

Public Accounts Committee

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15 January 2013

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09:00

Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales



For further information please contact:

Policy: Tom Jackson
Committee Clerk
029 2089 8597 / 029 2089 8032
Publicaccounts.comm@Wales.gov.uk

Agenda

- 1. Introductions, apologies and substitutions (9:00 – 9:05)**
 - 2. Briefing from the Auditor General for Wales on the Wales Audit Office report 'Civil Emergencies in Wales' (9:05 – 9:50)** (Pages 1 – 69)
PAC(4) 02–13 – Paper 1 – Civil Emergencies in Wales
 - 3. Papers to note** (Pages 70 – 74)
PAC(4) 02–13 – Paper 2 – Correspondence on Auditor General's 2011–12 Annual Report and Accounts
- Minutes of previous meeting
- 4. Motion under Standing Order 17.42 to resolve to exclude the public from the meeting for the following business:**
Items 5 to 7.
 - 5. Consideration of options for handling Wales Audit Office report 'Civil Emergencies in Wales' (9:50 – 10:00)**
 - 6. The Welsh Government's acquisition and action to dispose of the former River Lodge Hotel, Llangollen – Key themes and emerging issues (10:00 – 10:50)** (Pages 75 – 105)
 - 7. Consideration of correspondence from the Auditor General for Wales on Local government audit and inspection fee scales 2013–14**

(10:50 – 11:00) (Pages 106 – 116)



Civil Emergencies in Wales

Civil Emergencies in Wales

I have prepared this report for presentation to the National Assembly under the Government of Wales Act 2006 and the Public Audit (Wales) Act 2004.

The Wales Audit Office study team comprised John Weston, Alastair McQuaid, Helen Keatley, Stephen Lisle, Susan Morgan and Andy Phillips under the direction of Alan Morris.

Huw Vaughan Thomas
Auditor General for Wales
Wales Audit Office
24 Cathedral Road
Cardiff
CF11 9LJ

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**Report presented by the Auditor General for Wales to the
National Assembly for Wales on 6 December 2012**



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Summary

- 1 Civil emergencies can be devastating events that result in loss of life and cause serious disruption and cost to the economy. **Exhibit 1** sets out some recent civil emergencies in the United Kingdom and some of their impacts.
- 2 It is inevitable that civil emergencies will occur in the future. Flooding is an example of an emergency that is likely to become more frequent and with more severe consequences. Another example of a civil emergency that is becoming more frequent is cyber-attack⁴, the impact of which is increasing as society becomes progressively more interconnected and reliant on modern communication systems. Terrorism and civil disorder also remain a constant threat to life and commerce.

Exhibit 1 – Examples of recent civil emergencies in the United Kingdom

| Event | Impacts |
|---|--|
| Fuel shortages (2000) | Costs to the United Kingdom economy estimated at £1 billion. ¹ |
| Foot and mouth outbreak (2001) | Cost to the United Kingdom economy in excess of £8 billion. ² |
| The 7/7 London bombings (2005) | These bombings resulted in the deaths of 55 people and injuries to many more. |
| Flooding in England (2007) | Cost to the United Kingdom economy in excess of £3 billion ³ with many householders unable to return to their homes for long periods. |
| Severe weather in the United Kingdom (winter 2010-11) | The Association of British Insurers estimates that the costs to the United Kingdom totalled £650 million. |

Source: Summary prepared by the Wales Audit Office

1 <http://news.bbc.co.uk/1/hi/uk/928701.stm>

2 House of Commons, Committee of Public Accounts, Press Notice No.5 of Session 2002-03

3 *Learning the Lessons from the 2007 Floods*, Sir Michael Pitt's report to the United Kingdom Government, June 2008

4 Cyber-attacks include attacks on the internet, wider telecommunications networks and on other computer systems. In its National Risk Register, the Government identifies cyber-attack as a high-priority risk.



- 3** The Civil Contingencies Act 2004 came into force in England and Wales in 2005, entirely replacing the Civil Defence Act 1948⁵ and other related legislation. The Civil Contingencies Act 2004 aims to improve preparedness for and responses to any serious, disruptive event or emergency. The Civil Contingencies Act 2004 defines an emergency as:
- a** an event or situation which threatens serious damage to human welfare in a place in the United Kingdom;
 - b** an event or situation which threatens serious damage to the environment of a place in the United Kingdom; or
 - c** war, or terrorism, which threatens serious damage to the security of the United Kingdom.
- 4** The Civil Contingencies Act 2004 states that accountability for civil contingencies in Wales rests with a defined set of front-line organisations called ‘responders’. The Civil Contingencies Act 2004 lists these organisations and their duties, which extend beyond emergency planning to cover much broader duties around ensuring ‘resilience’. **Exhibit 2** explains the relationship between resilience and emergency planning.

