor which looked at scrutiny reviews of flooding, which can be found at <http://www.cfps.org.uk/publications?item=197&offset=175>.
- 6.2 The following is a list of other authorities which have carried out work on a variety of issues relating to emergency planning. It is not exhaustive. Recommendations of all reviews were implemented in full unless stated otherwise.
- 6.3 Bexley – emergency planning (2010) – this short review involved scrutiny being given drafts of several emergency planning documents to consider – scrutiny suggested additions relating to plans for communicating with vulnerable people in the event of an emergency. (<http://www.bexley.gov.uk/CHttpHandler.ashx?id=10489&p=0>)
- 6.4 Devon – flooding (2009) – this review looked at the steps that the council was undertaking to implement the Pitt review of flooding – it made a number of recommendations, particularly in relation to planning, risk management and communication. The report's recommendations were incorporated into the authority's 2011 flood planning documents. (http://www.devon.gov.uk/flooding_report_final.pdf)
- 6.5 Devon – winter maintenance (2010) – Devon made a combination of strategic and operational recommendations for improving the council's response to winter maintenance (particularly around gritting and road clearance). It made particular recommendations on the co-ordination of responses, and responsibility for road clearance, with town and parish councils. (<http://www.cfps.org.uk/library?item=6491&offset=700>)
- 6.6 Essex – COMAH sites (2013) – Essex looked at COMAH sites, those where there were particular hazards due to material being used or stored there (such as oil storage depots or similar facilities). The review specifically did not look at the resiting of such facilities, but it did recommend more effective communication with the public on risk plans, in the interests of community resilience. (<http://cmis.essexcc.gov.uk/essexcmis5/CalendarofMeetings/tabid/73/ctl/ViewMeetingPublic/mid/410/Meeting/2735/Committee/85/SelectedTab/Documents/Default.aspx>)

- 6.7 Gloucestershire – flooding (2011) – this review resulted in a significant change to the Environment Agency’s approach to consultation over flood management plans, particularly around communication with parish councils.
(<http://glostext.gloucestershire.gov.uk/documents/s6082/A%20I%204%20Final%20report%20091211.pdf>)
- 6.8 Middlesbrough – winter maintenance (2010) – this review resulted in recommendations to develop a co-ordinated winter weather management plan across the whole council, and to liaise with others in the geographical area for a wider co-ordinated response. It also made some particular operational recommendations around snow clearance in Middlesbrough town centre. Full implementation of all recommendations was not confirmed under 2012, as a result of a council reorganisation
(<http://cfps.org.uk/domains/cfps.org.uk/local/media/library/wintermaintenance.pdf>)
- 6.9 South Staffordshire – emergency planning (2010) – this review focused mainly on flooding, recommending more robust business continuity arrangements for the council and better links with non-Staffordshire authorities on cross-border responses to emergencies.
(<http://cfps.org.uk/library?item=6501&offset=25>)
- 6.10 Surrey – winter maintenance (2011) – scrutiny decided to look at the issue following high public dissatisfaction and with a view to improving matters in advance of winter 2011/12. Councillors sought to understand the answers to some basic questions – such as the council’s statutory responsibilities around highways maintenance, the purpose and location of grit bins, and following on from this what could be done in practice to reduce the disruption caused by severe winter weather.
- 6.11 West Dorset – emergency planning (2010) – this review benefited from members being able to see confidential planning and risk documents. Key findings related to communications – specifically, effective communications about responsibilities being shared with parish councils, and ward councillors. Recommendations reflected the need for improvements in this area, particularly around awareness at district and county level of resources in local communities that could be called on when emergencies occurred.
(<http://cfps.org.uk/domains/cfps.org.uk/local/media/library/emergencyplanningreportfinalreportforexecutive1doc.pdf>)