

# Civil contingencies planning

## Final project brief, May 2008

*Audit Scotland is undertaking this project on behalf of the Auditor General for Scotland (under the Public Finance and Accountability (Scotland) Act 2000, Section 23, Economy, efficiency and effectiveness examination) and the Accounts Commission (based on the provisions in section 97A of the Local Government (Scotland) Act 1973 under which the Commission is required to undertake or promote comparative and other studies designed to enable it to make recommendations for: securing Best Value; improving economy, efficiency and effectiveness in the provision of services; and improving the financial or other management of local authorities).*

*Audit Scotland is a statutory body set up in April 2000. It provides services to the Auditor General for Scotland and the Accounts Commission. All of Audit Scotland's work in connection with the 32 councils, fire and police services is carried out for the Accounts Commission; its other work is undertaken for the Auditor General who reports to the Scottish Parliament.*

## Introduction

1. The Auditor General and the Accounts Commission have commissioned Audit Scotland to undertake a review of the arrangements for civil contingencies planning in Scotland. This brief explains the background to this review and sets out the proposed scope and methodology for the work.

## Civil contingencies planning in Scotland

2. The Civil Contingencies Act 2004 established a new legislative framework for civil protection across the UK. The Contingency Planning (Scotland) Regulations 2005 describe how the provisions of the UK Act are to be implemented in Scotland. This legislation imposed new duties on public sector and other relevant organisations to ensure that effective arrangements are in place both for dealing with emergencies and for the delivery of services in the event of disruption<sup>1</sup>.
3. Following the changes in legislation, the Scottish Government issued *Preparing Scotland*<sup>2</sup>. This outlines the principles and structures underpinning the new arrangements, contains statutory guidance on the implementation of the Regulations and the integration of national and local planning for emergencies, and includes examples of good practice.
4. Civil contingencies planning in Scotland is based on the concept of resilience, underpinned by integrated emergency management. Resilience is defined as the ability “at every relevant level to detect, prevent and, if necessary, to handle and recover from disruptive challenges”<sup>3</sup>. Integrated emergency management (IEM)<sup>4</sup> is about preparing flexible and adaptable arrangements to ensure effective management of a multi-agency response to *any* crisis in Scotland, whether it is an emergency as defined in legislation or any other disruptive event which affects our communities.
5. The Civil Contingencies Act defines two categories of responders.
  - *Category 1* responders are the public organisations that provide vital services in an emergency. They include local authorities, police services, fire and rescue services, NHS Boards, the Scottish Ambulance Service (SAS) and the Scottish Environment Protection Agency (SEPA).<sup>5</sup>
  - *Category 2* responders are public and private sector organisations that provide key infrastructure services. They include the utility companies (eg electricity and gas distributors and Scottish Water), transport operators (eg railways and airports) and the Health and Safety Executive.

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<sup>1</sup> The legislation excludes risks already covered by the Control of Major Accident Hazards (COMAH) Regulations 1999, Pipeline Safety Regulations 1996 and Radiation (Emergency Preparedness and Public Information) (REPPPIR) Regulations 2001. The reason for excluding them from the Act is to ensure there is no conflict or duplication between the two sets of requirements.

<sup>2</sup> [www.scotland.gov.uk/Publications/2006/02/27140215/46](http://www.scotland.gov.uk/Publications/2006/02/27140215/46)

<sup>3</sup> From *Preparing Scotland*, Scottish Executive, first published 2005, updated 2007

<sup>4</sup> A glossary of terms and a list of abbreviations used in this project brief is included in Appendix 1.

<sup>5</sup> There are a total of 68 Category 1 responders in Scotland. These include 3 UK-wide responders – the British Transport Police, Health Protection Agency and the Maritime and Coastguard Agency - covering reserved matters.