Exhibit 2 – The relationship between resilience and emergency planning

Resilience is a generic term that captures how organisations should prepare to ensure they minimise the disruptive consequences of an emergency. Resilient organisations have plans and procedures in place that mean they are prepared for emergency incidents and the impact of incidents is minimised. Resilient organisations also recover quickly so that there is minimal disruption to service delivery.

Emergency planning is part of this wider process of resilience and is one of the seven key duties in the Civil Contingencies Act 2004. **Exhibit 3** shows these duties.

Source: Wales Audit Office

- 5** The Civil Contingencies Act 2004 defines two categories of organisation that respond to emergencies⁶:
- a** Category One responders include the police, fire and rescue service, local authorities, the health sector, and other agencies such as the Environment Agency⁷. These critical organisations manage emergencies and take the decisions and actions that are required both during an incident and in the recovery process after the incident.
 - b** Category Two responders include the utility, rail, telecommunications companies, and other organisations involved in maintaining the continuity of systems, services and communications.
- 6** **Exhibit 3** shows the main duties of the Civil Contingencies Act 2004 for Category One responders.

⁵ The Civil Defence Act 1948 focused on a hostile attack on the United Kingdom and this legislation did not provide sufficient recognition of the much wider scope of modern civil emergencies.

⁶ Appendix 1 shows the categories of organisation that respond to emergencies.

⁷ Environment Agency Wales will be replaced by the Natural Resources Body for Wales as from 1 April 2013.

Exhibit 3 – The main duties of the Civil Contingencies Act 2004 for Category One responders

| Duty | Summary of requirement |
|---|--|
| Risk assessment | Assess risks and prepare a community risk register |
| Business continuity management | Plan to continue functions in the event of an emergency |
| Emergency planning | Plan to prevent emergencies and to reduce, control or mitigate the effects of emergencies |
| Cooperation | Use the local resilience forum as the primary means of cooperating with all other responders and organisations |
| Share information | Share information, keep up to date with plans and answer information requests |
| Warn and inform the public | To make the public aware of the risks of emergencies and warn them about emergencies |
| Advise and assist the commercial and voluntary sectors | Local authority responders to give business continuity advice to businesses and the voluntary sector |

Source: *Emergency Preparedness; statutory guidance for part 1 of the Civil Contingencies Act 2004*

- 7** Regulations⁸ require responders to cooperate with each other in local resilience forums. There are four local resilience forums based on the police force areas of Wales⁹. In addition, the Wales Resilience Forum is a non-statutory body that provides the focal point for the chief officers of Category One responders to discuss strategic issues of emergency preparedness with Welsh Ministers. The Cabinet Office is a member of the Wales Resilience Forum, and has a role to ensure effective development, coordination and implementation of civil emergencies policy and operations in Wales¹⁰.
- 8** The Welsh Government's role in civil contingencies is complicated. As Wales does not have devolved powers for civil contingencies, the Welsh Government is not accountable for implementing or enforcing the Civil Contingencies Act 2004. However, the Welsh Government does have a role, through its Resilience Team, in:
- a** supporting local resilience forum activities;
 - b** leading on all-Wales coordination;
 - c** acting as a link between local resilience forums; and
 - d** linking with the Cabinet Office and other United Kingdom Government departments.¹¹

⁸ The Civil Contingencies Act 2004 (Contingency Planning) Regulations 2005

⁹ North Wales Police, Dyfed Powys Police, South Wales Police and Gwent Police

¹⁰ The Cabinet Office established the Civil Contingencies Act Enhancement Programme. The first phase of this review, completed in October 2009, focused on improving standards and consistency. The second phase completed in 2012 resulted in minor changes to the regulations and revision of the statutory guidance *Emergency Preparedness*.

