

Chapter 1

Introduction

Summary

- This volume of guidance, together with the accompanying *Emergency Response and Recovery*, sets out the generic framework for civil protection. As such, it deals with pre-emergency elements of integrated emergency management – anticipation, assessment, prevention and preparation (paragraphs 1.4 and 1.42).
- There is a standard structure for most chapters of this volume of guidance. The structure is: details of what the legislation (the Act and the Regulations) requires; good practice guidance on how Category 1 and 2 responders can carry out their duties to comply with the legislation; and useful information that is not governed by the legislation (paragraphs 1.9–1.10).
- Some issues in common underpin the main chapters:
 - the definition of emergency;
 - the importance of Category 1 and 2 responders' functions;
 - the distinction between Category 1 and 2 responders; and
 - the links between the duties (paragraphs 1.14–1.35).
- Annexes are collected at the end of the document.

1.1 Part 1 of the Civil Contingencies Act 2004 (“the Act”) establishes a consistent level of civil protection activity across the UK. Greater consistency is sought too in the way the function is carried out between the local Category 1 and 2 responders as partners covered by the Act and in different parts of the country.

1.2 The Act provides a basic framework defining what tasks should be performed and how co-operation should be conducted. The Government does not consider that it is necessary to radically change the way things were done prior to civil protection being placed on a statutory basis. It aims to consolidate and strengthen what exists.

1.3 Working to a common framework, local responders will make their own decisions in the light of local circumstances and priorities about what planning arrangements are appropriate in their areas.

Purpose

1.4 Integrated emergency management (IEM) comprises six related activities: anticipation, assessment, prevention, preparation, response and recovery. *Emergency Response and Recovery* covers the last two activities. The purpose of *Emergency Preparedness* is to accompany Part 1 of the Act, and its supporting Regulations (The Civil Contingencies Act 2004 (Contingency Planning) Regulations 2005) (“the Regulations”).

1.5 This guidance sets out how the civil protection duties should be carried out in England and Wales.

1.6 This guidance also sets out how the civil protection duties should be carried out by certain bodies in Scotland, namely the Maritime and Coastguard Agency, the Health and Safety Executive and the British Transport Police. These bodies exercise functions which are largely reserved on a UK-wide basis and it is appropriate for them to be subject to guidance made by a Minister of the Crown. The Scottish Ministers make separate regulations and guidance which apply to other Scottish Category 1 and 2 responders which fall within devolved competence.

1.7 This guidance also applies to certain bodies in Northern Ireland, namely the Police Service of Northern Ireland, the Maritime and Coastguard Agency and telecommunications providers. Neither this guidance nor the Act applies to other bodies in Northern Ireland. Arrangements similar to those established under the Act, the Regulations and this guidance will be set up in Northern Ireland on a non-statutory basis.

1.8 The guidance will support those individuals and organisations which have a role to play in the civil protection framework, and in particular those organisations subject to duties under the Act.

1.9 The guidance in this volume is divided into chapters. Each chapter deals with a specific aspect of preparedness within the civil protection framework. The main chapters (Chapters 2–8) describe the chief obligations imposed by the Act on Category 1 responders. Others (for example, Chapters 10–12, 16–18) provide guidance which places work at the local level in the context of regional and UK arrangements, including variations in Scotland, Wales and Northern Ireland. It is hoped that Category 1 and 2 responders will find these chapters helpful in understanding and delivering the wider civil protection framework.¹

1.10 Each chapter in this volume has a broadly similar format:

- summary;
- guidance on what the Act and the Regulations require of Category 1 and 2 responders;
- guidance on how to carry out the requirements of the legislation; and
- other information which may be helpful (much of which is contained in lined text boxes).

Supporting the chapters are:

- a self-assessment sheet (these are identified by chapter number and collected in one place at Chapter 13); and
- annexes, a glossary and a bibliography (collected at the end of this volume).

1.11 This guidance includes a number of boxes setting out additional information. The type of box used indicates the type of information contained within it:

¹Throughout the footnotes of this document the Regulations are referred to as regulation(s) with the appropriate number. The term s. refers to the sections of the Civil Contingencies Act

- **Lined text boxes** – these unshaded boxes contain advice and information that may be useful to local responders, but do not directly relate to the duties in the Act.
- **Shaded boxes** – these contain case studies and examples relating to performance of the duties in the Act.
- **Figures** – these diagrams illustrate aspects of the good practice guidance.

