



Dear Colleague,

13 October 2005

CIVIL CONTINGENCIES ACT REGULATIONS AND GUIDANCE

The Civil Contingencies Act establishes a new legislative framework for civil protection in the United Kingdom. It imposes a clear set of roles and responsibilities on those organisations with a role to play in preparing for and responding to emergencies. Local authorities are a Category 1 responder under the Act, and have a key role to play in respect of their social care functions in discharging their duties in the legislation. This bulletin gives you a brief overview of the provisions of the Act; describes what it means for Directors with a social care responsibility; and outlines how performance will be assessed.

Provisions of the Civil Contingencies Act

The Act, and accompanying Regulations and guidance, delivers a single framework for civil protection in the United Kingdom capable of meeting the challenges of the twenty-first century. The Act is separated into two substantive parts: local arrangements for civil protection (Part 1) and emergency powers (Part 2).

Part 1 of the Act, the supporting Regulations and statutory guidance *Emergency Preparedness*, establish a clear set of roles and responsibilities for those involved in emergency preparation and response at the local level. Local responders are divided into two categories, with a different set of duties applying to each.

Category 1 responders are those organisations at the core of emergency response (e.g. emergency services, local authorities, NHS bodies). Category 1 responders are subject to the full set of civil protection duties. They will be required to:

- Risk assessment: assess the risk of emergencies occurring and use this to inform contingency planning;



- Emergency planning: put in place emergency plans, exercise them to ensure they are effective and offer training to staff who may become involved in emergency response;
- Business continuity management: put in place business continuity plans to ensure that they can continue to exercise critical functions in the event of an emergency;
- Communicating with the public: put in place arrangements to make information available to the public about civil protection matter, and maintain arrangements to warn, inform and advise the public in the event of an emergency;
- Information sharing: share information with other local responders to enhance co-ordination and make the best use of collective expertise;
- Co-operation: co-operate with other local responders to enhance co-ordination and efficiency; and
- Promoting business continuity management: provide advice and assistance to businesses and voluntary organisations about business continuity management (Local Authorities only).

Category 2 organisations are "co-operating bodies" and are less likely to be involved at the heart of planning work, but will be heavily involved in incidents that affect their sector (e.g. utilities, transport companies). Under the Act, Category 2 responders are required to:

- Co-operate and share information with other Category 1 and 2 responders to ensure that they are well integrated within wider emergency planning frameworks, and contribute their expertise on risks and essential services.

Regulations under the Act require Category 1 and 2 responders to come together to form Local Resilience Forums, which are based on police force areas outside London. These are the principal mechanisms for multi-agency co-operation between local responders and will help to facilitate better co-ordination, communication and foster a sense of partnership.

Roll out dates of the Act and guidance

The Act received Royal Assent on 18 November 2004. Part 2 was the first part of the Act to be implemented and came into force on 10 December 2004. Part 1 of the Act is enabling legislation and is heavily dependant on the supporting Regulations and guidance which have been rolled out to a slower timetable.



A wide-ranging public consultation on the Regulations and statutory guidance package necessary to support the Act ran between December 2004 and March 2005. Towards the end of July the Government laid before Parliament the final set of Regulations and published the final version of the statutory guidance *Emergency Preparedness*. The bulk of the duties in the Act come fully into force on 14 November 2005, with implementation of the duty on local authorities to provide business continuity advice and assistance to businesses and voluntary sector organisations coming into force on 15 May 2006.

On 23 September a companion volume, *Emergency Response and Recovery*, was published. Replacing its predecessor publication *Dealing with Disaster*, it describes the arrangements in place at a local level for responding to, and recovering from, emergencies. It also describes the arrangements at regional, devolved administration and central government level by way of context.

The full text of the Act and the supporting Regulations and guidance documents can be accessed on the Civil Contingencies Act pages of the UK Resilience website (<http://www.ukresilience.info/ccact/index.htm>). There is also a short guide to the Act.

What does this all mean for Directors with a social care responsibility?

The duties in the Civil Contingencies Act fall on the whole authority, not just on the emergency planning unit. Social care functions will need to work closely with the hub of emergency planners at the centre of each authority to ensure that they are adequately prepared to play their part in responding to an emergency, and to ensure that adequate business continuity management arrangements are in place to enable the Department to continue to perform critical functions in the event of an emergency.

Directors with a social care responsibility should be in regular dialogue with emergency planners to establish what the implications are for existing contingency planning arrangements and what is required of them and their teams in the preparedness phase.

You should also be aware that the Association of Chief Police Officers in conjunction with the Cabinet Office on 28 September published interim guidance for local responders on planning for, establishing and running multi-agency Family Assistance Centres (FACs). A FAC can provide a one-stop-shop for survivors, families and all those affected by an emergency through which they can access information, advice and support. The interim guidance can be accessed via www.ukresilience.info. The Emergency Planning College will be running a course on managing Family Assistance Centres early in the new year, and offer a range of courses that may be of interest to social care staff who may have a role to play in planning for and responding to emergencies. Further information about the courses they offer can be found at: www.epcollege.gov.uk.



Local authorities' civil protection audit

Performance against the requirements of the Act will be assessed as part of local responders' existing mainstream performance management regimes. In the case of local authorities, this will be assessed through the Comprehensive Performance Assessment (CPA) process under the "Safer and Stronger communities" banner. Within this broad heading, the CPA asks about local authority planning for internal and external emergencies. Further details can be found on the Audit Commission website.

The Government has worked closely with the Audit Commission when developing the standards to be applied as part of the CPA process, and will continue to work with the Audit Commission to ensure that the Act is reflected in the CPA in a robust, fair and consistent way.

The Beacon Scheme

The Government announced last month that emergency planning has been chosen as one of the themes for Round 8 of the Beacon Scheme. Round 8 will be officially launched in spring 2006.

The purpose of the Beacon Scheme is to highlight the achievements of authorities that have delivered excellent services within a particular theme, encouraging and supporting service improvement in other authorities through the sharing of best practice. All 'best value authorities' (as long as they are not rated "poor" under the Comprehensive Performance Assessment) are eligible to apply. This will include local authorities, and police and fire authorities. Those who are chosen under the scheme will engage in an extensive period of dissemination activity in which their policies and practices, initiatives and processes for change will be publicised.

The inclusion of emergency planning as a theme demonstrates the Government's continued commitment to the resilience agenda. Further information on the Beacon Scheme is available at

http://www.odpm.gov.uk/stellent/groups/odpm_localgov/documents/page/odpm_locgov_038549.pdf. Specific enquiries can be sent to beaconsinfo@odpm.gsi.gov.uk.

To keep abreast of developments in civil protection at local, regional and national level you should make regular contact with your authority's Emergency Planning Unit.

If you would like to make contact with the Act Team directly, please e-mail us at: ccact@cabinet-office.x.gsi.gov.uk.

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