¹¹ Civil Contingencies Enhancement Programme, *Revision to Emergency Preparedness, Chapter 13: Support and challenge*, Page 14, Paragraph 13.29, Cabinet Office, March 2012



- 9** The Simpson Review of local authority service delivery in Wales¹² includes a brief section on civil emergencies. The report concludes that the delivery of emergency planning functions is spread too thinly across numerous organisations and should be restructured to a regional level. Simpson also recommended that this reorganisation includes local authorities, the National Health Service, police, and the fire and rescue service.
- 10** In December 2011, the Welsh Local Government Association and the Welsh Government agreed to deliver the Simpson Review's recommendations. A compact for change commits Wales to regionalise the delivery of local authority emergency planning services within two years, and where practicable, to include other partners within four years.¹³ This timetable is on track and by November 2012, each local resilience forum aims to have a business case outlining how it could most appropriately apply the commitment to regionalisation in its area.
- 11** Our study examined whether the Civil Contingencies Act 2004 has led to effective arrangements for emergency planning and resilience of communities that provide sufficient protection to the public in Wales. The scope of our study covered Part 1 of the Civil Contingencies Act 2004 which focuses on establishing a statutory framework of roles and responsibilities for local responders, building resilience to prepare communities and local arrangements for civil protection. We did not consider Part 2 of the Civil Contingencies Act 2004 because that focuses on the provisions available for use in extreme circumstances and national emergencies, which is beyond the remit of the Wales Audit Office.¹⁴
- 12** We concluded that the arrangements for emergency planning and resilience provide protection for the public but our findings mean that we cannot be sure that arrangements are efficient, make the best use of resources or demonstrate full compliance with the Civil Contingencies Act 2004.
- Many of the arrangements to deliver the Civil Contingencies Act 2004 work well but the role of the Welsh Government is unclear and there are opportunities for increased efficiency in local delivery**
- 13** **Complex leadership arrangements have not prevented the Welsh Government from providing effective support for the partners delivering the Civil Contingencies Act 2004.** The different challenges of some recent major emergencies have demonstrated the ability of the Welsh Government and its partner organisations to provide an effective response. However, the United Kingdom Government has not devolved civil contingency legislation to Wales, and does not categorise the Welsh Government as a Category One responder organisation with accountability for delivering the Civil Contingencies Act 2004. Whilst guidance from the Cabinet Office appears to set out that it is not the Welsh Government's role to provide leadership of routine resilience activity, we consider the Welsh Government to be providing some of this function. The nature of the devolution settlement¹⁵ for Wales means that the Welsh Government's role in civil contingencies is complicated. We have concluded, and the Welsh Government agrees, that its role for civil contingencies is complex. The Welsh Government's partners differently interpret the leadership and coordination role that it has developed, a situation that has led to a lack of clarity about the remit of the Welsh Government.

¹² *Local, Regional, National: What services are best delivered where?* This report is also known as the 'Simpson Review', Local Government Leadership Centre, March 2011.

¹³ <http://wales.gov.uk/docs/dpsp/publications/110812compacten.pdf>

¹⁴ We describe our methodology in Appendix 4.

¹⁵ The Government of Wales Act 1998 sets out the initial devolution settlement, establishing the National Assembly for Wales in 1999 following the affirmative devolution vote held in 1997. Under the 1998 act, many of the former powers of the Secretary of State for Wales were transferred to the new Assembly.

- 14** The United Kingdom Government expects the Welsh Government to assist it in coordinating the delivery of civil contingencies in Wales. However, we have concluded that there is a lack of clarity in the relationship between the Welsh Government and the United Kingdom Government about roles and expectations for leadership and coordination. The Welsh Government has established a resilience framework of close partnerships with Category One responders. The Welsh Government is also in regular communication with the United Kingdom Government and this indicates to us that the lack of devolved powers for civil contingencies is not a barrier, although it does make arrangements more complicated.
- 15** The Welsh Government interprets its role as one of coordination and support. We concluded that the Welsh Government is effectively supporting its partners and seeks opportunities to add value to the civil contingencies response in Wales. The main partnerships for civil contingencies are the Wales Resilience Forum, four local resilience forums, the Wales Resilience Partnership Team and the Joint Emergency Service Group.
- 16** The framework of groups and partnerships that the Welsh Government has helped to develop, and now supports, has assisted Category One and Category Two organisations to enhance their civil contingency activity. However, the Welsh Government's routine coordination of non-emergency activities is more restricted and exposes a gap between the expectations for the roles of the Welsh and United Kingdom Governments for civil contingencies. In particular, we consider that there is a gap in the oversight of civil contingency activity in Wales. We appreciate that the focus of accountability within the Civil Contingencies Act 2004 is on Category One and Category Two responders, and that this legislation is drafted in a way that does not require the Welsh Government to gain clear hierarchical oversight. But the Civil Contingencies Act 2004 sets out to clarify roles and responsibilities, give greater consistency and structure, and to establish a sound basis for performance management at a local level. Our study finds that these aims are not sufficiently met because of gaps in the leadership and the higher-level coordination and management of civil contingency activities.
- 17** **Too many emergency planning groups and unclear accountabilities add inefficiency to the already complex resilience framework.** The current resilience structure is similar to the structure in England, with local resilience forums based on police force boundaries and with each Category One responder having its own emergency planning capability¹⁶. We consider that the current structure is leading to inefficiencies at a local level, unnecessary complexity and unclear accountabilities, and is an ineffective framework for resilience in Wales. We also agree with the Simpson Review, that there is an urgent need for a fundamental review of local authority emergency planning services.
- 18** Complex reporting arrangements are leading to confusion about the roles and responsibilities of the numerous emergency planning groups and organisations. This complexity risks fragmentation of resilience activity with potential overlaps or gaps in the arrangements for resilience.

