

# Chapter 8

## Advice and assistance to business and voluntary organisations

### Summary

- The Act requires local authorities to provide advice and assistance to those undertaking commercial activities and to voluntary organisations in relation to business continuity management (BCM) in the event of emergencies (as defined by the Act) (paragraphs 8.1–8.7).
- Local authorities must provide general advice and assistance to the business and voluntary sector communities at large; may provide specific advice and assistance to individual organisations; and may give advice and assistance to individual businesses in relation to the engagement of business continuity consultants (paragraphs 8.8–8.22).
- Local authorities may charge for advice and assistance provided on request, on a cost-recovery basis (paragraphs 8.34–8.35).
- Not all voluntary organisations would want – or benefit from – business continuity advice. A local authority may therefore define its own voluntary sector audience, targeting efforts where they will add most value (paragraphs 8.28–8.31).
- Local authorities should have regard to relevant Community Risk Registers (CRRs) when developing an advice and assistance programme (paragraphs 8.36–8.37).
- Local authorities may enter into collaborative arrangements with other Category 1 and 2 responders in fulfilling their duties (paragraphs 8.38–8.41).
- Local authorities within a Local Resilience Forum (LRF) area are required to co-operate with each other in performing their duties; other Category 1 and 2 responders within a Local Resilience Forum are required to co-operate with local authorities (paragraphs 8.42–8.45).
- Local authorities are required to have regard to the BCM advice and assistance provided by other Category 1 and 2 responders to business and voluntary organisations in their areas (paragraphs 8.46–8.52).
- Local authorities should consider how to use the arrangements for multi-agency co-operation established by the Act to ensure BCM advice and assistance programmes are co-ordinated and effective (paragraphs 8.80–8.82).
- Local authorities will need time to establish the skills, networks and materials to give advice and assistance to business and voluntary organisations. The duty will come fully into force six months after the other duties in the Act (paragraphs 8.53–8.55).
- This chapter also sets out the considerations local authorities should take into account when developing a programme of advice and assistance (eg key messages, established support networks) (paragraphs 8.60–8.79).

## Rationale for the duty

**8.1** The duty on local authorities to give advice and assistance to business and voluntary organisations in relation to business continuity management (BCM) is an integral part of the Act's wider contribution to building the UK's resilience to disruptive challenges.

**8.2** In the event of an emergency, Category 1 responders will give all the assistance they can, but there is merit in ensuring that communities themselves are resilient. In particular, it is important to ensure that the impact of an emergency on the continuity of commercial and voluntary organisations is kept to a minimum. This will lessen the economic and social impact of emergencies and speed up recovery.

**8.3** Experience from the Bishopsgate and Manchester bombs and the fuel crisis of 2001 has shown that organisations that have business continuity arrangements in place are more likely to stay in business and recover quickly in the event of an emergency than those that do not. Establishing a source of BCM advice and assistance prior to an emergency occurring will raise business continuity awareness in the community, and help organisations to help themselves in case of an incident.

**8.4** Taking forward a programme of business continuity advice and assistance will deliver clear benefits to local authorities and other Category 1 and 2 responders. Firstly, by helping to build community resilience, it will reduce reliance on public sector bodies in the event of an emergency, enabling Category 1 and 2 responders to focus their resources on the most vulnerable. Secondly, it will help improve links between Category 1 and 2 responders and the business community and voluntary sector, which are crucial to effective emergency management arrangements. This has been demonstrated clearly by the experience of Leeds City Council.

## Advice and assistance duty in context

**8.5** As Figure 1.1 in Chapter 1 illustrates, the business continuity advice and assistance duty is closely related to other duties in the Act, and should not be seen as a stand-alone duty. Developing and exercising emergency plans may require close liaison with organisations that carry out commercial or voluntary activities – for example in the preparation of city centre evacuation plans. There are clear synergies between this work and the duty to give BCM advice and assistance to businesses – in many ways it is a logical extension of this work.

**8.6** In fulfilling their duty to assess risks in their area and collaborate in the preparation of the Community Risk Register, local authorities will have a good overview of the risk profile in an area. Furthermore, emergency planning work – and co-operation with other Category 1 and 2 responders through Local Resilience Forums – will leave local authorities well sighted on the arrangements that are in place to deal with emergencies (see Chapters 2 and 4).

**8.7** There is also a strong relationship with the warning and informing duty (see Chapter 7). This requires Category 1 responders to publish aspects of risk assessments and contingency plans, and to maintain arrangements to issue advice, information and warnings in the event of an emergency. The section 4 duty builds on this work, by requiring local authorities to provide information, advice and assistance targeted at organisations that carry out commercial activities and voluntary activities.

## What the Act and the Regulations require

**8.8** The Act requires local authorities to provide advice and assistance to those undertaking commercial activities and to voluntary organisations in their areas in relation to BCM in the event of emergencies (as defined in the Act).<sup>1</sup>

### Box 8.1: Further advice and information

Also included in this chapter is further advice and useful information about business continuity promotion which is not supported directly by the Act. There is therefore no direct obligation under the Act for responders to have regard to it. These sections of text are distinguished by inclusion in a text box like this one.

<sup>1</sup>s. 4

## Leeds City Council

“Our work with the business community has been an excellent experience and has had a major impact on the levels of mutual understanding between local responders and commercial organisations in Leeds. Not only has it helped us to ensure the buy-in of business into our emergency planning work, but we have been able to make our own emergency planning arrangements more informed and robust by engaging representatives of the business community in planning project groups for particular initiatives.”

*Richard Davies, Head of Risk and Emergency Planning, Leeds City Council*

### Generic advice and assistance

**8.9** The Regulations specify that local authorities have a duty to provide generic advice and assistance to the business community at large. This is a light-touch duty aimed at raising business continuity awareness among those undertaking commercial activities. The Regulations also require local authorities to provide generic advice and assistance to voluntary organisations.<sup>2</sup>

**8.10** While the Act imposes a duty on local authorities to offer advice and assistance to those carrying out commercial activities and voluntary organisations, it does not impose a corresponding obligation on those organisations to act upon it.

**8.11** In complying with this duty, local authorities must demonstrate that they have taken reasonable steps to promote BCM advice in their areas. This will involve developing a strategy that:

- identifies what organisations need to know;
- selects appropriate means of delivery; and
- targets the message at its audience.

