



CabinetOffice

**Government Response to the Public
Consultation on the Revised Guidance on**

**Emergency Planning under the Civil
Contingencies Act 2004**

Introduction

1. *Emergency Preparedness* is the statutory guidance relating to Part I of the Civil Contingencies Act and its supporting regulations. The guidance is being updated to introduce greater clarity and to reflect new practices and arrangements. In the spring of 2011, we undertook a public consultation, which ran from Tuesday 7th December 2010 to Monday 14th March 2011, on a series of revised drafts of chapters of this guidance, including consultation on revisions to Chapter 5, Emergency Planning.
2. The revisions to Chapter 5 reflect the policy steer on strengthening the identification and learning of lessons identified in testing and exercising; and reinforce response and recovery messages.
3. Evidence suggested that emergency planners, especially those representing local authorities, believed that there were barriers to *learning* the lessons from testing and exercising and that this emanated from, amongst other things –
 - the difficulties of arranging and getting buy-in for multi-agency exercises;
 - senior managers and staff from other service lines not being involved in testing and exercising;
 - having to train staff and test the plan at the same time; and
 - a failure to learn the lessons identified in exercises.
4. Changes have been made to emphasise the importance of senior management involvement in testing and exercising. The guidance recommends that lessons identified from both incidents and exercises, are routinely shared with relevant senior personnel, with a clear steer from emergency planners about the relative importance of implementing individual recommendations. Furthermore, the guidance also now suggests that in relation to multi-agency exercises, the LRF membership monitor, as appropriate, the implementation of recommendations by organisations. This is in line with good practice gathered from resilience partners. Respondents have indicated that it was particularly important to learn from the successes of colleagues in other authorities.
5. Chapter 5 now includes new references on the importance of including the community in emergency planning and sharing information with them.

6. The consultation was announced on the CCS Gateway and made available on the CCS website. 49 organisations responded to questions on Chapter 5, while eight other organisations did not comment or had no opinion.
7. Further work will be undertaken by the team to investigate some of the less specifically text-related responses received from contributors.

Table 1: Responses to the consultation by CCA category

CCA Category	Class	Number
Category 1 responders	Environment Agency	1
	Maritime and Coastguard Agency	1
	Fire and Rescue Services	4
	Local Authority	14
	NHS	3
	Police Forces	7
Category 2 responders	Transport organisations	1
Other	Associations	7
	Voluntary organisations	2
	Regulators	1
	Local Resilience Forums	8

The detailed list of respondents is shown at Annex A.

Table 2: Responses to the Consultation

No.	Question	Content %	Not content %	No opinion/Don't Know %
1	Is the new emphasis on the involvement of senior managers in testing and exercising helpful?	70	0	28
2	Do you think this new emphasis, mentioned above, has been effectively achieved?	49	9	43
3	Do you agree with the principle of LRF members co-ordinating multi-agency exercises where appropriate and practicable?	68	2	29
4	Has the guidance appropriately promoted the above?	51	13	37
5	Do you agree with the principle of LRF members pooling their exercise budgets where appropriate and practical?	49	7	44
6	Do you agree with the role suggested for members of the LRF in monitoring the delivery of recommendations arising from single- and multi-agency exercises?	61	4	39
7	Do you think that the emphasis given to the role and importance of community resilience is appropriate?	58	11	32
8	Do you think that the emphasis given to the importance of recovery planning is appropriate?	58	7	35

Summary

- 0-13% of responses were negative for each question; and between 28%-44% of respondents indicated that they had no opinion or didn't know in response to each question.
- Some respondents requested greater clarity in certain areas and some helpfully provided suggested text. Amendments have been made accordingly.
- Some changes have been made to address recommendations emerging from the Coroner's Report into the Inquests into the London Bombings of 7 July 2005. These relate principally to the need to agree appropriate procedures for the declaration of an emergency.
- No major concern or gap was identified by respondents.
- Some respondents highlighted examples of good practice in their own area. Further details of some of these will be sought and may be used as case studies for a new good practice sharing online forum which will be supported by the Civil Contingencies Secretariat.
- Detailed guidance on processes and more case studies were requested by some respondents. It is anticipated that this need will be satisfied via the above-mentioned forum.

Detailed Responses

A new emphasis on the involvement of senior managers in testing and exercising helpful

- 71% of respondents said they thought the new emphasis on involving senior managers was helpful; however, 8% were not content that the new emphasis had been effectively achieved and 43% either didn't know or had no opinion

on whether it had been effectively achieved. It may only be possible to judge this over the longer-term.

- Some respondents sought confirmation that local discretion should be applied to the involvement of senior managers, whereas others wanted greater clarity and a stronger steer. In particular, one organisation suggested that the guidance should be aligned with DH guidance to ensure consistency across local authorities and the health sector. It should be noted, however, that DH and NHS guidance is subject to change as new health structures are embedded over the next few years.

