



CabinetOffice

**Government Response to the Public
Consultation on the Draft Co-operation
Guidance under the
Civil Contingencies Act 2004
(Chapter 2 of *Emergency Preparedness*)**

Introduction

1. The Civil Contingencies Act Enhancement Programme (CCAEP) was established to review the Civil Contingencies Act, its Regulations and Statutory Guidance (*Emergency Preparedness*) to ensure they remain fit for purpose. Part of this review has included reviewing the guidance on Co-operation.
2. Evidence from implementation of the Act over its first four years has suggested that, generally, across England and Wales, co-operation is working well. The Act has established a consistent framework and defines the areas in which co-operation is expected (set out in Chapter 2 of *Emergency Preparedness*). At an early stage, it was concluded that the most significant areas of difficulty are the workings of the Local Resilience Forum (LRF) and the relationship between Category 1 and 2 responders.
3. Phase 1 of CCAEP has been concerned with what improvements could be made within the scope of the existing legislation. Within this, the three main objectives for reviewing Chapter 2 were to:
 - Rebalance the guidance to show how the duties fall primarily on the duty holders and that co-operation, including the role of the LRF, takes place in that context;
 - Help strengthen the LRF through clarification of its role and purposes and using protocols and tightened representation rules to improve its performance; and
 - Support co-operation generally by clarifying the reasonable expectations that Category 1 responders may have of Category 2 responders, proposing realistic ways of managing the relationship between them.
4. The project has been undertaken with the help of a Task and Finish Group, including representatives from across industry, Category 1 and 2 Responders and government departments. It was further supported by input from a range of interested parties, including the Information Commissioner, local resilience forum emergency planning managers, government departments and the Emergency Planning College.
5. The Co-operation guidance was revised by the Task and Finish Group and was subject to a full public consultation, which concluded in February 2010. The consultation was announced on the CCS Gateway and made available on the CCS website. It drew 55 written responses. The results reported below are strongly favourable, with a substantial majority agreeing with the guidance policies.

Results of the consultation

6. Table 1 analyses, by CCA Category, the 55 responses received (a breakdown of responders can be found in Annex A):

Table 1: Responses to the Consultation by CCA Category

CCA Category	Class	Number
Category 1 responders (40)	Local authorities	24
	Police Forces	6
	Fire and Rescue Services	3
	Ambulance Trusts	2
	NHS	3
	Environment Agency	1
	Health Protection Agency	1
Category 2 responders (8)	Telecommunication companies	2
	Transport organisations	2
	Energy organisations	2
	Health and Safety Executive	1
	Highways Agency	1
Other local responders (3)	Military	1
	Voluntary sector	2
Other respondents (4)	Professional body	2
	Regional Resilience Team	2

7. Results from the 55 responses received are as follows:

Table 2: Responses to the Consultation in Rank Order

Rank	Qu.	Question in Summary	Agree %	Disagree %	No Opinion %
1.	1	Is the discussion of co-operation helpful?	85	9	4
2.	8	Is the discussion of co-operation in regard to Category 2 responders helpful?	84	7	5
3.	4	Is the discussion of various regulatory provisions for “managed co-operation” helpful?	80	15	4
4.	5	Is the discussion of the LRF helpful?	80	15	2
5.	9	“The right issue, at the right time, at the right level”: Is this new principle satisfactory for managing the relationship between Category 1 and 2 responders?	76	13	9
6.	6	Are you content with the proposals on representation at the LRF?	73	16	5

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Rank	Qu.	Question in Summary	Agree %	Disagree %	No Opinion %
7.	2	Are Table 1 and Annex A about the “reasonable expectations” of Category 1 and 2 responders helpful?	73	20	5
8.	11	Are you content with the discussion of the role of the armed forces and the voluntary sector?	71	13	15
9.	3	Are you content with the separation between the two categories of guidance?	64	24	9
10.	7	Are you content that the draft guidance does not give the LRF legal powers to direct its members?	63	27	9
11.	10	Is the presentation helpful of local co-operation in the context of regional and national resilience work?	58	29	11

8. Generally, respondents expressed their contentment with the draft guidance or agreed that it was helpful. Support for the guidance was in excess of 70% for 8 of the 11 questions.

Co-operation

9. Question 1 showed that 85% of respondents found the guidance helpful. One respondent, however, expressed reservations shared by others: “[The document’s wordiness] actually hides the simplicity of the message”.
10. Question 2 asked if respondents found Table 1 and Annex A in the guidance helpful. The two tables aim to define how Co-operation and Information-sharing work across the five main duties of the CCA. 73% found the two tables helpful. For example, one respondent commented: “[They] demonstrate clear expectations of Category 1s and Category 2s... and may help as a lever in order to support the requirements to co-operate and share information.”

Managed Co-operation

11. The draft guidance describes general obligations on all Category 1 and 2 local responders to co-operate – together with specific forms of co-operation proposed in Regulations. In answer to Question 4, 80% found the discussion of these regulatory provisions helpful. For example, one commented: “This is a key element of resilience activities... [Its] inclusion in the guidance is key.”

The LRF

12. Three questions related to the overall purpose and organisation of the LRF, ways of improving representation at the LRF, and the question of whether the LRF should have powers to direct its members. In answer to Question 5, 80% found the discussion on the role, responsibilities and other aspects of the LRF helpful. Addressing Question 6, 76% were content with the proposals on representation at the LRF. Answering Question 7, 63% were content that the guidance does not give the LRF legal powers to direct its members.