6. The legislation, as implemented in Scotland, requires both Category 1 and Category 2 responders to:
  - *Co-operate with other local responders directly and through Strategic Co-ordinating Groups (SCGs).* SCGs are the principal local forum for multi-agency cooperation, and the mechanism through which the formal duty to cooperate is met by responders. An SCG is not a statutory body, but is intended to be the focal point for building local resilience and preparing and responding to emergencies. There are eight SCGs in Scotland, corresponding to the eight police force and fire and rescue areas, although organisational structures and membership vary.
  - *Share information with other responders.* Information should be shared freely between local responders, and there are formal requirements for making and responding to requests for information. The only exceptions involve sensitive information relating to national security, public safety, commercial confidentiality and personal information (for example, information supplied by the intelligence services).
7. In addition, Category 1 responders are required to:
  - *Assess the risk of emergencies occurring.* Risk assessment provides a rational basis for prioritisation of objectives, work programmes and resource allocation. Responders must assess the likelihood and impact of risks in their area and collaborate in producing a shared Community Risk Register.
  - *Maintain business continuity and emergency plans.* Business continuity plans are about ensuring that organisations can continue to perform their functions in the event of an emergency. Emergency plans are concerned with specific arrangements for dealing with emergencies.
  - *Maintain arrangements to make information available for the public before, during and when recovering from an emergency.* This includes information to promote self-help in an emergency, warning and informing the public when an emergency happens and providing advice on what actions the public should take.
8. Category 1 responders are required to have regard to the activities of the voluntary sector. Local authorities also have a statutory duty to provide advice and assistance to business and voluntary organisations on business continuity management.
9. In addition to the organisations specifically defined by the Act (i.e. Category 1 and 2 responders), there are a number of other organisations that have an important role in responding to and recovering from major civil emergencies, such as the armed services or relevant private sector organisations (for example, in the provision of specialist equipment). Implementation of the 2004 Act requires partnership working across all levels.
10. Recently, the Scottish Government established a discrete delivery unit, Scottish Resilience, for taking forward the strategic development of civil contingencies planning across Scotland and ensuring the Scottish Government itself has effective arrangements for dealing with national emergencies. Scottish

Resilience includes the Scottish Resilience Development Service (ScoRDS) which has responsibility for managing the national training programme<sup>6</sup>.

## **Why we are planning this study**

11. The increasing likelihood of events such as flooding or pandemic flu poses significant social and economic risks to local communities and to the continued delivery of vital public services. For example, an analysis of the impact of the foot and mouth outbreak in Scotland in 2001 showed substantial direct and long-term financial implications for farmers (£178.8m paid out in compensation) and a significant impact on the Scottish GDP. There are also continuing environmental costs and health risks associated with the disposal of animal remains.
12. In addition, one of the 15 national outcomes agreed through the concordat between the Scottish Government and COSLA is to 'live our lives safe from crime, disorder and danger'.<sup>7</sup> This review will contribute to our understanding of the progress being made towards achieving that outcome.
13. Dealing with incidents and emergencies requires a multi-agency response, not only between different public organisations, but also between the public, voluntary and private sectors. We have audit responsibilities for the majority of Category 1 responders and for the Scottish Government. We are therefore well-placed to review the implementation of the 2004 Act across Scotland at national, regional and local levels.
14. We also have experience in reviewing the effectiveness of partnership and multi-agency working (eg through reviewing community planning partnerships and community health partnerships and through reviews of specific services delivered in partnership). Our experience is that while there are often agreed procedures for service delivery between different organisations, these may not always be implemented systematically. Successful civil contingencies planning requires effective cooperation between a large number of very different stakeholders covering the public, private and voluntary sectors.

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<sup>6</sup> Scottish Resilience also includes the Scottish Fire Services College and the Scottish Fire Services Advisory Unit

<sup>7</sup> Concordat between the Scottish Government and COSLA – 14 November 2007

## **Study aims and objectives**

15. The overall aim of the study is to assess the efficiency and effectiveness of civil contingency arrangements in Scotland. The specific objectives are to:
  - undertake an initial review of the implementation of the Civil Contingencies Act 2004 in Scotland
  - investigate the efficiency and effectiveness of the new arrangements, and in particular to examine how well relevant organisations are working together at national, regional and local levels
  - provide a baseline and develop measures against which improvements can be assessed in the future.
16. The Civil Contingencies Act 2004 is relatively recent legislation and measures to assess its effectiveness across the UK are still being developed. We anticipate the study contributing to this work.

