

Chapter 11

Wales

Summary

- The arrangements set out in Part 1 of the Act apply in Wales. However, there are some differences in the requirements which the Regulations place on Category 1 and 2 responders in Wales because of the unique administrative arrangements in Wales (paragraphs 11.1–11.5).
- While functions under Part 1 of the Act have not been transferred to the National Assembly for Wales, the Assembly has significant interest in this area and is primarily responsible for a number of Category 1 and 2 responders. These interests are generally exercisable by its executive arm, the Welsh Assembly Government¹ (paragraphs 11.6–11.14).
- Category 1 and 2 responders and other organisations are engaged in response work together with the Welsh Assembly Government to address large-scale civil protection issues in Wales. The Wales Resilience Forum provides multi-agency strategic advice on civil protection at an all-Wales level. The forum aims to take forward resilience work in Wales through the Wales Resilience Programme co-ordinated by a Wales Resilience Partnership Team (paragraphs 11.20–11.32).

What the Act and the Regulations require

11.1 The duties in Part 1 of the Act apply in the same way in Wales as they do in England. Category 1 and 2 responders in Wales are subject to the Regulations and guidance made by a Minister of the Crown after liaison with the National Assembly for Wales.¹ The Assembly has a statutory role to play in the introduction of regulations and guidance which apply to Category 1 and 2 responders falling within devolved competence. When a Minister of the Crown issues a risk assessment to a Category 1 responder exercising functions in Wales, the Regulations require the Minister of the Crown to consult the National Assembly for Wales.

11.2 In addition, there are some differences in the requirements which the regulations place on Category 1 and 2 responders in Wales because of the unique administrative arrangements in Wales.

Co-operation

11.3 As in England, the principal mechanism for co-operation between Category 1 and 2 responders under the Act will be the Local Resilience Forums (LRFs). The respective Chief Constables presently chair the LRFs in the South Wales, North Wales, Dyfed-Powys and Gwent areas. Each forum considers its own membership and subgroup structures. There is consistency in the way each forum is structured, with each establishing subgroups covering such subject areas as media, risk, and chemical, biological, radiological and nuclear issues, but with local circumstances and challenges factored in.

Risk assessment

11.4 In Wales, a risk assessment at a pan-Wales level is undertaken by the Wales Risk Assessment Group (WRAG) reporting to the Wales Resilience Forum (WRF). The WRAG is co-ordinated by the Welsh Assembly Government, drawing upon a wide range of expertise from LRFs and partner agencies in Wales. The WRAG includes members from each of the risk assessment groups under the four LRFs. The

availability of the Wales risk assessment as a possible template for work at a local level assists in providing consistency in the approach taken to the assessment process. The approach adopted in Wales is consistent with the UK model but focuses on the identification and assessment of hazards not threats. In Wales, Category 1 responders will assess risks in the same way as their counterparts in England. The LRFs will be the focus for responder co-operation on Community Risk Registers in the same way. Category 1 responders are required to share their Community Risk Registers with the Welsh Assembly Government to ensure that the risk assessments, whether issued by the UK Government or the Welsh Assembly Government, are incorporated into the Community Risk Registers.

11.5 The Regulations under the Act allow the UK Government to issue risk assessments to Category 1 responders. In Wales, this information will be disseminated via the Welsh Assembly Government to Category 1 responders in Wales. The Welsh Assembly Government will be able to issue risk assessments in Wales where it would be appropriate for it to do so, subject to the consent of the UK Government.

The role of the Welsh Assembly Government

11.6 The UK Government and the Welsh Assembly Government work together on the development of civil protection policy. Both parties consult with each other and exchange information on civil protection planning and response in a timely and constructive manner. The UK Government consults the Welsh Assembly Government as early as possible on any policy proposals (eg strategic guidance and national frameworks) relating to emergencies which affect or may affect Wales.

Devolved responsibility under the Act

11.7 Responsibility for local civil protection arrangements under Part 1 of the Act in England and Wales remains, in general, the responsibility of the UK Government. However, functional responsibilities in relation to health, the environment, animal health

¹ In the rest of this chapter, references to the National Assembly for Wales will generally be by reference to its executive arm, the Welsh Assembly Government. Where action is reserved to the National Assembly for Wales itself, this will be made clear and will refer specifically to the full Assembly

and welfare, local government, economic development, the Fire and Rescue Authorities and road networks enable the Welsh Assembly Government to engage in aspects of civil protection work and, as a consequence, it plays an important co-ordinating role. This points to the importance of ensuring good communications between the UK Government and the Welsh Assembly Government.