What the Act and the Regulations require

1.12 While the civil protection duties are detailed on the face of the Act, the detail of what those duties mean, and how they should be performed, is delivered through the Regulations.² The Act and Regulations are supported too by this guidance document, which includes guidance to which the organisations covered by the Act must have regard.³

1.13 However, all the duties specified in Part 1 of the Act are contingent on the definition of “emergency”.

The definition of “emergency”

1.14 “Emergency” is defined in Part 1 of the Act as: An event or situation which threatens serious damage to human welfare in a place in the UK, the environment of a place in the UK, or war or terrorism which threatens serious damage to the security of the UK.⁴

1.15 The definition of “emergency” is concerned with consequences, rather than with cause or source. Therefore, an emergency inside or outside the UK is covered by the definition, provided it has consequences inside the UK.⁵

1.16 An emergency is considered to have consequences inside the UK if the serious damage is within the territorial sea of the UK.⁶ The territorial sea

is the area of sea up to 12 nautical miles to seaward of the UK coast (or, more accurately, to seaward of the coastal baseline established by statute).

1.17 A place in the UK may be anything from a small village to a town square to a large city. It may also include a part of a region or an entire region.

1.18 Determination of when an emergency has occurred, or is likely to occur, is addressed in three ways. The Act provides:

- a specification of the kinds of event or situation which may cause “damage”;⁷ and
- two tests for determining whether an event or situation threatening such damage constitutes an emergency (one of which must be met).⁸

The Regulations require:

- Category 1 responders to adopt a standard procedure for making the decision to activate a business continuity or emergency plan.⁹

Damage

1.19 The Act sets out a list of events or situations which may be considered to pose a threat of damage to human welfare, the environment or security.¹⁰

Two tests as to whether a response is required

1.20 A Category 1 responder must perform its duties under the Act only in relation to two situations, either of which poses a considerable test for that organisation’s ability to perform its functions.¹¹

1.21 In this way, the Act narrows the range of events or situations to which the duties apply to those which test the Category 1 responder.

1.22 The two tests are:

- where the emergency would be likely to seriously obstruct its ability to perform its functions;¹²
- where the Category 1 responder:

² s. 2(3). See also s. 4 and s. 6

³ s. 3

⁴ s. 1

⁵ s. 1(5)

⁶ s. 18(2)

⁷ s. 1(1)–(3)

⁸ s. 2(2)(a)–(b)