### Specific advice and assistance

**8.12** As a result of local authorities' generic awareness-raising work, individual firms may turn to the local authority for specific advice and assistance in relation to BCM. The Regulations permit local authorities to provide specific BCM services to organisations or groups of organisations, but do not oblige them to do so.<sup>3</sup>

**8.13** Local authority officials can undertake this type of work themselves if they have the experience and competence to do so. Local authorities can work with

individual organisations to establish the nature of the risks they face and the steps they can take to manage these risks. This might include, for example:

- assistance with risk assessment;
- provision of information and advice about local civil protection arrangements; and
- support in the development and validation of plans.

**8.14** Local authorities might find it helpful to consider the case studies of other local authorities that are already active in this area.

### Signposting third party advice

**8.15** Alternatively, the local authority may give advice and assistance to individual organisations to facilitate the engagement of a business continuity consultant, who may be better placed to provide the support required. However, undertaking this work is discretionary, and is not a requirement of the regulations.<sup>4</sup>

**8.16** Outside of large organisations, most of the people responsible for business continuity are not professionals, and may require guidance when purchasing business continuity advice, services or facilities. Experience in the City of London has shown that firms value the role that local authorities can play in acting as an 'honest broker' in this way.

**8.17** Where it chooses to go down this path, the local authority must remain impartial and take steps to ensure firms are referred to practitioners that have the competence and experience to advise them.<sup>5</sup> Failure to do so could, in certain circumstances, give rise to a legal challenge.

<sup>2</sup> regulation 39(3)(a)

<sup>3</sup> regulations 39(3)(b) and 40(3)(b)

<sup>4</sup> regulations 39(3)(c) and 40(3)(c)

<sup>5</sup> regulations 39(4) and 40(4)

## Definition of an emergency

**8.18** BCM arrangements can be put in place to manage the risks associated with the full range of business interruptions, which could comprise anything from minor supplier or technology failure through to the potentially catastrophic effects of terrorism or natural disaster. BCM is a flexible framework designed to help organisations develop resilience to the full spectrum of events. However, the Act imposes a duty on local authorities to give advice and assistance to commercial and voluntary organisations on developing arrangements to deal with a much narrower range of disruptive challenges.

**8.19** The duty applies only to those events or situations defined as an emergency in the Act. It does not extend to the wider range of day-to-day disruptions which can threaten the smooth running – or even the very existence – of an organisation. The Act does not require local authorities to give advice and assistance in managing risks that are purely internal to the organisation (eg technical, commercial or financial aspects of running the organisation). Nor does it require local authorities to give advice on dealing with smaller-scale incidents (eg minor fires or theft).

**8.20** An emergency is likely to affect a number of organisations, which may in turn threaten to seriously disrupt the effective functioning of the community at large. Advice and assistance to the business and voluntary sector community at large should therefore focus on generic disruptions that affect a significant part of the community. In this respect, the BCM duty will enhance community resilience by encouraging a local business climate able to withstand the disruptions caused by an emergency.

**8.21** A key objective of the BCM duty is to help organisations to link in with practical emergency planning arrangements put in place by Category 1 responders. Local authorities will be particularly well placed to give advice and assistance to organisations in preparing for events or situations whose scale and impact require assessments of risk to be made and emergency plans to be prepared by Category 1 responders.

**8.22** However, organisations that recognise the value of BCM planning for emergencies are unlikely to confine their forward thinking to this type of risk only.

## Audience

**8.23** A key objective of the BCM advice and assistance duty under the Act is to minimise the economic impact of emergencies on the local community. It delivers this by requiring local authorities to encourage greater preparedness among organisations that carry out commercial activities, and providing advice and assistance in improving their resilience.

**8.24** “Commercial” is not a straightforward term to define. It should not be taken narrowly to mean only private sector businesses operating for a profit. Charities, for example, may undertake commercial activities in their fundraising work (eg charity shops). Building societies and credit unions, too, carry out commercial activities – although not privately owned, they do operate as a business and generate financial benefits for their members.

**8.25** The Regulations provide that the duty to provide BCM advice and assistance to commercial organisations only applies in relation to those who are “resident” or “present” in the local authority area.<sup>6</sup> The duty, therefore, extends to activities that operate in the area for a period of time, but without being resident (eg music festivals or major construction projects) where these have a significant impact on the economy of the area. In many cases, the local authority will be aware of the presence of such activity in its area, for example through planning consents for construction projects, or through the local authority/emergency services Safety Advisory Groups set up to give advice and guidance to event organisers.

**8.26** The Act also requires local authorities to give advice and assistance to voluntary organisations in their communities, many of whom will not undertake commercial activities.<sup>7</sup> Voluntary organisations play a critical role in local civil protection arrangements; they also deliver a wide range of services that are crucial to the effective functioning of communities (eg providing

<sup>6</sup> regulation 39(2)

<sup>7</sup>s. 4

advice, social care, cultural and spiritual services). Demands on their services are likely to increase in the event of an emergency, and, if they are unable to continue functioning, this could exacerbate its effects.

**8.27** Providing business continuity advice to voluntary organisations will help build the resilience of the wider community, and help limit the impact of emergencies on its ability to function effectively.

**8.28** However, the voluntary sector is large and diverse, and not all voluntary organisations would want – or indeed benefit from – business continuity advice. A large number of voluntary organisations, for example, do not employ staff or maintain premises. Given the large number of voluntary bodies (c. 600,000) – and the difficulty of reaching out to some of them – it is unrealistic to expect local authorities to proactively provide (even generic) advice and assistance to them all.

**8.29** The underlying principles of BCM are common to all organisations. In many instances – particularly where messages are made publicly available via websites – the costs to the local authority of extending their advice to all voluntary organisations will be minimal.

**8.30** However, when deciding how to prioritise when taking forward a proactive programme of advice and assistance, local authorities may need to take decisions about which voluntary organisations to approach, and where to target resources.

**8.31** The Regulations therefore permit a local authority itself to determine its target audience within the voluntary sector.<sup>8</sup> The Regulations provide that, in so doing, local authorities should have regard to a range of factors, including:

- **Role in relation to emergencies:** A large number of voluntary organisations play a direct role in preventing or responding to emergencies. In order to help others, they will need to be able to keep themselves operating in the event of an emergency.
- **Contribution to the effective functioning of the community:** In the event of an emergency,

some organisations will be critical to the health and welfare communities.

- **Economic importance:** Staff numbers and turnover will also be an important consideration in determining target audiences. These will give an indication of an organisation's importance to the local economy, and the likely value of business continuity planning adding value to an organisation.
- **Geography:** It would not generally be appropriate for a local authority to give BCM advice to a voluntary organisation which does not carry out activities in the area for which the local authority is responsible.<sup>9</sup>

## Charging

**8.32** The Regulations permit local authorities to make a charge for business continuity advice and assistance provided on request, where this is appropriate, but do not oblige them to do so.<sup>10</sup>

**8.33** It is unlikely that local authorities will be able to charge for promotional materials or awareness-raising materials supplied, which in many cases will not have been requested. However, local authorities may wish to make a charge for a number of activities, including:

- attendance at local authority organised events;
- membership of business continuity forums;
- provision of specific information (eg aspects of risk assessments);
- provision of advice on an ad hoc basis (eg development or review of firms' own plans); and
- provision of an established BCM service.