¹⁶ There are currently three joint local authority emergency planning teams in Wales: Swansea/Neath-Port Talbot; Rhondda Cynon Taf/Merthyr Tydfil; and Flintshire/Denbighshire Councils.



19 There are too many emergency planning teams¹⁷ below the level of the local resilience forums and, particularly for local authorities, many emergency planning teams are left to do their own thing with minimal corporate guidance. The Simpson Review provides a catalyst for the Welsh public sector, and in particular the Welsh Government, to review and rationalise the organisational arrangements for emergency planning. Different cultures mean that transition will not be easy, but there are already examples of similar reorganisation happening in North Wales and in several English areas, including in Lincolnshire.

20 Some local resilience forums still have a large number of subgroups and we found that each group has different objectives, outputs and performance management arrangements. We also consider that the remoteness of many emergency planning officers from routine and strategic leadership can contribute to inefficiency and to inconsistent approaches evident within local authorities and in the activities of the subgroups serving the local resilience forums.

The Welsh public sector has very limited information about the resources it dedicates to ensuring resilience but there is clear scope to improve efficiency and effectiveness

21 **Funding for civil contingencies and emergency planning is not sufficiently prioritised to the areas of highest risk, and the extent of costs and value for money is unclear.** Emergency planning is just one part of developing resilience but each year emergency planning alone costs Welsh local authorities about £4 million. For the other organisations involved in developing resilience and responding to emergencies, the cost

can be difficult to separate out. For example, emergency services claim that developing resilience and responding to emergencies include all of their activities. With such limited information on expenditure, it is difficult to determine the achievement of value for money, or to gain the necessary reassurance that funds are wisely spent.

22 Local authorities fund their emergency planning services from the Revenue Support Grant, a grant based on resident population. However, when local authorities prioritise how they use this grant funding for emergency planning there is insufficient consideration of the likelihood and consequence of risks faced either from local sources, such as industry, or from the local impacts of national emergencies such as a foot and mouth outbreak.

23 The need for efficiency savings in the public sector is likely to impact on emergency planning and resilience. Local authorities do not ring-fence funding for emergency planning which means that they could use this funding in other service areas. We also concluded that budget constraints mean that it is becoming increasingly difficult for responders to secure a sustainable level of funding for joint resilience activities. Such activities include training and exercises, and rely on informal agreements for funding between organisations.

24 **The current use of human resources may not provide the most efficient and effective means of building resilience and responding to emergencies.** Almost every Category One responder operates an emergency planning team. However, we were not reassured that human resources are located in the right place, are available in the right numbers, are equipped with the right skills, and are empowered to undertake

¹⁷ We acknowledge that many local authorities do not have an emergency planning 'team' but have very limited capacity provided by a single person, or deliver this function as a part of several posts.

the roles and responsibilities expected of them. There is also doubt about the arrangements for recruiting and retaining staff with critical skills or developing these skills and capabilities within an identifiable career path. Guidance on the competence of emergency planning officers and the level of human resources required is informal and not applied across Wales. In short, we cannot say with confidence that the skills and capacity necessary to deliver effective resilience are readily available.

25 We agree with the concern expressed in the Simpson Review about the lack of critical mass for emergency planning. We conclude that due to potential gaps and overlaps we cannot be confident that human resources are used efficiently or provide the most effective means of building resilience and responding to emergencies. In addition, current arrangements for knowledge management appear informal and largely depend on local contacts and local networking rather than exploiting the advantages of modern communications technology.

