

The Improvement Service

ELECTED MEMBER BRIEFING NOTE

Civil contingencies and emergency preparedness



What is the purpose of the Briefing Note series?

The IS has developed an Elected Members Briefing Series to help elected members keep abreast with key issues affecting local government.

Some Briefing Notes will be directly produced by IS staff but we will also publish material from as wide a range of public bodies, commentators and observers of public services as possible.

We will use the IS website and Elected Member e-Bulletin to publicise and provide access to the Briefing Notes. All Briefing Notes in the series can be accessed at <http://www.improvementservice.org.uk/elected-members-development.html>.

This Briefing Note has been produced in conjunction with the Local Authorities Resilience Group Scotland (LARGS), whose purpose is to work together as a specialist resilience stakeholder group to assist in the development of resilience policy at a national level and ensure that all local authorities in Scotland are working to achieve a best practice approach to common issues and standards of working.

Introduction

Elected members have an important role to play before, during and after an emergency. It is important that you are aware of the responsibilities of your council under the Civil Contingencies Act 2004 (CCA) and that you have a good understanding of your role in preparing for, responding to and recovering from emergencies.

The law in this area is contained in the Civil Contingencies Act 2004 (CCA), supplemented by the Contingency Planning (Scotland) Regulations 2005 and “Preparing Scotland” Guidance¹. Taken together the law and guidance provides a consistent and resilient approach to emergency planning, response and recovery - which responders have used to develop good practice.

The Act was brought in after the UK Government undertook a review of emergency planning arrangements following a number of large-scale emergencies around the millennium, including fuel shortages, flooding, Foot and Mouth Disease and the rise of global terrorism.

The Act placed new duties and responsibilities on organisations. It defines an emergency as:

- an event or situation which threatens serious damage to human welfare;
- an event or situation which threatens serious damage to the environment;
- war, or terrorism, which threatens serious damage to the security of the UK.

The Act divides responders to an emergency into two categories, depending on the extent of their involvement in civil protection work.

Category 1 Responders

These are the organisations at the core of an emergency response.

- Local authorities
- Police (including British Transport Police)
- Fire and Rescue Services
- The Scottish Ambulance Service
- National Health Boards
- The Scottish Environmental Protection Agency (SEPA)
- Maritime and Coastguard Agency

¹ For information on all aspects of emergency preparation, response and recovery, plus links to the Preparing Scotland guidance - visit www.readyscotland.org

Local authorities are a highly significant Category 1 responder and have a key role to play in planning for an emergency, responding to an emergency and supporting the long-term recovery following an emergency.

These ‘Category 1’ responders, are subject to six duties:

1. Carry out a risk assessment and contribute to the development of a regional Risk Preparedness Assessment and a Community Risk Register.
2. Plan for emergencies, including training and exercising.
3. Ensure robust business continuity arrangements are in place to maintain service delivery.
4. Ensure arrangements are in place to warn & inform the public both before and during emergencies.
5. Co-operate with partner agencies.
6. Share information with partner agencies.

In addition to these, councils have an additional statutory duty:

7. To promote business continuity to local businesses and the voluntary sector.

In addition to formal statutory duties there is an increasing recognition that responders (local authorities in particular) need to draw on the resources and abilities of their communities to help prepare for, respond to and recover from emergencies as effectively as possible.

This is known as community resilience (and can be defined as “communities and individuals harnessing resources and expertise to help themselves prepare for, respond to and recover from emergencies, in a way that complements the work of the emergency responders”). Elected members can play a key role in encouraging an innovative approach. Guidance on many aspects of personal and community resilience can be found at Ready Scotland.

Category 2 Responders

These are organisations which, although not ‘primary’ responders, could potentially have a significant role. They include:

- Utilities (Scottish Water, gas and electricity distributors and telecommunications companies)
- Transport (airport operators, railway operators, Network Rail, roads companies, Transport Scotland)
- Harbour authorities
- Health and Safety Executive
- NHS National Services Scotland

Category 2 responders have statutory duties to co-operate and to share information with Category 1 responders in the planning and response to major emergencies.