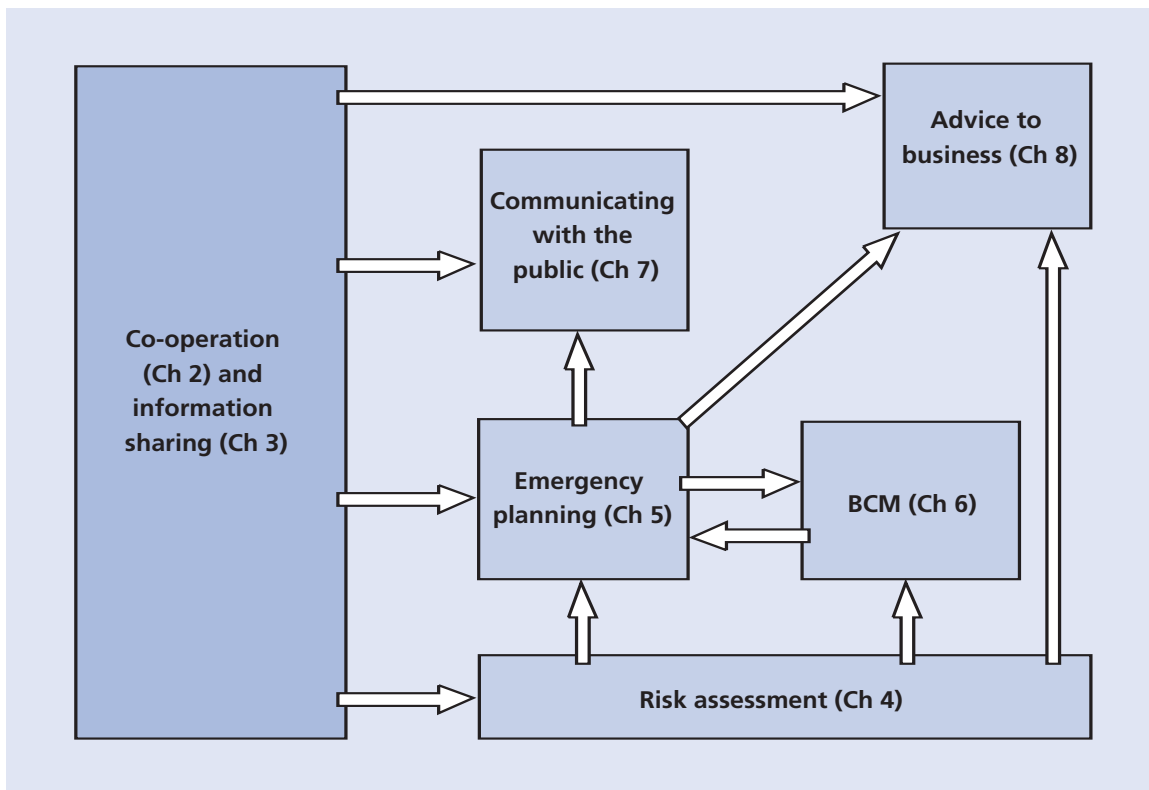
⁹ regulation 24

¹⁰ s. 1(2)–(3)

¹¹ s. 2(2)

¹² s. 2(2)(a)

Figure 1.1: How the seven civil protection duties of the Act fit together



- would consider it necessary or desirable to act to prevent, reduce, control, or mitigate the emergency's effects, or otherwise take action; and
- would be unable to act without changing the deployment of its resources or acquiring additional resources.¹³

One of these two tests must be met for the main duties of the Act to apply.

Procedure for determining when an emergency has occurred

1.23 A procedure for determining when an emergency has occurred must be written into business continuity and emergency plans. The procedure should enable the person who will make the judgement to be identified, and state how they will be advised and whom they must inform.¹⁴ The person will usually be a post-holder identified by their role or job title.

The importance of Category 1 responder functions

1.24 The Act requires Category 1 responders to take up their civil protection duties by reference to their functions. Functions are defined as "any power or duty whether conferred by virtue of an enactment or otherwise".¹⁵ The reference covers statutory powers and duties, as well as common law powers.

1.25 The functions of Category 1 responders are called into play when an emergency occurs or is likely to occur.

1.26 Category 1 and Category 2 responders are referred to in the Act.¹⁶ The term "responder" is not defined. However, a main purpose of the legislation is to ensure that Category 1 responders are able to perform their functions so far as necessary or desirable to respond to an emergency.¹⁷

¹³ s. 2(2)(b)

¹⁴ regulation 24

¹⁵ s. 18(1)

¹⁶ s. 3(4)–(5)

¹⁷ s. 2(1)(d)

Integrated emergency management and the guidance

Integrated emergency management	Emergency Preparedness	Emergency Response and Recovery
Anticipation		
Assessment		
Prevention		
Preparation		
Response		
Recovery management		

The role of Category 1 and Category 2 responders

1.27 Category 1 responders are listed in Schedule 1 to the Act.¹⁸ They are the main organisations involved in most emergencies at the local level: for example, the emergency services.

1.28 Category 2 responders are also listed in Schedule 1.¹⁹ They are likely to be heavily involved in some emergencies: for example, utilities and transport companies.

1.29 The Act brings both groups within its framework to ensure greater consistency and co-operation at the local level.

The links between the duties

1.30 The main civil protection duties fall on the Category 1 responders as follows:²⁰

- risk assessment;
- business continuity management (BCM);
- emergency planning; and
- maintaining public awareness and arrangements to warn, inform and advise the public.

1.31 A fifth duty applies to local authorities alone:²¹

- provision of advice and assistance to the commercial sector and voluntary organisations.

1.32 Two further duties are prescribed in the Regulations:²²

- co-operation; and

- information sharing.

They cement local-level partnership between Category 1 and Category 2 responders in support of Category 1 bodies in performing all their main duties effectively.

1.33 Risk assessment, supported by a collective process, provides the fundamental grounding for delivering the substantive elements of the Act.

1.34 Emergency planning is supported by BCM, and is underpinned by the risk assessment. Its purpose is to ensure that Category 1 responders can perform their functions effectively in an emergency. It supports public awareness work and also shapes arrangements for warning and informing the public. Category 1 and 2 responders must co-operate and share information in fulfilling these duties.

1.35 Provision of advice and assistance to the local business community and voluntary organisations by the local authority is likely to be linked to emergency plans and to draw on risk assessments. It will also be supported by co-operation and information sharing with partners.

Other statutory regimes in the field of civil protection

1.36 A particular set of risks is excluded from consideration under the legislation.²³ These risks are subject to the Control of Major Accident Hazards (COMAH) Regulations 1999, the Pipelines Safety

¹⁸ Schedule 1, Part 1. Part 2 of Schedule 1 sets out a list of Category 1 responders in Scotland who are subject to regulations and guidance made by Scottish Ministers

¹⁹ Schedule 1, Part 3. Part 4 of Schedule 1 sets out a list of Category 2 responders in Scotland who are subject to regulations and guidance made by Scottish Ministers

²⁰ s. 2(1)

²¹ s. 4

²² s. 2(5)(h)–(i), Parts 2 and 8 of the Regulations

²³ regulation 12

Regulations 1996 or the Radiation (Emergency Preparedness and Public Information) Regulations 2001 and their Northern Ireland counterparts. Category 1 responders are not required to exercise their duties under the Act and Regulations in relation to emergencies which are covered by these provisions.