26 **The absence of a national overview of the effectiveness of physical assets for an emergency response means their availability, maintenance or operation cannot be guaranteed.** From our overview of the arrangements, we could not find a consistent approach to asset management. Each Category One responder is responsible for the maintenance and operation of their assets, such as personal protection equipment, and the training needed to undertake emergency activity with equipment such as breathing apparatus. There is no national picture¹⁸ within Wales of the location, availability, and maintenance of these and other assets.

27 We also found that assumptions about physical assets and communication, featured in emergency plans and relied upon during an emergency, were untested. Experience gained from post-incident reviews shows that loss of access to infrastructure, such as incident control centres or designated rest centres, was quite commonplace but many plans did not recognise this risk. In addition, some managers can be unaware that emergency plans identify their facilities as rest centres and they are not prepared for the disruption that this use causes. Consequently, some emergency plans are out of date and unreliable.

28 **Category One responders are inconsistent in the way that they use the resources offered by the voluntary sector to build resilience and to respond to emergencies.** At present, there is no formal involvement of the voluntary sector at the level of the Wales Resilience Forum, although the sector is represented on the Wales Community Resilience Group. The extent to which the voluntary sector is engaged at the regional level also varies but with some examples of engagement at local resilience forum and individual local authority levels. However, such examples are limited and the extent to which responders engage with the voluntary sector is patchy. The potential contribution of voluntary sector organisations is significant, and they want greater consistency in the way that they are engaged during an emergency. Voluntary sector organisations consider that some Category One responders still have a limited understanding of their potential contribution, which means that they can be an inefficiently used resource.

¹⁸ The location and availability of 'New Dimension' equipment within fire and rescue services is an exception to this point.



The approaches taken by Category One responders to implement the Civil Contingencies Act 2004 are inconsistent and responders are not effectively monitoring their activities

- 29 The approaches to risk assessment are inconsistent across Wales, making comparisons difficult.** Each local resilience forum produces a community risk register which is an assessment of the external risk within its area. Despite guidance within the Civil Contingencies Act Enhancement Programme,¹⁹ there appears to be no common approach to undertaking risk assessment. Greater consistency between local risk assessments would allow the Wales Resilience Forum to have a more informed overview, to assess more accurately resource needs against current capacity. However, the Wales Resilience Forum does not have the statutory authority to exercise this overview or to take action.
- 30** Community ownership of risks is fundamental to the success of resilience planning. However, we found that community risk registers can be difficult to understand, creating a barrier to the public becoming better informed. Instead of listing individual risks within community risk registers, different approaches to managing risks such as scenario-based ‘consequence planning’ could build up a more integrated response to the often wide-ranging consequences of an emergency incident.
- 31** The Wales Resilience Forum has produced a business plan but this provides only a very high-level overview and assessment of risk. The document does not offer any local assessment or seek to improve the quality or consistency of local risk registers.
- 32** **Category One responders have emergency plans but procedures are inconsistent and quality is variable, and this could detract from their value during an emergency incident.** Our review showed that most emergency plans do not fully conform to the minimum content specified in statutory guidance. Most plans are overly complicated and contain outdated information including references to acts of parliament and regulations already repealed. In addition, emergency plans do not make use of instant messaging systems, such as Twitter, which can quickly distribute information during emergencies. We could not find evidence of a robust and routine review process that focused on quality, completeness and consistency in emergency plans.
- 33** **There are good examples of exercises and training although the recovery phase of emergency incidents remains largely untested and financial pressures are likely to impact on the extent of testing in future.** There are good examples of national and local exercises and training taking place across Wales. However, in 2009, Her Majesty’s Inspectorate of Constabulary found that, across England and Wales, over 40 per cent of police force emergency plans were untested by exercises, and only 50 per cent of police forces have re-evaluated their plans after real-time operations. Our review highlights a particular gap in testing the recovery phase of emergency incidents.
- 34** Exercises can often be expensive and funding them is likely to become more difficult with the need for organisations across Wales to reduce expenditure. The Wales Learning and Development Group plans to synchronise training and exercising activity across local resilience forums in Wales, therefore

¹⁹ Civil Contingencies Act Enhancement Programme, *Revision to Emergency Preparedness, Chapter 4: Local responder risk assessment duty*, Cabinet Office, March 2012

minimising costs. The national delivery of training and exercises, as suggested in the Simpson Review, could be more efficient, cost-effective and align better with the risks identified in Wales.