**8.34** The Regulations also provide that local authorities may only charge for BCM advice and assistance on a cost-recovery basis.<sup>11</sup> Local authorities may charge for the full cost of all the resources used in carrying out activities for which a charge is to be made, and a reasonable share of any research or documentation that underpins this service. The Government does not believe it is appropriate for local authorities to seek to make a profit from activities in this area, and the Regulations do not permit this.

<sup>8</sup> regulation 40(2)

<sup>9</sup> regulation 40(5)

<sup>10</sup> regulation 44

<sup>11</sup> regulation 44

**8.35** Further guidance on charging policy can be found in the HM Treasury Fees and Charges Guide (see <http://www.hm-treasury.gov.uk>). However, local authorities will also want to consider the impact of their charging policy on the take-up of their advice and assistance.

## Risk assessment

**8.36** The BCM programme should also reflect the risk profile of the area. When developing a BCM promotion strategy and materials, the officer responsible should ask: What possible disruptions do organisations need to know about? What impacts might they have? Are there any locations or firms that are particularly vulnerable?

**8.37** The Regulations require local authorities to “have regard” to the Community Risk Register (CRR) agreed by the Local Resilience Forum (LRF) when developing a business continuity promotion programme.<sup>12</sup> It may also be necessary to consider risks outside the area that could impact upon businesses in a local authority area (eg major chemical plant in a neighbouring area), hence the requirement to have regard to “any relevant risk register”.

## Developing collaborative arrangements

### Collaboration with other local authorities

**8.38** The duty to provide advice and assistance in relation to BCM falls on all local authorities. The

Regulations permit local authorities to enter into collaborative arrangements with other Category 1 or 2 responders (eg a Fire and Rescue Authority) in delivering the duty.<sup>13</sup>

**8.39** There are a number of options open to authorities in deciding how best to discharge their responsibility. This permissive approach gives local authorities the flexibility to decide how to make the best use of the skills, expertise, networks and resources available in an area. Working collaboratively could help ensure that efforts are co-ordinated and that economies of scale are achieved.

**8.40** However, it remains the responsibility of each authority to ensure that the programme is delivered effectively, and its statutory duties are fulfilled. Whichever option – or mixture of options – is chosen, each authority should ensure that:

- roles and responsibilities are clear;
- clear review and evaluation mechanisms are in place;
- the programme adequately reflects the diverse business needs and risk profile within an LRF area; and
- elected members and senior officers are brought into the process where necessary.

**8.41** Delegation, or the appointment of a lead authority, does not absolve the local authority of the duty, but merely transforms the mode of delivery. The local authority remains under a legal duty to ensure the programme is delivered, even when a third party is contracted to complete the work.

## Partnership working in BCM promotion

- **Separate programmes:** Local authorities deliver BCM programmes separately, while ensuring the coherence of the message and means of delivery.
- **Delegation:** All or some local authorities in an LRF area delegate the duty to a single authority, which delivers the duty on their behalf. Delegation can be to any Category 1 or 2 responder, not just a local authority.
- **Joint working:** This would involve a single programme being delivered jointly by a number of local authorities.
- **Appointing a “lead authority”:** This involves giving one or more partner authorities a leading role within the delivery of the programme, with other authorities fulfilling a lesser, supporting role. The lead authority could, for example, co-ordinate the content and production of promotional material for others to deliver.
- **Outsourcing:** The duty could be contracted to a third party on a commercial basis, either by an individual authority or collectively.

<sup>12</sup> regulation 38

<sup>13</sup> regulations 41(3) and 41(4)

## Other Category 1 responders' work with commercial organisations

### The police

The police work with the business community on continuity-related issues in a number of ways:

- **Crime prevention advice:** Most large police stations have dedicated officers proactively providing crime prevention advice to local businesses on crime prevention and security issues (eg CCTV). Contact your local police service for further information about the work done in your area.
- **Counter-terrorism advice:** Counter Terrorism Security Advisers (CTSAs) provide advice on demand to the business community on preventing and mitigating the effects of acts of terrorism. They are not resourced to give advice to individual businesses, but may be willing to give advice to groups of businesses, such as a business continuity forum. Their work is co-ordinated by the National Counter Terrorism and Security Office, which published the *Expecting the Unexpected* document in conjunction with London First and the Business Continuity Institute. CTSAs can be contacted via local police headquarters.
- **Advice on emergency response procedures:** Police services seek to raise awareness among local businesses about emergency response procedures (eg evacuation procedures, cordoning in the event of an incident).

### Fire authorities

Since 1947, fire authorities have been under a duty to provide, on request, information about fire prevention and mitigation. The Fire and Rescue Service Act 2004 confers a new duty on fire authorities to make provision for actively promoting fire safety within their area. This will involve the provision of advice and assistance to local businesses. They will work with occupiers/owners in the business community to offer advice over a broad range of topics – proactively and on request. This work will be undertaken in different ways according to the priorities in the area.

In Hereford and Worcester, specialist Fire Safety Inspecting Officers receive technical training so that they can offer advice and assistance to commercial organisations on issues such as:

- arson reduction;
- business continuity; and
- community fire safety.

Fire-fighters will reinforce this proactive approach to fire prevention by taking forward aspects of this approach in their day-to-day work. They are working closely with other enforcement agencies and bodies providing business continuity advice to explore opportunities for partnership working.

### Maritime and Coastguard Agency

The Maritime and Coastguard Agency is committed to preventing loss of life, continuously improving maritime safety, and protecting the marine environment. Various aspects of this work involve BCM promotion.

In addition to enforcing contingency planning requirements, the Agency undertakes a range of educational initiatives with the shipping, fishing, and offshore oil and gas industries, as well as with those who visit the sea or coast for leisure. Further information can be found at: <http://www.mcga.gov.uk>

### Co-ordination of BCM promotion programmes

**8.42** The Regulations require local authorities within an LRF area to co-operate with each other when performing their duties under section 4 of the Act.<sup>14</sup> The purpose of this requirement is to ensure that local authorities within an LRF area deliver a coherent programme of advice and assistance to

organisations undertaking commercial activities in their communities.