1.37 However, Category 1 responders may use the Act regime to support or supplement these separate regimes where they consider this appropriate. For example, if Category 1 responders wish to include COMAH risks in the Community Risk Register, this is acceptable. They can also make information requests under the Regulations to support the COMAH duties, if they wish.

1.38 One disadvantage of a separation between the two regimes, the one supported by the Act, the other by the Health and Safety Executive, is addressed by the inclusion of the Health and Safety Executive in Schedule 1 as a Category 2 responder.

How the Act and the Regulations apply in Scotland, Wales and Northern Ireland

1.39 Chapters 10, 11 and 12 detail how the Act and the Regulations apply in Scotland, Wales and Northern Ireland. In addition, each of the chapters dealing with how the duties under the Act are to be performed contains information about how that particular duty is to be performed in Scotland, Wales and Northern Ireland. Note that the Regulations and this guidance do not apply to those responders in Scotland who are within devolved competence.²⁴

How the requirements of the Act and the Regulations may be carried out

1.40 Civil protection arrangements need to be integrated both within and between Category 1 and 2 responders. They should also be conducted according to a practical doctrine beginning with

anticipation and assessment of risk and concluding with effective response and recovery arrangements.

1.41 The Act focuses on emergency preparedness but its requirements should be seen in the context of integrated emergency management (IEM).

Integrated emergency management and the Act

1.42 The following six activities are fundamental to an integrated approach:

- anticipation;
- assessment;
- prevention;
- preparation;
- response; and
- recovery management.

1.43 The Act focuses on two of these – assessment and preparation – and they are covered extensively in this volume of guidance on preparing for emergencies. The other volume, *Emergency Response and Recovery*, covers the final two – response and recovery management. (See box above.)

1.44 Anticipation is sometimes called horizon-scanning. Category 1 responders should aim to be aware of new hazards and threats which might affect their locality and be ready to revise their risk assessments and plans accordingly.

1.45 Prevention is an important component of integrated emergency management. The Act does not deal with it to any great extent because it is largely a matter for other legislation, for example fire safety and industrial safety, building regulations, flood defence, maritime safety or health protection. Prevention under the Act is limited to actions that help prevent an emergency which may be about to occur. For example, activating an emergency plan in advance of a major public event.

1.46 Response and recovery management are addressed in *Emergency Response and Recovery* because they are not covered directly in the Act. They are concerned with managing the consequences of an emergency, rather than preparing to deal with one.

²⁴The Regulations and this guidance apply to those responders listed in Parts 1 and 3 of Schedule 1 to the Act. These responders are referred to in the Regulations as “General responders” but for ease of reference they are referred to in this guidance as “Category 1 and Category 2 responders”. Parts 2 and 4 of Schedule 1 to the Act list the responders that exercise functions which fall within the competence of the Scottish Ministers. These responders are referred to in the Regulations as “Scottish Category 1 responders” and “Scottish Category 2 responders”

1.47 Although the Act focuses on preparedness for response to emergencies, it should be seen in the wider context of safety, risk and threat management. Also, although the discussion of preparedness under the Act concentrates on the maintenance of planning arrangements, effective management is the aim. Planning is a process of preparing a Category 1 responder, its managers and personnel for the act of managing an emergency.

1.48 The wide concept of IEM within and across Category 1 responders is geared to the idea of building greater overall resilience in the face of a broad range of disruptive challenges. If the response is to be truly effective in meeting the needs of everyone affected by an emergency, then all leaders of the community, industry and commerce should be aware of the contributions of local responders and other organisations.

1.49 In an extended emergency, the amount of work may be overwhelming, while provision of everyday services will also need to continue. Category 1 responders should explore all options for maintaining critical services, not only during the response but also throughout the recovery and aftermath proceedings, which may be lengthy.

Monitoring and ministerial directions

1.50 If, however, the framework does not bed down successfully – or if in some areas civil protection arrangements are felt not to address particular hazards or threats to the satisfaction of the Government – the Act permits the Minister to issue new regulations or to make an order or issue a direction. These powers are discussed in Chapter 16.

1.51 Chapter 13 describes the audit and monitoring regimes which will help the Government to identify whether there are areas where government action needs to be taken.