35 Scrutiny and performance management of resilience activity is generally ineffective.

As no single organisation is accountable for overseeing the implementation of the Civil Contingencies Act 2004 in Wales, there is limited coordinated review and scrutiny of implementation. Scrutiny of arrangements at a local level varies widely. The Cabinet Office expects all Category One and Category Two responders to use its expectation set²⁰ as an aide to assessing their own effectiveness. Cabinet Office guidance also states that all Category One responders, as members of a local resilience forum, should take ownership and responsibility for their own performance.²¹ We found only very limited use of the expectation set, with some responders not recognising the document or not considering that self-assessment was a part of their remit.

36 The performance management framework in Wales is insufficiently robust because there is little scrutiny and self-assessment in place to evaluate the impact and outcomes of resilience activity across Wales. Consequently, many of the organisations involved in emergency planning and developing resilience are not meeting in full their responsibilities under the Civil Contingencies Act 2004.

37 Information on the state of preparedness of responders is restricted to a voluntary framework of self-assessment. However, we found that many Category One responders did not undertake the level of self-assessment and scrutiny expected in the guidance supporting the Civil Contingencies Act 2004. Changes to corporate manslaughter and to health and safety legislation have the potential to put Category One and Two responders at increased risk of criminal prosecution if they do not assure themselves that they can meet expectations of their performance during emergency incidents.

²⁰ *Expectations and Indicators of Good Practice Set for Category 1 and 2 Responders*, Cabinet Office, December 2010

²¹ *Civil Contingencies Enhancement Programme, Revision to Emergency Preparedness, Chapter 13: Support and challenge*, Cabinet Office, March 2012



Recommendations

- 38** In December 2011 the Welsh Government and local authorities committed to regionalise emergency planning services within two years and, where practicable, to include the other partners on a multi-agency basis within four years. We agree with this decision and do not repeat the recommendation here, but note the need for more progress and for the closer involvement of the National Health Service, police, and fire and rescue service partners.
- 39** When called upon, civil contingency arrangements have, so far, worked satisfactorily. However, our study has found significant scope within these arrangements for improved clarity, consistency and quality. Given these findings, we are not confident that the Welsh public sector has set up a sufficiently strong, efficient and effective framework to improve resilience and response to emergency incidents.
- 40** The constraints of non-devolved legislation restrict the recommendations that we can make. However, the Welsh Government and Cabinet Office are both members of the Wales Resilience Forum, which is an ideal place within the resilience structure to gain an oversight of civil contingency activities in Wales.
- 41** We consider that the delivery of the Civil Contingencies Act 2004 would benefit from the Welsh Government working with the Cabinet Office to strengthen strategic oversight of civil contingency arrangements across Wales. Oversight should include facilitating stronger performance management arrangements and greater consistency and efficiency.
- R1** **We recommend that the Welsh Government works with the Cabinet Office to agree how to strengthen strategic oversight of the delivery of civil contingencies legislation in Wales. This should encompass:**
- assessing the delivery of resilience planning under the Civil Contingencies Act 2004, with the objective of bringing improved efficiency, consistency and quality;
 - the monitoring of national competence standards for emergency planning officers;
 - reassuring the public of Wales on the effective preparation for, management of and recovery from, civil contingencies; and
 - continuing to: improve access to information for responders; promote the sharing and use of good practice and the specialist skills required to deliver civil contingencies legislation; and organise and coordinate training, exercises and research.
- 42** With accountability for delivering the Civil Contingencies Act 2004 resting with the Category One and Category Two responders, the Cabinet Office guidance *Emergency Preparedness*²² makes it clear that these organisations must take ownership and responsibility for their performance. In particular, the guidance expects Category One responders to use current good practice in performance management and to undertake reviews and audits to assess performance. Category One responders should provide reassurance that their systems, plans and processes are fit for purpose. However, we found inconsistent application of current good practice in performance management and very limited use of scrutiny or the performance self-assessment tools provided by the Cabinet Office. Our findings on performance management pointed strongly to our conclusion that we cannot be sure that arrangements are efficient, make the best use of resources or demonstrate full compliance with the Civil Contingencies Act 2004.

²² Civil Contingencies Enhancement Programme, *Revision to Emergency Preparedness, Chapter 13: Support and challenge*, Cabinet Office, March 2012

R2 We recommend that all Category One responders take ownership and responsibility for their performance in accordance with the requirements of the Cabinet Office’s statutory guidance *Emergency Preparedness*.

In meeting these requirements, we expect all Category One responders to be able to demonstrate, including through self-assessment, scrutiny and external review, that their arrangements for civil contingencies are efficient, make the best use of resources and demonstrate full compliance with the Civil Contingencies Act 2004.