Regional Resilience Partnerships

Your council will be part of a Regional Resilience Partnership (RRP) of which there are three in Scotland based on the three Police Scotland hubs. They bring the organisations involved in dealing with emergencies together to plan for, and respond to, all kinds of emergencies. These multi-agency groups are usually chaired by the most senior police officer and this may be the Assistant Chief Constable, or a council Chief Executive. They have robust plans in place to respond to all kinds of events, which are regularly tested in joint exercises and during real emergencies.

These partnerships have improved local cooperation between councils and emergency response partners and evolved in each area to consider local circumstances. Within each RRP there are a number of Local Resilience Partnerships (LRP's) determined by the RRP's themselves which may be chaired by a local authority.

Your council's Civil Contingencies / Resilience or Emergency Planning staff will be able to provide you with information on how your council's Regional and Local Resilience Partnership can support elected members.

Why does this matter?

Throughout Scotland, people enjoy a quality of life that is underpinned by many essential daily services that we take for granted such as utilities, council activities and emergency services. These services are highly interdependent, and disruption to any one can have serious knock-on implications for others. The disruption of these services can threaten the wellbeing of communities and pose severe threats to industry, commerce and individuals, in particular those who are vulnerable. It also poses a major reputational risk to those organisations and the elected members with responsibility for their performance.

Councils need to consider and plan for the roles of both officers and elected members in emergency response and recovery, and ensure that there are plans and procedures in place to:

1. inform elected members of risks and emergencies;
2. ensure that the public and media receive accurate, relevant and timely information;
3. prevent duplication of effort and unnecessary workload for officers responding to the incident;
4. fulfil it's health and safety responsibilities towards elected members and staff.

The principles that define an emergency in terms of the Act can be summarised as:

- where more than one of your council departments is involved in the response;
- where significant resources are required to respond effectively;
- where specific disruption to public service is incurred;
- where a response over and above day-to-day working practices is required.

There is evidence that where the respective roles of officers and elected members have not been established prior to an emergency, or where agreed roles have been exceeded or disregarded, the coherence of the council's position is undermined. Therefore it is vital for elected members to understand their roles and responsibilities and those of their council as well as having a wider appreciation of community resilience, multi-agency response and the principles of Integrated Emergency Management.

Your council's Civil Contingencies or Emergency Planning/Resilience staff will provide you with guidance on the Civil Contingencies Act 2004, the role of the council as a significant Category 1 responder and your roles and responsibilities as an elected member in emergency response and recovery.

What are the key issues for elected members?

Elected members need to:

- be aware of the responsibilities of their council under the Civil Contingencies Act 2004 (CCA);
- have a good understanding of their role in emergency planning;
- understand how emergency planning and response activities are funded;
- consider what they can do to help build emergency preparedness in their community.

Roles and responsibilities of the council

The principal concerns of the council in the early stages of an emergency include support for the emergency services, support and care for the local and wider community and co-ordination of the response by organisations other than the emergency responders, e.g. the voluntary sector. As time goes on, and the emphasis switches to recovery and the return to normality, the council will take the lead role in co-ordinating the multi-agency management of impacts on local people, the economy, environment and infrastructure.

Your council will have a Civil Contingencies / Resilience or Emergency Planning team, which is responsible for co-ordination of the council's emergency response. This includes alerting and calling out other council officers, agencies and organisations as required and liaising with emergency responders, other agencies, communities and voluntary organisations. This team will be able to provide you with further guidance about the roles and responsibilities of your council in an emergency.

Roles and responsibilities of elected members

As an elected representative and figurehead in your local community, you have an important role to play in emergency planning at each stage of the process - before, during and following an emergency. You should ensure that you are aware of the emergency planning arrangements in your area that enable a successful multi-agency response. Your council's Civil Contingencies or Emergency Planning/Resilience staff should be able to provide you with guidance on your roles and responsibilities before, during and following an emergency.

Funding of emergency planning and response activities

The Scottish Government provides civil contingencies funding for local authority emergency planning activities through Grant Aided Expenditure (GAE).