**8.43** This co-operation may take place bilaterally or within a single forum. Whatever form this co-operation takes, authorities will need to take steps to ensure that:

<sup>14</sup> regulation 41(1)

- the message they are giving out is consistent;
- the means of delivery are co-ordinated where appropriate;
- external partners are not unduly burdened; and
- lessons are learned and best practice is shared.

**8.44** The BCM promotion programme in an LRF area should be driven by the needs of local organisations, not local authorities' administrative boundaries. Organisations in an LRF area will often operate across local authority boundaries, hence the importance of delivering a co-ordinated message with promotional or awareness-raising work.

**8.45** Local authorities will also want to consider the need to adopt a coherent approach to the provision of specific advice and assistance where this is requested.

#### Co-ordination with other Category 1 responders' work

**8.46** The duty to provide advice and assistance in relation to BCM falls on local authorities, but this does not mean that other Category 1 responders do not have an interest in such programmes.

**8.47** A number of other Category 1 responders are already engaged in providing BCM advice – for example, the police in relation to crime and security issues, the Fire and Rescue Service in relation to fire safety, and the Maritime and Coastguard Agency (MCA) in relation to safety at sea.

**8.48** The Regulations require local authorities to have regard to the business continuity assistance work other Category 1 responders are doing in the community.<sup>15</sup> In practice, this means that local authorities are required to develop an awareness of the business continuity work other Category 1 responders undertake with organisations, and consider the implications of this work for their own business continuity advice and assistance programmes.

**8.49** This will help local authorities to ensure that programmes complement other work. Local authorities should take steps to ensure that their BCM advice and assistance programmes dovetail with

work undertaken by other Category 1 responders, that synergies are exploited, and that they work collaboratively where possible. The Regulations additionally provide that local authorities need not unnecessarily duplicate the work done by other responders with local organisations.<sup>16</sup>

**8.50** Furthermore, BCM awareness material will address public sector response arrangements and risk profiles, which will require the collaboration of other Category 1 responders. It is, therefore, important that local authorities have access to the right information and advice to inform their promotion strategies, and that the assumptions they make about other Category 1 responders' response arrangements are accurate. The Regulations impose a duty on all Category 1 and 2 responders to co-operate and share information on request pursuant to local authorities' duties under section 4 of the Act.<sup>17</sup>

**8.51** This co-operation may take place bilaterally, as required, or via a subgroup of the LRF.

**8.52** Local authorities must observe the limits on sharing sensitive information set out in the Regulations when taking forward their programme of advice and assistance. Local authorities may have access to – or be asked for – personal data or information that relates to national security or public safety. Even where this would assist the local authority in its BCM advice and assistance work, this information should not be disclosed, unless appropriate consent has been obtained or the public interest in disclosure outweighs the interests of the organisation or individual concerned. The same applies to commercially sensitive information, which must also be treated appropriately. Chapter 3 sets out in more detail the limits on dealing with sensitive information.

#### Transitional arrangements

**8.53** The Government recognises that local authorities will need time to develop the skills, experience, networks and materials to deliver an effective BCM promotion strategy. The duty on local authorities to provide advice and assistance to organisations on BCM will not come fully into force until six months after the other duties in Part 1 of the Act.

<sup>15</sup> regulation 43(1)

<sup>16</sup> regulation 41(1)(c)

<sup>17</sup> regulations 41(2) and 42

## Berkshire Regional Continuity Forum – benefits of partnership-working

“The Berkshire Regional Continuity Forum has demonstrated the benefits of partnership-working between local responders.

“The Berkshire Unitary Authorities facilitate the forum, which operates with the support and co-operation of other local responders. Thames Valley Police Service provides an update on current crime trends and threat assessments, giving local businesses the opportunity to review plans and discuss problems. The Police Service and the Highways Agency also use the forum to disseminate real-time information on local incidents and traffic information.”

*Louise Cadle, Emergency Planning Officer, Bracknell Forest Borough Council*

## Berkshire Regional Continuity Forum – sharing ideas, experiences and best practice

“The Berkshire Regional Continuity Forum provides an invaluable platform for the sharing of ideas, experiences and best practice.

“As a major business with around 20,000 employees throughout the UK, we need to understand our role in our local communities and foster mutually beneficial contacts with the local authorities and the emergency services. We all need to clearly understand what we can expect of each other in an emergency situation. The biggest mistake any of us can make in our Crisis Management or Business Continuity Plans is to rely on assumptions about how a potential incident will be managed and the level of support that will be provided.

“I am recommending that all Siemens businesses in the UK develop similar relationships with the local authorities in their area.”

*Julie Viney, Business Continuity Manager, Siemens plc, member of the Berkshire Regional Continuity Forum*

**8.54** In the meantime, local authorities are required to take steps to ensure that they will be in a position to promote BCM effectively when the duty does come fully into force. In other words, local authorities must develop a robust strategy to ensure that they are fully up to speed on or before the commencement date for the section 4 duty.

**8.55** There is, however, nothing to stop local authorities progressing more quickly, if they are able to do so. The Regulations enable local authorities to charge for advice and assistance provided on request in the interim period.<sup>18</sup> They will also be able to require information and co-operation from other Category 1 or 2 responders to support the section 4 duty during this time.

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

### Scotland

**8.56** The Regulations made by the Minister which relate to the promotion of business continuity do not apply to local authorities in Scotland. The Regulations made by the Scottish Ministers make provision as to how local authorities in Scotland should exercise their duty under the Act to provide advice and assistance in relation to business continuity.

### Wales

**8.57** The Act and the Regulations apply in Wales in the same way as they apply in England.

<sup>18</sup> regulations 37 and 44

## Northern Ireland

**8.58** The duty to provide advice and assistance to business and voluntary organisations in relation to business continuity does not apply to local authorities in Northern Ireland.

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

**8.59** This section outlines how the Government believes the duties described may best be carried out. It describes good practice. Category 1 responders must have regard to this guidance.<sup>19</sup>

### The message: what do organisations need to know?

**8.60** Ultimately, each organisation is responsible for ensuring that its own business continuity arrangements are in place. In promoting business continuity, the first issue that needs to be addressed is motivation – why should organisations commit time and resources to developing, maintaining and validating business continuity arrangements?

**8.61** There are two principal motivating factors for all organisations considering whether to adopt BCM arrangements – the risks associated with emergencies and the ability of the individual organisation to positively affect its own position in those circumstances. The role of the local authority is to provide advice and assistance in making these judgements.