11.8 Part 1 of the Act confers a number of delegated powers on UK Ministers. In particular, the content of the Regulations, orders, directions and guidance made by them under Part 1 of the Act will have a significant impact on the preparation for and handling of emergencies. The Welsh Assembly Government will be involved as soon as possible in the development of Regulations, orders, directions and guidance under Part 1 of the Act where this action directly affects Welsh Category 1 and 2 responders, or where there are significant cross-border implications.

11.9 Where action is taken by the UK Government under Part 1 (making regulations or orders, giving directions, issuing guidance or taking enforcement action), which applies to bodies in relation to which the Assembly has functions, the UK Government must seek the consent of the National Assembly for Wales. In other cases where such action will apply to Wales, the UK Government must consult the Assembly.

11.10 Should further functions be devolved to the National Assembly for Wales, agreement to 'consult' could be adjusted to a 'consent' agreement where appropriate. The consent of the Assembly will be required for the addition, removal and movement of local responders in Wales listed under the Act for which the Assembly has responsibility. In cases where local responders in Wales are not within devolved competence, the Assembly will be consulted.

11.11 When requesting information from Category 1 and 2 responders in Wales under Section 9(1c) of the Act, the UK Government will consider the case for using the Welsh Assembly Government to co-ordinate the process of gathering information on a pan-Wales basis. In other cases the UK Government will consider on a case-by-case basis the need to inform the Welsh Assembly Government of any

request by it for information from:

- individual Category 1 and 2 responders in Wales which fall within devolved responsibility (eg the Welsh Ambulance Trust); and
- Category 1 and 2 responders in Wales which fall outside devolved responsibility (eg the police).

11.12 Where appropriate, the Welsh Assembly Government will be able to work with Category 1 and 2 responders in developing pan-Wales plans. In developing plans, the Welsh Assembly Government will be able to offer advice to Category 1 and 2 responders in Wales in terms of consistency with pan-Wales and pan-UK plans.

Communication with the UK Government

11.13 The Welsh Assembly Government or Wales Office, depending on the subject matter, is represented on the key committees and forums within UK government relating to civil protection at both official and ministerial levels. They work closely with UK government departments to ensure that UK civil protection policy and planning is tailored to Welsh needs. The UK Government works with the Welsh Assembly Government to ensure that it is kept informed and copied in to all information which will assist it in carrying out its responsibilities under the Act.

Concordat between the Welsh Assembly Government and the UK Government

11.14 A Concordat between the Welsh Assembly Government and the UK Government provides clarification as to how both sides see the role of the Welsh Assembly Government being delivered in practice under the Act. This guidance addresses this issue exhaustively in relation to Part 1 of the Act ("local arrangements for civil protection") and therefore the Concordat focuses exclusively on Part 2 ("emergency powers") issues. The Concordat is published on the National Assembly for Wales and UK Resilience websites: <http://www.wales.gov.uk>; <http://www.ukresilience.info>

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

Co-operation

11.15 Generally, the models of operation and representation as set out in Chapter 2 will apply in Wales. But there are differences, because Wales has a devolved administration rather than a Government Office, and because of different NHS structures.

11.16 The Welsh Assembly Government will be represented on all four LRFs in Wales in an observer capacity. Local responders should also seek to engage the Welsh Assembly Government on wider issues, including notifying the Assembly of the appointment of a lead responder in any of the four LRFs.

11.17 Welsh NHS organisations are engaged in civil protection at every level. Local Health Boards, NHS Trusts and the Wales National Public Health Service progress this work individually and collectively through local health emergency planning co-ordinating groups based on LRF areas and through the all-Wales Health Emergency Planning Advisory Group. The NHS is also appropriately represented on multi-agency groups including the strategic LRFs. The Health Protection Agency is linked into health emergency planning arrangements in Wales and is represented on a number of health emergency planning groups. It provides specialist advice during both the planning and response stages. The Assembly's Health and Social Care Department provides health emergency planning policy guidance to the NHS and works with the Department of Health in reviewing and developing health resilience.

Information sharing

11.18 Where appropriate, the WRF may be notified of the information flow between Category 1 and 2 responders and should be able to play a part, again where appropriate, in co-ordinating the request for and flow of information between Category 1 and 2 responders in Wales. In such a way, the WRF may be used as a vehicle for consideration of information-sharing issues which affect a range of responders across Wales.

Business continuity management

11.19 As in England, Category 1 responders in Wales will maintain plans to ensure that they can continue to exercise their functions in the event of an emergency, so far as is reasonably practicable. In Wales, the Welsh Assembly Government may be able to provide advice to Category 1 responders, where appropriate, on the development of business continuity plans, based on its own arrangements.