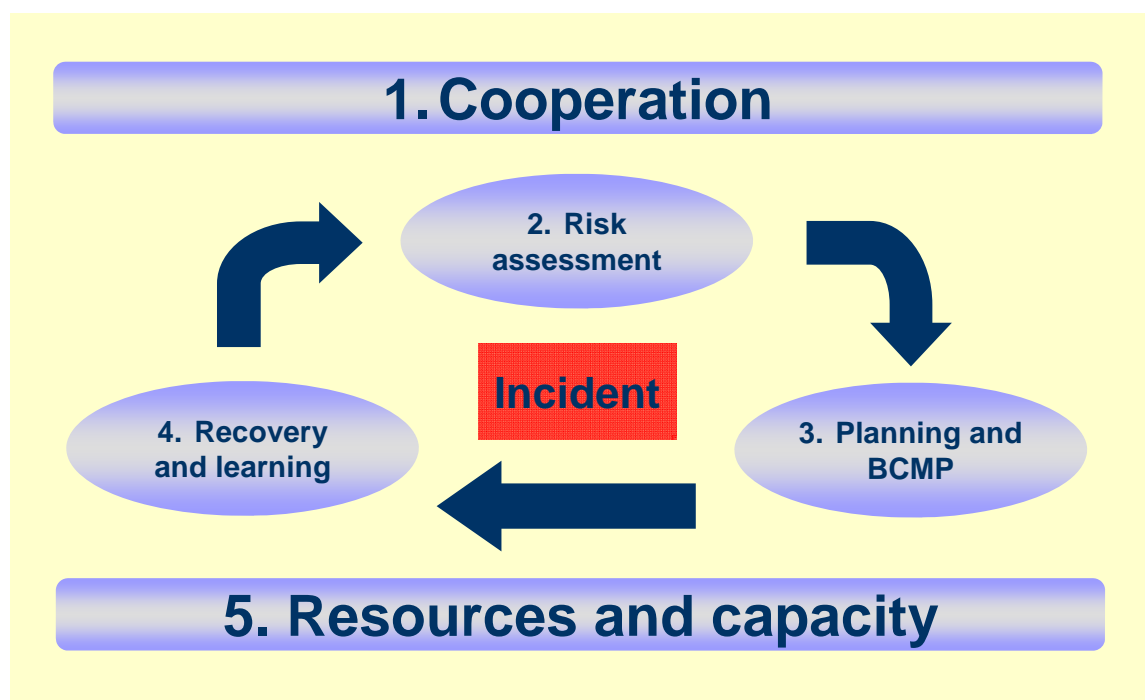
## **Study scope and methodology**

17. Civil contingencies planning covers both a wide range of organisations and a wide range of planning activities, and it is important for us to direct our resources to those areas where Audit Scotland can add most value.
18. We are proposing to focus the study on reviewing the effectiveness of the arrangements put in place to deal with emergencies (as defined in the Civil Contingencies Act 2004) at national, regional and local levels, rather than undertake detailed audits of individual organisations' specific plans for different types of emergencies.
19. We have undertaken scoping work for this study through extensive discussions with key stakeholders and practitioners, observing meetings, attending workshops and reviewing relevant documentation. From this scoping work, we are proposing to structure our review around five main themes, as illustrated in Exhibit 1. These themes encompass the key issues arising from our scoping work and reflect the different activities required to deal with emergencies. The five themes are:
  - **Cooperation in preparing Scotland for emergencies** - effectiveness of cooperation at national, regional and local levels, and the leadership provided for ensuring preparedness in Scotland.
  - **Risk assessment and planning responses** - whether there is effective information sharing to inform risk assessments and emergency planning; how these risks are assessed and evaluated; the communication (including to the public), monitoring and review of risks.
  - **Emergency planning and business continuity management planning (BCMP)** - effectiveness of arrangements for emergency planning and 'warning, informing and advising' the public, the use of exercises for testing emergency and business continuity plans and the extent to which lessons learned are fed back into relevant plans.

- **Recovery and learning** - extent and robustness of arrangements for recovery from incidents, and whether lessons learned from real events are effectively shared.
- **Capacity and resources for delivering resilience** – funding for civil contingencies planning in Scotland, the management of incident and recovery costs and arrangements for ensuring sufficient capacity.