**8.62** There are four principal classes of information that organisations require when assessing the need for, developing, implementing or reviewing business continuity arrangements:

- the **kinds of disruption** which could occur, and the **impacts** they may have (eg loss of utilities or access to premises);
- the arrangements that Category 1 responders have in place to assess the risk of, prepare for, respond to and recover from emergencies, and

their implications for the business community (eg evacuation or recovery plans);

- the **steps individual organisations can take** to prepare for, or mitigate the effects of, an emergency (eg implement BCM); and
- sources of **warnings, information and advice** in the event of an emergency.

**8.63** Levels of BCM awareness and activity will vary considerably between organisations. In some cases the challenge will be to get BCM on the agenda, and in others the challenge will be to sell the concept or help organisations already doing BCM to refine their plans. Local authorities need to ensure that the message is suitable for such a diverse audience. Experience has shown that providing timely advice and assistance to organisations in the immediate aftermath of an emergency can assist recovery. While local authorities and other responders may choose to put in place arrangements to provide such advice, the legislation does not require them to do so.

### Delivering a programme of advice and assistance

**8.64** The Act does not specify which part of the local authority should fulfil the duty to provide BCM advice. On the one hand, staff involved in emergency planning work – who will be familiar with the risks concerned and local response arrangements – are well placed to give advice. On the other hand, staff involved in the economic development or voluntary sector support function will have contacts with local businesses, voluntary bodies and their representatives, and the provision of business continuity advice and assistance may be seen to be a straightforward extension of their work. More probably, a collaborative effort between the two will be required.

**8.65** Practical advice in taking forward the duty to provide business continuity advice and assistance is set out below.

### Generic advice and assistance

**8.66** There are a number of ways of fulfilling the requirement to provide generic advice and assistance to the business community at large, and voluntary

<sup>19</sup> s.3(3)(b)

## Ways to give generic advice and assistance

### **The web**

Local authorities could use their own websites as a reference tool for the promotion of business continuity in their area, or set up a dedicated website with local partners. In addition to specific advice on business continuity, the site could direct businesses to other sources of information about civil protection issues, including the CRR and other Category 1 and 2 responders' sites.

These pages could also reference other sites offering guidance on the development of business continuity arrangements.

### **Advertorials**

Articles in appropriate publications may also be used to raise awareness of business continuity issues, or to direct readers to relevant materials. Local authorities publishing an annual business or voluntary sector directory could use that to get the message across. A further option would be to seek space in publications issued by partner organisations (eg business or social action representative groups).

### **Press releases**

The Berkshire Regional Continuity Forum has found that press releases on the forum's activities generate interest from the press and radio and television broadcasters.

### **Mailings**

Local authorities have various means of disseminating guidance to the business and voluntary sector communities, eg business rate letters. These could contain existing reference materials on BCM – which are currently available from a wide range of sources, including the Department of Trade and Industry, Office of the Deputy Prime Minister and the Business Continuity Institute – or references to sources of further information. Materials designed specifically for this purpose will be provided to local authorities by central government for this purpose.

### **Participation in seminars/events**

Existing events/seminars targeted at businesses or the voluntary sector, whether organised by the Local Authority Economic Development Department or other local partners, could be used to communicate the message on BCM promotion. These events could also be used to publicise sources of information on BCM, either provided by the local authority or by a third party.

### **Facilitating or hosting events**

Alternatively, local authorities may choose to organise their own BCM events. For example, they could host a regional or local business continuity fair or seminar. They could collaborate with each other to deliver such an event jointly. A seminar or fair could also be used to launch a new BCM forum. The costs incurred by local authorities could be met by charging a small attendance fee, inviting firms to sponsor such events, or by seeking collaboration from business or voluntary sector representative bodies.

### **Establishing a business continuity forum**

Local authorities could facilitate the formation of business continuity forums and encourage members of the business community to join. Not only does such a forum promote business continuity management, it also helps to consolidate a local network, within which businesses can learn from each other and liaise with Category 1 and 2 responders.

Local authorities and the emergency services are often already engaged with the business and voluntary sector communities, for example in planning for evacuation in the face of a threat of flooding or terrorism or the fire prevention work undertaken by the Fire and Rescue Service. These links could provide a strong basis for developing a business forum looking at BCM or emergency planning issues in the round. Such forums could be used to strengthen the links between businesses and LRFs.

## Leeds City Centre Network for Emergency Planning

The Leeds City Centre Network developed as a result of the council's involvement in West Yorkshire Police's "Bomb Pager" scheme used for city centre evacuations and engagement with the "critical local infrastructure" during Y2K. It was clear to emergency planners in Leeds that there were problems communicating with the business community and that there were a wide range of issues to engage businesses on. As a result, the Leeds City Council Emergency Planning Unit (EPU) aimed to develop a forum comprising the major organisations operating in the city centre which could meet on a regular basis to develop a "culture of emergency planning".

The Network met for the first time in October 2000 and has continued to meet formally every six months for a half-day session. This is supplemented by periodic mailshots to an established e-mail list and items on the website. In the beginning, the EPU decided that the best format for meetings would be to have speakers from key Category 1 and 2 responders outlining – and responding to questions on – the basics of emergency planning and BCM, as well as a range of topics with a particular local relevance.

Consequently, presentations explained the roles of the local authority, the police (variously with regard to evacuations and terrorist incidents, chemical, biological, radiological and nuclear (CBRN) issues, updates on current security status), the Health Protection Agency and utilities (including BT Commsure on recovering communications). In relation to business continuity planning, each agenda includes presentations from locally based organisations – such as Halifax Bank and Marks and Spencer – on how they undertake business continuity planning. Meetings have also considered a wide range of issues of local interest, including the impact of the October 2000 floods in Leeds.

However, the Network has not just been about key Category 1 and 2 responders giving presentations to a passive audience; it was clear early on that many organisations wanted to get more involved in the development of arrangements that would impact them. This has led to Network meetings evolving to include outline presentations and follow-up workshops to explore how the authority and its partners plan for such matters as post-incident recovery, city centre evacuations (see <http://www.leedsalert.co.uk>), and co-ordinating public transport arrangements in severe weather.

organisations. The most suitable methods will depend in part on the expertise, networks and resources available to local authorities, and the willingness of the local business and voluntary sector community to engage.

**8.67** There are a number of areas where local authorities have played an active role in facilitating business continuity advice and assistance to businesses and the voluntary sector. It is important to learn the lessons from their experience.

**8.68** The experience of the Leeds City Centre Network for Emergency Planning, for example, illustrates how some of the means of delivery can be used (see Box). It also demonstrates the merits of working closely with other Category 1 and 2 responders in taking the programme forward, and engaging with, and involving, a wider range of partners as part of the process.