Welsh civil contingencies framework

11.20 Activity at the local level in Wales has to be considered in the context of activity undertaken on a pan-Wales basis by the Welsh Assembly Government and key resilience partners.

National-level planning in Wales

11.21 Two discrete types of planning are undertaken at the Wales level. The first type of planning supports emergency preparedness through capability development; the second supports response arrangements at the Wales level.

Wales Resilience Programme

11.22 The Wales Resilience Programme is an evolving strategic framework for capability development in Wales. The primary objective of the programme is to clearly identify the relationship between planning for emergencies at the local, Wales and UK levels and to co-ordinate this work. The programme ensures that co-ordination work at the pan-Wales level adds value to work being undertaken at other levels. At the core of the programme is a Wales Resilience Partnership Team, established to co-ordinate civil protection work in Wales.

11.23 As part of the Wales Resilience Programme it has been agreed that a Wales Resilience Stakeholders Forum should operate, to reinforce communication and information-sharing networks with Category 1 and 2 responders. The Stakeholders Forum helps to keep Category 1 and 2 responders in Wales informed of developments at the UK level and to enable them to contribute to the work of the Partnership Team. As such, there is no restriction on the number of attendees for these meetings, with all interested Category 1 and 2 responders and other organisations engaged in response being invited to attend.

11.24 The Wales Resilience Programme, the Wales Resilience Partnership Team and the Wales Resilience Stakeholders Forum are all part of an evolving process in civil protection in Wales and will be developed further in time.

Wales Resilience Forum (WRF)

11.25 The principal mechanism for multi-agency co-operation at the Wales level is the WRF.

11.26 The WRF has senior representation from the Welsh Assembly Government, Cabinet Office, local authorities, the emergency services, the armed forces, the Environment Agency Wales, NHS Wales, the Maritime and Coastguard Agency and the Health and Safety Executive. The forum considers planning and preparation matters and it functions in a similar way to the Regional Resilience Forums in England but with a higher level of political involvement as a consequence of devolved responsibilities.

11.27 The WRF works alongside other elements of the multi-agency civil protection framework at the local and UK government levels. However, this framework is not a hierarchy. LRFs in Wales are not subordinate to the WRF, which in turn is not subordinate to the UK Government. Communication and co-ordination flow in both directions. The LRFs operate in a similar way to their counterparts in England.

Joint Emergency Services Group

11.28 The Joint Emergency Services Group brings together all the emergency services and armed forces in Wales to consider how to meet their duties collectively under the Act and how to take forward their contribution to civil protection in Wales. The group has jointly funded the post of a non-statutory Emergency Services Civil Contingencies Co-ordinator for Wales, to co-ordinate the work of the emergency services in all aspects of civil protection.

Wales Media Emergency Forum

11.29 The Wales Media Emergency Forum was created to consider media issues relating to civil protection in Wales. The forum consists of a wide range of Welsh media representatives and press office staff from the emergency services, the armed forces, the Environment Agency Wales and the Welsh

Assembly Government. The forum has agreed a protocol to provide effective communication in the event of a major incident or a wide-area disruptive challenge in Wales.

Welsh Borders Resilience Group

11.30 To facilitate co-operation and information sharing between Wales and the border areas of England, a group has been formed which brings together the Welsh Assembly Government with the Regional Resilience Teams from the Government Offices for the South West, West Midlands and North West. The group meets on a regular basis to discuss issues of mutual interest in civil contingencies and to help foster links at both the regional and local levels.

Welsh Assembly Government Team

11.31 In recognition of its functional responsibilities and its territorial role, the Welsh Assembly Government has adopted a collegiate approach to civil protection in Wales. The Welsh Assembly Government has set up a team, led by a senior official, dedicated to supporting multi-agency co-operation in Wales and engaging with the UK Government on all issues relating to civil protection and emergency preparedness. This team is supplemented by a wide variety of subject matter experts, based on the Assembly's functional responsibilities, who support planning and response arrangements in Wales. For example, such support is provided by the Health Emergency Planning Team and specialists in environmental health, health, environmental science, animal health, and flood and coastal defence. This approach ensures that the Welsh Assembly Government is well placed to support Category 1 responders on civil protection matters and on specific resilience issues.

11.32 The Welsh Assembly team responsible for civil protection works in partnership with Category 1 and 2 responders and other organisations engaged in response to address large-scale or wide-area civil protection issues in Wales. The team provides secretariat support to the WRF and works with the Regional Resilience Teams in England to ensure robust cross-border arrangements are in place.