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### Exhibit 1 Proposed framework for reviewing civil contingencies planning



Source: Audit Scotland

21. The detailed questions we are proposing to investigate within each theme are listed in the 'Issues and Investigations Matrix' (a copy of which can be obtained from Audit Scotland). The matrix also includes the different methods we will use to gather evidence (from both primary and secondary sources) to answer these questions. These methods include:
- interviews with key stakeholders (such as local authority, police, fire and NHS staff, the utility companies, business representatives, transport bodies (such as Transport Scotland), voluntary organisations and armed services);
  - documentation review including papers and minutes from relevant committees within the Scottish Government, SCGs and their sub-groups, Community Risk Registers and related documents, evaluations of exercises and incidents; and relevant inter-agency protocols;
  - surveys of key stakeholders (for example, Category 1 responders and businesses);
  - observation of relevant meetings and exercises;

- detailed reviews of a selection of case studies of particular emergency incidents and scenarios.
22. In addition, there is a range of other audit work undertaken in this area. For example, our computer auditors review the robustness of business continuity planning arrangements in relation to information and communication technology (ICT) systems in Category 1 responders; NHS Quality Improvement Scotland (NHS-QIS) has undertaken a review of business continuity planning in NHS Boards, and Health Protection Scotland is planning a quality assurance exercise during 2008, looking at the capacity and resilience of local NHS services to respond to emergencies. We will use the findings from this other audit work, where applicable and relevant, to inform our conclusions.
23. The Wales Audit Office (WAO) is currently scoping a review of civil contingencies planning in Wales and links have been established between the WAO and Audit Scotland project teams. We are working closely with WAO to establish the extent to which we can compare performance between the two countries. Consideration is also been given to whether or not a similar review is required in Northern Ireland. The NIAO hopes to carry out a consultation exercise related to this during the summer of 2008 and the project team will keep abreast of developments.
24. The Cabinet Office is currently conducting a national capability survey throughout England and Wales, and developing minimum standards and indicators of good practice in relation to implementation of the Civil Contingencies Act. We will be working with the Cabinet Office to enable us to share lessons learned in relation to data collection and to develop a consistent approach to reviewing performance, where this is appropriate.
25. Civil contingencies planning for effective response to and recovery from emergencies involves a much wider range of bodies than those for which we have audit responsibilities. The proposed methodology will enable us to include such bodies in this review (for example, telecommunications companies, gas and electricity suppliers, transport operators and the armed forces).

## **Equalities**

26. Equalities issues will be taken into account where appropriate, particularly regarding the consideration of the needs of vulnerable groups and minority ethnic communities in civil contingencies arrangements. The project team has established a contact within the Equality and Human Rights Commission (EHRC) and will continue to consult the EHRC at key stages of the study (for example, when developing data collection tools and drafting the national report).

## **Study staffing, timetable and output**

27. The study will be undertaken in the Local Government Directorate of the Public Reporting Group under the general direction of Ronnie Nicol (Assistant Director, Local Government, Public Reporting Group). The project team will comprise:
- Miranda Alcock - Portfolio Manager (Communities) (0.3 FTE)

- Becki Lancaster (0.5 FTE) – Project Manager
- Justine Menzies – Performance Auditor (1 FTE)
- Kirsten Paterson - Project Officer (0.5 FTE)

28. We will also draw on other expertise available within Audit Scotland, for example, from computer auditors and appointed auditors for Category 1 responders, as required.

29. We anticipate appointing external consultants for some aspects of the work identified in the 'Issues and Investigation Matrix'. In particular, we will require external input in examining aspects of business continuity management planning among Category 1 responders, businesses and voluntary organisations.

30. The project timetable is shown below.

Stage	Timing (approx)
AGS and Accounts Commission agreement of project brief	April 2008
Methodology development and piloting	March - May 2008
Fieldwork	June - August 2008
Emerging findings and key messages	October 2008
Report drafting	September - November 2008
AGS and Accounts Commission agreement of report	December 2008
Publication	January/ February 2009

31. The study will result in the publication of a national report, supported by a Key Findings paper. The study team will also engage with key stakeholders in the civil contingencies arena to seek opportunities to disseminate the findings in other ways, such as presentations to regional groups and speaking at conferences.

## **Proposed impact of the study**

32. Audit Scotland has developed a framework to help us assess the impact and value of our work. Different elements of our audit work contribute in different ways to our overall aims of holding public sector organisations to account and helping them improve the services they provide, by, for example:

- Improving economy and efficiency
- Improving quality and effectiveness
- Improving planning and management

- Providing assurance and improving accountability.

33. While each of our studies contribute to some extent to all of these areas of improvement, we anticipate this review having a particular impact on planning and management in relation to civil contingencies, providing assurance that effective arrangements are in place and improving arrangements for accountability in this area.