13. The LRF is a form of co-operation required in the 2005 Regulations of all Category 1 responders. LRFs have been asked to play a large role in co-ordinating civil protection work at the local level. Some have concluded that they require direct powers to secure co-operation from local responders within their local resilience area. Analysis of the responses to Question 7 revealed the following:

- Most Category 1 respondents did not report themselves as playing a central role in their LRF. Those that did not were more likely to agree that the LRF should not have additional powers.
- Those Category 1 respondents who reported a central role as chair, manager or officer of an LRF, were more likely to express discontent with the lack of legal powers for LRFs.
- None of the Category 2 respondents took the view that the LRF should have additional powers.

Co-operation between Category 1 and 2 Responders

14. In response to Question 8, 82% found the discussion of co-operation in regard to Categories 1 and 2 helpful. Question 9 asked specifically about the introduction of a new principle – “The Right Issue, At the Right Time, At the Right Level” – for managing the relationship between the two categories. 76% were content with its introduction. Of the eight Category 2 responders that responded, *all* were content for this principle to be introduced.

Resilience Chain

15. Question 10 asked whether the presentation of local co-operation within the context of regional and national resilience work was considered helpful. 58%

said it was. Concern was expressed about Diagram 1 which aimed to show the position of the LRF in the England and Wales Resilience Chain. The unease of some respondents is shown in one comment: “There is a need to put greater emphasis on the fact that... it is not a hierarchical relationship”.

Other Local Responders

16. Question 11 asked whether respondents were content with the discussion of the role of the armed forces and the voluntary sector. 71% said they were content. One voluntary sector organisation made a precise criticism: “The CCA ... only requires a Category 1 responder to ‘have regard’ [to voluntary organisations] and [fails] to indicate what level of regard is required...”

Statutory Guidance: Actions Required and Discretionary

17. The guidance follows the style of *Emergency Preparedness* and distinguishes between guidance which local responders must follow (“What the Act and the Regulations Require”) and guidance which is discretionary, and to which they must have regard (“How the Requirements of the Act and the Regulations May Be Carried Out”). In answer to Question 3, 64% of respondents said they found the separation between the two categories of guidance helpful and 24% said they didn’t. One said: “There is a lot of repetition across the two sections...”

Additional Comments

18. In answer to Question 12, which asked for other comments on the draft guidance, respondents submitted detailed suggestions relating to 45 separate paragraphs.

Next Steps

19. Detailed revisions to the draft guidance have been made as a result of the consultation feedback summarised above. The final revised Chapter 2 has been published alongside this document, and this completes Phase 1 of the Better Engagement Project.

20. The public consultation also threw up a number of points which need to be taken forward as part of CCAEP Phase 2, with possible changes to Regulations and further detailed work on particular areas of guidance. These areas of work are highlighted in Annex B.

ANNEX A

LIST OF RESPONDENTS

Norwich City Council	South Yorkshire Fire and Rescue
MoD	Vodafone UK
West Yorkshire Police	Essex LRF
Dudley MBC	Government Office Yorkshire and the Humber
Telford & Wrekin Council	West Midlands Police
NHS Nottinghamshire	Bedfordshire and Luton LRF
Swansea Council	Suffolk LRF
Nottinghamshire Police	NHS Swindon
Government Office South West	Transport for London
Barnsley MBC	Ogwen Mountain Rescue
NHS Wiltshire	London Borough of Brent
Lancashire County Council	CE Electric UK
Institute of Civil Protection and Emergency Management	Great Western Ambulance Service NHS Trust
Gloucestershire CC	Highways Agency
North West Ambulance Service NHS Trust	Worcestershire CC
Association of Train Operating Companies	Swindon BC
Voluntary Sector CP Forum	HPA
West Midlands EPS Branch	Wiltshire CC
North Yorkshire County Council]	Environment Agency
Wilts and Swindon LRF	Humber Emergency Planning Service
South Yorkshire LRF	Cheshire LRF
East Lindsey DC	Sheffield City Council
South Tyneside MBC	Devon & Cornwall & Isles of Scilly LRF
EDF Energy Networks	Leicestershire and Rutland LRF
Northumbria LRF	Leicestershire Constabulary
British Telecom	Cleveland LRF
HSE	Rotherham MBC

ANNEX B

ISSUES COVERED IN PHASE 1 AND THOSE TAKEN FORWARD TO PHASE 2

Issue	Specific issue	Addressed in Phase 1 by changes to guidance	To be considered in Phase 2
Definition	Need to define co-operation more clearly	-	✓
Protocols	Specify use of protocols more clearly in guidance	✓	-
	Specify use of protocols in regulations	-	✓
	Develop model protocols so as to get greater consistency	-	✓
The LRF	Concern that nature and role of LRF not fully understood and consequent overburdening of LRFs	-	✓
	Concern that LRF as a structure too weak to co-ordinate effective action	-	✓
	Concern re LRFs being drawn into planning and response role	-	✓
	Concern re subscription system and need for funding	-	✓
Representation	Need to tighten up rules for LRF representation	✓	✓
Category 2s	Problem of definition of co-operation	-	✓
	Prepare specific guidance for Category 2 responders	-	✓
	Problem re sheer variety of arrangements encountered by Category 2 responders at local level	✓	-
Right issue, Right Time, Right Level	Need to clarify how Category 2 responder protocols will work and offer models	-	✓
	Problem re proliferation of protocols and take up	-	✓
Voluntary sector, military and others	Need to examine "have regard to"	✓	-
	Insufficient emphasis on these groups in general guidance about responders	✓	-
What is required and what is discretionary	Clarify and simplify guidance	✓	-
Resilience Chain Diagram	Need to describe relationship across the tiers of government accurately	✓	-