- 43** Our study has identified inconsistencies in the emergency plans produced by Category One responders. Very few plans met the minimum standards as set out by the Cabinet Office, and plans were weak in explaining roles during an emergency, for example, for elected members, the coroner and for the voluntary sector. Exercises and training did not support and test many emergency plans. While not every emergency plan should be the same, because of local variations and different risks, the Cabinet Office’s guidance *Emergency Preparedness* provides a framework to ensure that emergency plans meet minimum standards and are fit for purpose.

R3 We recommend that Category One responders establish a review cycle for all emergency plans to ensure that they are more consistent, robustly tested against the Cabinet Office’s guidance and are fit for purpose. In particular, emergency plans should be:

- routinely evaluated against the Cabinet Office’s expectation set;
- underpinned by relevant training, including for the recovery phase and the longer-term impacts of major incidents; and
- subject to scrutiny and to external review, in accordance with the Cabinet Office’s guidance.

- 44** We found that some community risk registers do not provide the public with easy access to information about the full range of consequences for the risks that may affect them. There are examples of community risk registers produced by some local resilience forums in England that are designed to clearly inform the public about the actions that responders are likely to take during an emergency incident. These plans also explain the actions that members of the public can take to improve their own resilience.

R4 We recommend that Category One responders, through their local resilience forums, ensure that their community risk registers clearly identify the full range of consequences that arise from each of the risks identified. In particular, community risk registers should:

- be based upon guidance and good practice;
- be easy to understand; and
- provide straightforward advice about the steps the public can take for their protection.

- 45** Currently, the funding arrangements for local resilience forums are informal and rely upon the voluntary contribution of member organisations. This can lead to funding pressures, particularly in terms of work planning for training, capacity building and the exercises necessary to test emergency plans. The Wales Resilience Partnership Team and the Joint Emergency Services Group have developed a more formal methodology to help local resilience forums determine their funding from responders, but the uptake of these guidelines is patchy.



R5 We recommend that Category One responders apply the more formal funding guidance produced by the Wales Resilience Partnership Team and the Joint Emergency Services Group to ensure the adequate resourcing of local resilience forums.

R7 We recommend that Category One responders, through the Wales Resilience Partnership Team, ensure sufficient representation from, and communication with, all organisations with a substantive role in resilience or in emergency response.

46 Most of the funding received by local authorities for emergency planning is from the Welsh Government's Revenue Support Grant. However, in allocating this grant, the main determinant in calculating the level of funding is resident population. A reorganisation of emergency planning could provide an opportunity for Category One responders to take into account the likelihood and potential consequence of risks they face when prioritising the use of this funding.

48 The voluntary sector can contribute more significantly to the successful management of emergencies. The voluntary sector is also not a part of the Wales Resilience Forum, and participation of voluntary sector groups and organisations in local resilience forums varies across Wales. The voluntary sector may be an underused resource, and the management of emergencies would benefit from the more formalised and coordinated involvement of voluntary organisations.

R6 We recommend that Category One responders consider the likelihood and potential consequence of risks faced in their area when prioritising the use of resources for emergency planning.

R8 We recommend that the organisations developing resilience and managing emergencies should formally recognise the potential contribution of the voluntary sector, and that the voluntary sector should become an integrated part of the emergency plans produced by Category One responders.

47 Our study also identified some organisations, such as the Civil Nuclear Constabulary and animal health agencies, that have a clear role in resilience but are neither Category One nor Category Two responders. In addition some recognised Category Two responders, including transport organisations such as trunk road agencies, train operators, airport operators and harbour authorities are not included in the civil contingencies framework within Wales. We consider that it is important that the Wales Resilience Partnership Team engages these organisations and includes them within resilience partnerships.

Part 1 – Many of the arrangements to deliver the Civil Contingencies Act 2004 work well but the role of the Welsh Government is unclear and there are opportunities for increased efficiency in local delivery

1.1 This section of the report discusses the powers and structures that determine the way that the Welsh public sector plans for emergencies. In this section we also consider roles and accountability, leadership, and the consistency and efficiency of approaches taken.

Complex leadership arrangements have not prevented the Welsh Government from providing effective support for the partners delivering the Civil Contingencies Act 2004

Arrangements to deliver the Civil Contingencies Act 2004 have worked well in the responses to some recent major emergencies

1.2 We found examples where close collaboration between organisations responsible for the Civil Contingencies Act 2004 has resulted in a highly effective response to recent major emergencies that have happened in Wales. In these examples, organisations responding to emergencies have clearly demonstrated their ability to co-operate in planning for emergencies and in the delivery of an effective response.