## **Stakeholders**

34. During the scoping phase, a review of the wide range of stakeholders with an interest in this study was undertaken and the team recognises the need to develop a systematic approach to managing their interests. The key stakeholders include the:

- Scottish Government (in particular Scottish Resilience)
- Strategic Coordinating Groups
- Category 1 responders (local authorities, emergency services, health boards and SEPA)
- Category 2 responders (utilities, transport and the NHS National Services Scotland)
- Partner agencies, including those from the voluntary sector and business community
- UK agencies, for example the Maritime and Coastguard Agency, and the armed services.

35. We have already liaised closely with many of these groups through attending meetings, having discussions and giving presentations (eg we have given presentations to a number of the SCGs, to the Scottish Utilities Contingencies Planning Group and met with the SCG Co-ordinators Forum). We have also established communication links to the main stakeholders (for example, receiving papers from SCGs and the SCG Co-ordinators Forum on a regular basis).

## **Accounts Commission sponsors**

36. We will work closely with our Accounts Commission sponsors, Owen Clarke and Michael Docherty, throughout all stages of the project. This will include regular meetings at key stages in the project.

## **Study advisory group**

37. A study advisory group representing a cross-section of appropriate stakeholders has been established for consultation at key stages of the study (in particular, in developing the study brief, discussion of emerging findings and at the draft report stage). The role of the advisory group is to provide independent advice and feedback to the study team to help them ensure the work is relevant and meets the needs of stakeholders.

38. In addition to the organisations covered by membership of the study advisory group, the study team will engage with a wide range of other stakeholders to ensure the views of all key groups are taken on board during the course of the study.
39. The first meeting of the advisory group was held on 9th November 2007 and it endorsed the overall approach outlined in this brief.

## **Further information/comments**

40. If you have any questions about this project brief please contact Becki Lancaster at [blancaster@audit-scotland.gov.uk](mailto:blancaster@audit-scotland.gov.uk) on 0131 625 1863, by fax on 0845 146 1009 or in writing to the address below:

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## Appendix 1 - Glossary of terms and list of abbreviations

ACPOS	Association of Chief Police Officers in Scotland
BCMP	Business Continuity Management Plans – ensure that organisations can continue to perform their functions in the event of an emergency.
Cat 1	Category 1 responder as defined in the Civil Contingencies Act
Cat 2	Category 2 responder as defined in the Civil Contingencies Act
Category 1 responders	These are the “core” responders, comprising local authorities, police forces, fire authorities, the Scottish Ambulance Service, NHS Boards, SEPA.
Category 2 responders	These are the “cooperating” responders, comprising utilities (electricity distributors and transmitters, gas distributors, Scottish Water, telephone service providers), transport (railways, airport operators and harbour authorities) and health (NHS NSS).
CBRN	Chemical Biological Radiological Nuclear
CCA	Civil Contingencies Act
CCP	Civil Contingencies Planning
CCU	Civil Contingencies Unit of the Scottish Government
CFOAS	Chief Fire Officers Association Scotland
COSLA	Convention of Scottish Local Authorities
CRR	Community Risk Register
EP	Emergency Plan – specific arrangements for dealing with emergencies.
EPO	Emergency Planning Officer – local authority post concerned with supporting the development of emergency plans for council services.
Exercise	A simulation to validate an emergency plan or business continuity plan, rehearse key staff or test systems and procedures.
IEM	Integrated Emergency Management
NHS NSS	National Health Service National Services Scotland. A Non-Departmental Public Body, accountable to the Scottish Government, which provides national strategic support services and expert advice to NHS Scotland and plays an active role in the delivery of effective healthcare to patients and the public. It works closely with partner organisations, especially the NHS Boards, in the delivery of services.
PS	Preparing Scotland - guidance on CCP published by the Scottish Government
SAS	Scottish Ambulance Service
SCG	Strategic Coordinating Group – the principal local forum for multi-agency cooperation between local responders.
SCG Coordinator	Scottish Government supported post established in each SCG area.
ScoRDS	Scottish Resilience Development Service
SECC	Scottish Emergency Co-ordinating Committee
SEPA	Scottish Environment Protection Agency
SOLACE	Society of Local Authority Chief Executives
WAO	Wales Audit Office