Under the Local Government (Scotland) Act 1973, local authorities are empowered to incur expenditure when an emergency or disaster involving destruction of, or damage to, life or property occurs, is perceived, or is imminent. Depending on the scale and nature of the emergency the government may make funding available in respect of some expenses. In addition, Part 3 of the Local Government (Scotland) Act 2003 creates a discretionary power that enables local authorities to do anything they consider is likely to promote or improve the wellbeing of their area or the persons in it.

The Bellwin Scheme is a discretionary scheme which exists to give special emergency financial assistance to local authorities that would otherwise be faced with an undue burden as a result of providing relief and carrying out immediate work resulting from large scale emergencies. However, there is no automatic entitlement to financial assistance, as the decision to activate the scheme is taken by Scottish Ministers.

Checklist of key issues elected members need to be aware of

You may find this checklist helpful in highlighting the key issues that you need to be aware of in relation to civil contingencies and emergency preparedness:

- ✓ I have a clear understanding of what is covered by the Civil Contingencies Act (CCA) 2004.
- ✓ I know of the [Preparing Scotland guidance](#).
- ✓ I understand what is meant by an emergency in terms of the CCA.
- ✓ I am clear who Category 1 and Category 2 responders are in terms of the CCA.
- ✓ I am aware of the roles and responsibilities of my council for civil contingencies.
- ✓ I understand my role as an elected member before, during and following an emergency.
- ✓ I know who my council's partner organisations are in terms of emergency planning.
- ✓ I am aware of the Regional Resilience Partnership for my area and its responsibilities.
- ✓ I am aware of the Local Resilience Partnership for my area and its responsibilities.
- ✓ I am familiar with the role of the council's Contingency Planning/Resilience staff.
- ✓ I know who the council's Contingency Planning Officer or Resilience Officer (or equivalent) is.
- ✓ I understand the issues that may arise in the aftermath of an emergency and the council's lead role in managing the recovery phase.
- ✓ I have considered what steps I can take to promote preparedness and resilience activity in the communities I represent - drawing on the strengths of the people who live there.

Key messages and learning points for elected members

- The Civil Contingencies Act 2004 provides an improved, more consistent and more resilient approach to emergency planning.
- The Act defines an emergency as an event or situation which threatens serious damage to human welfare, an event or situation which threatens serious damage to the environment and war, or terrorism, which threatens serious damage to the security of the UK.
- Councils are Category 1 responders under the Act, along with Police and Fire and Rescue Services, the Scottish Ambulance Service, Health Boards, SEPA and the Maritime and Coastguard Agency.
- There are currently three Regional Resilience Partnerships in Scotland, based on Police Scotland hubs. They bring the organisations involved in dealing with emergencies together to plan for, and respond to, all kinds of emergencies. Within each RRP there are a number of Local Resilience Partnerships (LRP's) determined by the RRP's themselves which may be chaired by a local authority
- Elected members need to be aware of the responsibilities of their council under the Civil Contingencies Act 2004 and have a good understanding of their role in emergency planning and building community resilience before, during and after an emergency.
- Local authorities have duties, unique amongst Category 1 responders, to promote business continuity.
- Local authorities lead the multi-agency recovery phase of an emergency response which is sometimes protracted and can have major human and financial implications of its own.
- The Scottish Government provides civil contingencies funding for council emergency planning activities through Grant Aided Expenditure. The Bellwin Scheme is a discretionary scheme which exists to give special emergency financial assistance to local authorities that would otherwise be faced with an undue burden as a result of providing relief and carrying out immediate work resulting from large scale emergencies. However, there is no automatic entitlement to financial assistance.
- Every incident will be different and elected members can fulfil many useful roles in the response and recovery. The key is to seek guidance from those involved and to be flexible and supportive.

Further support and contacts

Your council's own Civil Contingencies or Emergency Planning team.

The Civil Contingencies Act 2004 and accompanying documents can be found at <https://www.gov.uk/guidance/preparation-and-planning-for-emergencies-responsibilities-of-responder-agencies-and-others>

Preparing Scotland: Scottish Guidance on Preparing for emergencies can be accessed at <http://www.readyscotland.org/ready-government/preparing-scotland/>.

Ready Scotland: www.readyscotland.org

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