### Specific advice and assistance

**8.69** Following the Bishopsgate bomb in 1993, the Corporation of London began giving business continuity advice and assistance to businesses based in the City of London. In addition to arranging presentations, briefings and literature available to the business community at large, the Corporation offers one-to-one advice and assistance to businesses in the City. The business case for this work is clear: to build the resilience of the business community itself, ensuring that firms' own emergency plans dovetail with those of Category 1 responders, thereby increasing their effectiveness and reducing reliance on Category 1 responders.

**8.70** Some of the activities it undertakes are set out in a box below. These have evolved over time, as awareness of BCM issues has improved. In the beginning, it focused on the threat of terrorism, but

it has broadened out over time to a wider range of disruptive challenges.

**8.71** The range of services provided by the Corporation has been demand-driven. The Corporation provides services to a wide range of organisations, from large multi-national corporations to small local firms.

Experience has shown that demand is particularly strong for information about the public sector response to emergencies, and what they can expect.

**8.72** Current provision of specific business continuity advice and assistance by local authorities is not limited to London and the major cities. Facilitated by

## The Corporation of London's approach

### Company-specific presentations

These can be tailored to the needs of the company and the particular audience being addressed. These presentations are often intended to either sell a concept (such as the need for business continuity planning or exercising) or to provide information that will help develop and improve existing arrangements (eg likely public sector response to a major incident).

### Information

The Corporation of London's opinion has been sought on issues such as the appropriate distance between primary sites and recovery centres, effective methods of accounting for staff following an evacuation, etc.

The Corporation rarely prescribes a solution, but rather outlines the advantages and disadvantages of various approaches, in order to allow each company to determine the option most appropriate to its circumstances.

### Plan review

The Corporation of London will review and comment on the business continuity plans of firms in the City. It does not undertake a full third-party audit of these plans, but gives the company the perspective of an informed outsider. By and large it is the small and medium-sized companies who utilise this service, where the person responsible for business continuity also has other areas of responsibility.

The comments the Corporation makes on these plans tend to be in the following categories:

- **Factual:** Is information contained in plans factually correct? Is it based on a correct interpretation of emergency services procedures?
- **Assumptions:** All business continuity plans are based on certain planning assumptions. Are these assumptions unrealistic (eg no staff members will be affected by the incident, all senior managers are available in their offices 24 hours a day, 365 days a year, etc)?
- **Incident management:** Are plans sufficiently clear on who does what?
- **Communication:** How is the plan communicated to staff in advance of an incident, particularly those with a role in implementing it? How does the call-out system operate? Once an incident occurs, how does the company maintain the appropriate communication channels?

The Corporation does not seek to provide the 'right' answer, but rather makes observations and suggestions, and offers constructive challenge. The company will then need to decide for itself if it wishes to address these issues or not.

### Exercises

The Corporation of London supports companies wishing to exercise their plans. Experience has shown that exercising is crucial to effective planning, and this is by far the most popular request. The Corporation can provide:

- advice on how to structure and run an exercise;
- advice on scenarios used;
- participation in an exercise; and
- a full exercise service, where it devises, structures and runs an exercise on behalf of a company.

Norfolk County Council, the Norfolk Major Incident Team (NORMIT) is a partnership between public organisations and private companies that focuses on developing the resilience of the business community in Norfolk against the impact of emergencies.

NORMIT has three key objectives:

- improving resilience within businesses in Norfolk;
- improving mutual aid between businesses in Norfolk; and
- enhancing co-ordination between businesses and emergency management organisations in Norfolk.

**8.73** NORMIT has a membership of 94 organisations (as at October 2004). This includes the public sector, voluntary organisations, utility companies and the private sector. Private sector membership ranges from small businesses with only a few employees to large international companies and Control of Major Accident Hazards (COMAH) sites. NORMIT offers a wide range of services and benefits to its members, including:

- plan consultation, auditing and testing;
- exercise development, management and analysis;
- emergency management training;
- seminars and study days;
- members' mutual-aid database of resources;
- secure area on the website to share information regarding current incidents; and
- quarterly members' meetings.

**8.74** Whichever approach local authorities take to the provision of specific information and advice to businesses or voluntary organisations requesting further support, they should consider developing a documented policy statement, in order to manage the expectations of local organisations and ensure consistency and fairness.

**8.75** Local authorities should also be aware of professional liability issues when giving specific advice and assistance. In order to reduce the risk of claims

of negligence or breach of contract, local authorities should:

- only become involved in areas where they are competent and experienced enough to give advice and assistance;
- be clear about the status and limits of advice;
- clearly flag up areas of uncertainty or assumptions that have been made; and
- consider the use of disclaimers where appropriate.

**8.76** However, liability issues should not deter local authorities from giving detailed advice and assistance. If managed correctly, the risk of legal challenge is limited, and far outweighed by the demand from organisations for support, and the possible benefits in terms of community resilience.

### Referring organisations to a third party

**8.77** The local authority should avoid giving definitive recommendations, or endorsing individual consultants. Its role is to direct firms to organisations that could assist them, and suggest the criteria for selecting a service provider. These could include:

- professional qualifications/certification;
- membership of a professional organisation;
- experience in relevant aspects of BCM;
- track record of completing similar tasks; and
- adequate professional indemnity insurance.

**8.78** The Business Continuity Institute (BCI) (<http://www.thebci.org>) provides a certification scheme for business continuity professionals. It publishes a list of consultants it deems to be experienced, qualified and competent in particular areas, and operates a code of practice for members. The Continuity Forum also provides a service designed to help connect consultants with clients – Consultancy Signpost. Consultancy Signpost, which lists individuals and organisations who provide consultancy services covering business continuity and its related disciplines,

## The Norfolk Major Incident Team

“NORMIT has helped build and maintain our incident management capability through the provision of effective training, including the planning and management of exercises. The regular members' meetings have enabled Norwich Union to forge excellent relationships with the emergency services and utility companies, which has proved invaluable in managing incidents.”

*Neil Hepple, Security and Business Continuity Manager, Norwich Union*

is publicly available via the front page of the Continuity Forum's website <http://www.continuityforum.org>. The BCI and the Chartered Management Institute are useful sources of advice on commissioning consultants. The local authority can also facilitate the sharing of feedback on consultants by maintaining records of the organisations who have sought its advice about the engagement of a third party.

**8.79** Nonetheless, the local authority will need to make it clear to firms that the choice of consultant is their sole responsibility, and that the local authority shall not be liable for any damage or loss suffered as a result.

### BCM advice to the community and the LRF process

**8.80** The arrangements for multi-agency co-operation established by the Act will establish a framework for delivering joined-up and effective civil protection. BCM promotion is an integral part of the wider package of civil protection activity, and requires multi-agency co-operation and information-sharing to be effective.