We have reviewed all comments made and, in light of the comments received we have strengthened the text in the 'Summary': *'Senior personnel should be involved in planning and testing and exercising plans. They should also support the assimilation of lessons learned (paragraphs 5.35-5.137, 5.166-5.167 and 5.172).*

Additional text has been added to paragraph 5.136; *'Senior managers can play an important role in embedding a culture of emergency preparedness into an organisation. Case study evidence has shown that where senior management are pro-active in the promotion of business continuity management, and preparedness, within their particular organisation, the culture permeates down to all levels ensuring a greater ability for that organisation to withstand any adverse event.'*

The role of the LRF in co-ordinating and funding multi-agency exercises where appropriate and practicable

- 68% of respondents supported the principle that LRF members should co-ordinate multi-agency exercises where possible. However, 13% stated that they were not content that the revised guidance promoted this appropriately.
- Those who were dissatisfied wanted
 - more detail on precisely what role the LRF might play in co-ordinating exercises;
 - clarification of the status of the LRF; and

- NHS guidance on exercises to be recommended for use by all Category 1 responders.
- One organisation was concerned that the pooling of exercise budgets might encourage LRFs to run exercises irrespective of need. 7% of respondents did not agree that members of the LRF should pool their exercise budgets where appropriate and practical.

The comments received were reviewed and minor amendments have been made; an example of this can be seen at paragraph 5.168. Further work will be undertaken to identify available case studies for future circulation and discussion, if appropriate.

The role of the LRF in monitoring the delivery of recommendations arising from exercises

- 4% of respondents did not support the role suggested for the LRF in monitoring the delivery of recommendations.
- One respondent noted that flexibility will be required in London to reflect the split between functions rightly delivered at Borough Resilience Forum and those delivered at LRF level. They also requested that a monitoring and assessment template be provided to support national consistency.
- Another respondent suggested that the LRF could not undertake a monitoring role without full co-operation from its members, which may not be forthcoming, and that the inability of the LRF to enforce compliance continued to be a serious flaw in the regime.
- Some respondents pointed out that the LRF would have a very limited role in monitoring single-agency exercises but would play a more fundamental role in multi-agency exercises.

Community resilience

- 1 in 10 respondents was not satisfied that proper emphasis had been given to the role and importance of community resilience. The majority of those who were dissatisfied thought insufficient emphasis had been given; other respondents suggested that some inappropriate emphasis had been given and, specifically, that community resilience could not feature in all aspects of emergency planning.

Paragraphs on community resilience have been amended to reflect some of the comments received from the consultation. Such changes can be seen in paragraph 5.51 and 5.70.

Recovery

- 58% of respondents were content that the emphasis given to the importance of recovery planning was appropriate. 7% were not content, although it was acknowledged that this subject is covered more fully in the non-statutory guidance, *Emergency Response and Recovery*.

Other

Consultation respondents were also given the opportunity to give feedback on anything else they wished to raise. Below is a summary of changes made as a consequence:

- Paragraph 5.32 had minor text added;
- Paragraph 5.35 '*Regulation 14 addresses the situation where a Minister of the Crown or a devolved administration issues guidance or an assessment in regard to the risk of an emergency. Category 1 responders must then consider whether...'*;
- Paragraph 5.36 '*An example of the kind of issue involved might be guidance or an assessment about a terrorist threat.'*;
- Paragraphs 5.39, 5.48, 5.51, 5.104 had minor text added;
- Paragraph 5.109 '*Some "plans" will come in different formats, for example, Standard Operating Procedures (SOPs), action cards or aides-memoires may be suitable for a single organisation's specific response plans.'*;
- Paragraphs 5.110, 5.115, 5.139, 5.145, and 5.153 had minor text added;

- In response to the recommendations made by the Coroner following her Inquest into the London Bombings of July 2006, further additions have been made: specifically to the beginning of paragraph 5.20 *'Although plans are maintained by Category 1 responders and will normally be activated by a member of that organisation, the regulations do not limit the decision to Category 1 responders. It may, in certain circumstances, be appropriate for a category 2 responder or a non-responder to make the decision that an emergency has occurred. The procedure for activation of any multi-agency response procedures must also be set out in emergency plans.'* The first bullet point of this paragraph was also slightly reworded. The last sentence of paragraph 5.139 has been expanded.

List of Respondents

NHS North East
Cumbria Constabulary
NHS Coventry
London Borough of Bexley
Maritime and Coastguard Agency
Stockport Council
NHS Nottinghamshire County
Telford and Wrekin Council
Civil Nuclear Constabulary
Lichfield District Council
South Yorkshire Fire and Rescue Service
Rotherham MBC
Emergency Planning Society – West Midlands Branch
Emergency Management Portal
West Midlands Police
Civil Aviation Authority
Sheffield City Council
Northants LRF
Suffolk Resilience Forum
IAEM Europe
Cleveland LRF
Cleveland Emergency Planning Joint Committee
Barnsley MBC
Bedfordshire and Luton LRF
Manchester City Council
St John Ambulance National HQ
British Red Cross
Essex Fire and Rescue Service
West Yorkshire Resilience Forum
Mid and West Wales Fire and Rescue Service
Norfolk Resilience Forum
Institute of Civil Protection and Emergency Management
Worcestershire County Council
The Radio Amateur’s Emergency Network

Lancashire County Council

Northumbria Police

Environment Agency

Transport for London

Community Resilience UK

London Borough of Newham

Strathclyde Police

Department of Health, Social Services and Public Safety, Northern Ireland

Hertfordshire Resilience

North Yorkshire County Council

London Borough of Hillingdon

Association of Train Operating Companies

Cheshire LRF

Durham and Darlington Fire and Rescue Service

British Transport Police