**8.81** Local authorities will want to consider how they use this wider framework to deliver the co-ordination and buy-in required for effective BCM advice and

assistance activity. Much can be achieved through informal working-level contact, but there may be some merit in formalising this co-operation. This could take the form of:

- regular discussions at working-level liaison groups;
- establishing a community resilience subgroup of the LRF; or
- discussion at LRF meetings.

**8.82** The approach taken will depend, in large part, on the nature of the local authorities' programmes, the means used to deliver the message, and the extent of the involvement of other agencies in the process. However, the Government believes it is good practice for the full LRF to be given a chance to discuss BCM promotion work once each year.

### Identifying and engaging other external partners

**8.83** Local authorities should also consider engaging partner organisations in the process of providing information, advice and assistance to organisations that carry on commercial activities and to voluntary organisations. This should prove useful in communicating with firms and gaining their buy-in, providing support in organising events or forums, and as a source of BCM expertise.

**Figure 8.1: Network of BCM promotion partners**



**8.84** Figure 8.1 shows a range of organisations in both the public and private sectors that may be willing to collaborate with local authorities in this work. These are:

- **Inside local authorities:** Local authorities themselves have established links with the business community, which could be utilised when promoting BCM (eg Economic Development Units, City Centre Management Units and Community Safety Teams). Local authorities also have close links with voluntary organisations, which are often engaged as partners in service delivery and are recipients of grants.
- **Representative groups:** There are a number of groups that represent the business community or sections of it (eg Confederation of British Industry, British Chambers of Commerce, Federation of Small Businesses). Councils for Voluntary Service (CVS) are voluntary organisations which are set up, owned and run by local groups to support, promote and develop local voluntary and community action. CVS support their members by providing them with a range of services and by acting as a voice for the local voluntary and community sector. They provide a useful way to identify the local voluntary sector community. There is a CVS working in almost every district and city in England, and they usually work to the same geographical boundaries as the local authority. To find your local CVS visit: <http://www.nacvs.org.uk>
- **Public sector partners:** There are also a number of public sector bodies which provide advice, assistance and support to local organisations.

These include the Business Link network, the Regional Development Agencies and a number of area-based initiatives (eg Business Improvement Districts). Higher education institutions and colleges of further education could also be effective partners in the promotion of BCM through their business courses. A number of higher education institutions also offer BCM qualification courses which may be useful to local authorities seeking to develop their competence in this area.

- **Professional bodies:** There are a number of organisations that exist to promote the take-up and standards of business continuity in the business community, including the Business Continuity Institute, Continuity Forum and Survive. There are also professional bodies or institutes with a wider remit – including the Chartered Institute of Management and British Institute of Facilities Management – which can provide a way into the business community in an area.
- **Agenda groups:** There are a range of bodies that can act as a conduit for BCM promotion work (eg Local Strategic Partnerships, Crime and Disorder Reduction Partnerships).
- **Commercial BCM providers:** Commercial organisations providing a range of BCM services may be willing to sponsor business continuity initiatives or events.
- **Individual businesses:** Experience has shown that gaining the support of larger firms is important in taking forward a BCM promotion programme. Larger firms are more likely to be familiar with the discipline of BCM, and may already have

### Box 8.2: London Business Resilience Group

The London Business Resilience Group (LBRG) was created to enable the London Regional Resilience Forum to work closely with the business community in its efforts to contribute to the overall preparedness of the capital.

The purpose of the LBRG is to improve communications between government agencies and departments and business on resilience issues. Two of its key aims are to:

- **encourage businesses to put in place arrangements to deal with the impact of emergencies.** It does this by communicating the need to be prepared, and by providing support materials for businesses wanting to take forward BCM; and
- **enable businesses in London to access up-to-date information about the threats and hazards they face.** It does this by a range of means, including the management of <http://www.londonprepared.gov.uk>

The London Regional Resilience Forum will work to deliver a co-ordinated pan-London strategy for working with business on resilience issues. This will include providing support to local authorities in London in fulfilling their duties under the Act.

established relationships with Category 1 and 2 responders. They may provide useful support in establishing business continuity seminars and forums, and give assistance in raising the profile of BCM within the business community (eg through supply-chain leadership, membership of associations). Professional services firms (eg banks, accountants) may be willing to distribute literature to clients.

**8.85** It is also important not to forget the role that national and regional government can play in providing information and support for BCM promotion work. Government departments make available a range of information and advice to support contingency planning by businesses, much of which is accessible via <http://www.ukresilience.info>

**8.86** The Welsh Assembly Government has a Business Continuity Unit responsible for ensuring that measures are in place to secure the critical business activities of the Assembly Government, should disruption occur. Where possible, the Unit may be able to provide guidance to assist local authority staff in taking forward a programme of BCM promotion activity.

**8.87** Government Offices of the Regions have links with the business communities, and their Regional Resilience Teams may be willing to assist with BCM promotion programmes.

## Targeting advice

### Size of organisations

**8.88** BCM arrangements are crucial to the sustainability of all organisations. Local authorities should not assume that business continuity is well established in the large national or multi-national

companies – or large well-established voluntary bodies – in their area. Small and medium-sized enterprises (SMEs) are also crucial to the UK economy, accounting for some 99 per cent of the UK's four million businesses. They account for 58 per cent of the number in employment in the private sector. They create 66 per cent of all new jobs in the UK and generate 52 per cent of the UK's total annual turnover, some £1,173 billion (Small Business Service, DTI, December 2004).

**8.89** Local authorities should ensure that materials used are appropriate to the needs of businesses, which may vary considerably. While the underpinning principles remain the same, the approach taken when approaching a small owner-managed firm will be different to that taken with a large, well-established firm. Local authorities will need to be proactive in engaging the SME community, and ensure that materials are pitched at the right level.

**8.90** It may be helpful to think of the business community in terms of the following definitions used by the Department of Trade and Industry:

- **Micro firm:** 0–9 employees
- **Small firm:** 0–49 employees
- **Medium firm:** 50–249 employees
- **Large firm:** Over 250 employees

**8.91** Where it is not possible to engage smaller businesses directly in a community resilience initiative, it may be possible to include them through a variety of umbrella groups that can disseminate information and advice. In Leeds, this was achieved through groups such as the Chamber of Commerce, Business Link, Leeds Hotels Forum and Leeds Retail Initiative. Voluntary organisations can be reached through local Voluntary Service Councils, Social Councils, Volunteer Bureaux and other local umbrella bodies.

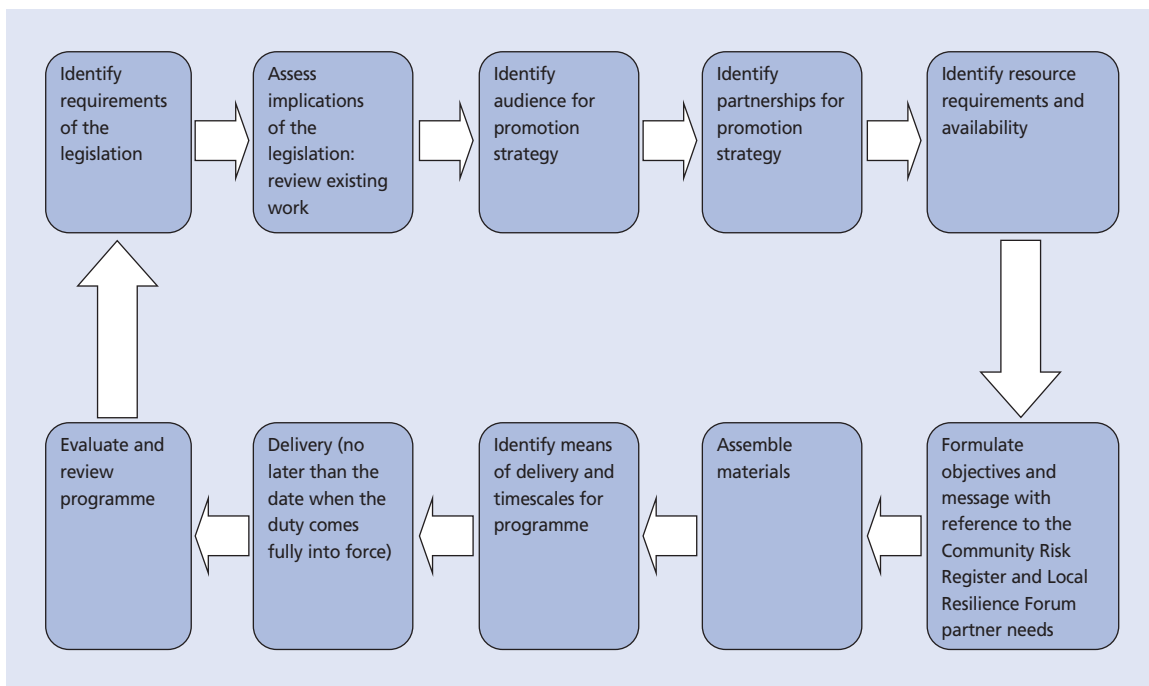
## Helping small and medium-sized businesses

“The Emergency Planning Unit at Norfolk County Council has developed the Norfolk Emergency Guidance e-Tool, which provides guidance and simple plan templates to encourage small and medium-sized businesses to enhance their business continuity resilience to emergencies.

“The e-Tool is available in a web-based format (<http://www.normit.org>), on a business card-sized CD-Rom and as a compact paper guidance document.”

*Sarah Alcock, NORMIT Emergency Management Officer, Norfolk County Council*

**Figure 8.2: Developing a programme of business continuity advice and assistance**



### Added value

**8.92** Local authorities may wish to focus initially on organisations that may be well placed to give support to the programme by helping to raise awareness or by offering practical support (eg venues). Local authorities may also wish to focus initially on organisations that are able to provide help or resources to other organisations or Category 1 responders in the event of an emergency, or organisations whose activities are crucial to the effective functioning of the wider community (eg food suppliers).

### Developing a BCM advice and assistance programme: transitional provisions

**8.93** In order to ensure that they can fulfil the requirements of the business continuity advice and assistance duty when it comes fully into force, local authorities will need to undertake the necessary preparations. Figure 8.2 outlines some of the steps local authorities may need to take in developing a programme of business continuity advice and assistance. These are:

- **Step 1 – Identify requirements of the legislation**  
Ensure familiarity with the requirements of the legislation as set out in the Act, the Regulations and guidance. The legislative framework may evolve over time, and it is important to reassess the legal requirements on an ongoing basis.
- **Step 2 – Assess implications of the legislation**
  - Review existing work in the light of the requirements of the Act – are there gaps to be filled? Are there synergies between wider emergency planning work and the requirements under the Act?
  - What are the implications for the skills mix of the local authority? Have existing staff got the skills and experience necessary to undertake the work required?
  - Consider the case for collaborative arrangements with other authorities – establish clear roles and responsibilities where appropriate.
- **Step 3 – Identify audience for the work**  
It is important to build awareness of the ‘audience’ for your work, and identify its needs. What are the patterns of commercial and

voluntary activity in your area? What is the level of awareness of, and commitment to, BCM? This may involve a mixture of desk research and 'market testing'.

- **Step 4 – Identify partners**
  - There is a wide range of existing networks and partnerships that can give local authorities support in this work. What can partners bring to the table? How will partners work together?
  - Make contact with other Category 1 and 2 responders undertaking business continuity work with businesses. What are they doing? How can Category 1 and 2 responders work together to meet mutual objectives?
- **Step 5 – Identify resource implications**

The availability of resources – human as well as financial – will be a key driver, and it is important to establish the parameters early on. While the duty to promote BCM falls on local authorities, resources may be available from elsewhere. In Norfolk, for example, the local authority has acted as an 'enabler' in a public-private partnership. Local authorities will need to ensure that staff undertaking BCM advice and assistance work have the necessary skills and undertake appropriate training.
- **Step 6 – Develop objectives and message**

Clear objectives should be established in consultation with partners in the LRF, and the message and target audience should be defined with reference to the CRR. Are proposed approaches coherent and will they be effective?
- **Step 7 – Assemble promotion materials**

There is a wide range of existing materials illustrating the importance of BCM and how to develop business continuity arrangements. Is there a need to develop further materials tailored to local circumstances? And what form might these take (eg printed, web-based, etc)?
- **Step 8 – Identify means of delivery**

Choose means of delivery in the light of available resources and support from partners. Publicise events and services offered, and formulate charging policy.
- **Step 9 – Delivery**

Begin delivering promotion programme on or before the date when the duty comes fully into force. Authorities may also wish to pilot their promotion programme, or undertake a phased implementation. Take care to collect feedback along the way.
- **Step 10 – Evaluate and review programme**

Has the programme met its stated objectives? Has feedback been positive? How could it be improved or extended? What lessons can be learned from experience elsewhere in the country?

**8.94** A business continuity advice and assistance programme is essentially a continuous cycle of assessing the content and delivery of the promotion programme against the requirements of the legislation, assessments of risk, needs of audience, and resources and support mechanisms available.