1.3 The Welsh Government has supported a very effective and skilful response from the partnership of organisations responding to major emergencies. In particular, we note

the very competent response from the Welsh Government and its partner organisations in responding to a wide range of emergencies, including:

- a** The Gleision Colliery disaster in the Swansea Valley in September 2011, where a collapsed wall led to flooding in part of this small drift mine. In a major multi-agency response that received international media coverage, several miners were rescued but the incident claimed the lives of four miners. The specialist response included The Mines Rescue Service Limited and miners from nearby communities.
- b** The grounding of the cargo ship MV Carrier at Llanddulas, near Colwyn Bay north Wales in stormy seas in April 2012. The Welsh Government worked closely with the Maritime and Coastguard Agency and the Royal National Lifeboat Institution to airlift seven crew members and to prevent the spillage of marine gas oil into the valuable habitats in this part of the Liverpool Bay special protection area.
- c** An explosion at the Chevron oil refinery in Pembrokeshire in June 2011 that also claimed four lives, but threatened the lives of many more. The Welsh Government and responding organisations, including specialist fire and rescue teams from Mid and West Wales Fire and Rescue Service and Chevron, dealt effectively with this severe industrial accident.



1.4 There are also some other notable examples of an effective emergency response, including to adverse weather conditions in the severe winters in 2009-10 and 2010-11, and the summer floods of mid-Wales in 2012. The fire at the tyre waste depot in Swansea in June 2011 and vehicle fire in the M4 Brynglas tunnel (both featured later in the report) provide further examples showing the diversity of emergencies. The nature of these very different emergencies and the actions required for their effective management and mitigation demonstrates the range of responses that the Welsh Government and their partner organisations must arrange for. Taken together, these examples provide evidence that the Welsh Government and responding organisations have proved highly capable in applying the range of approaches necessary to respond effectively to major emergencies in Wales.

The Welsh Government is providing leadership on certain aspects of civil contingencies which appears to contradict its statutory role

1.5 Wales does not have devolved powers for civil contingencies and the Welsh Government is not a Category One responding organisation, so is not accountable for implementing the Civil Contingencies Act 2004. The Cabinet Office has advised us that it considers that civil contingency legislation is clear; the Welsh Government has no express role, although in practice, and in its guidance, it acknowledges a role for the Welsh Government. The Welsh Government has no formal role to oversee civil contingencies or to manage any performance issues that arise with responders. The Welsh Government also has general functional

responsibilities for the activities of local authorities, health bodies and the fire and rescue service, but these responsibilities do not specifically cover these organisations' civil contingencies activities.

1.6 Guidance issued by the Cabinet Office states that it is the role of its Civil Contingencies Secretariat²³ to 'provide cross-cutting oversight and coordination of resilience activity at a national [meaning United Kingdom] level'²⁴. Nevertheless, the Cabinet Office's *Emergency Preparedness* guidance document²⁵ also sets an expectation that the Welsh Government will engage in aspects of civil protection work and, consequently, play an important coordinating role.²⁶ The Cabinet Office also expects the Welsh Government Resilience Team to 'lead on all-Wales coordination' to 'act as a link with Cabinet Office, and with other Whitehall departments and to facilitate the All-Wales capabilities groups'²⁷. However, the Wales Resilience Forum Business Plan 2010-11, mentioned in more detail in **Part 3**, seems to contradict this, stating that the Welsh Government's role in emergency planning includes 'a full overview over potential vulnerable situations and risks that threaten society'. The last national influenza alert in 2010 is a recent example where the Welsh Government accepted this overview role.

1.7 There is a reasonable expectation from the public sector and from citizens that the Welsh Government will lead during major emergencies that affect Wales. An example where this has already occurred is the Welsh Government's involvement and the leading intervention of the First Minister in the foot and mouth outbreak in 2001. There was

²³ The Civil Contingencies Secretariat is a department of the United Kingdom Government's Cabinet Office.

²⁴ Civil Contingencies Enhancement Programme, *Revision to Emergency Preparedness, Chapter 13: Support and challenge*, Section 13.33 on the role of the national tier in supporting national emergency planning, Cabinet Office, March 2012

²⁵ *Emergency Preparedness – Guidance on Part 1 of the Civil Contingencies Act 2004, its associated Regulations and non-statutory arrangements.*

²⁶ Civil Contingencies Enhancement Programme, *Revision to Emergency Preparedness, Chapter 11: Wales*, Guidance on Part 1 of the Civil Contingencies Act 2004, Cabinet Office, October 2011

²⁷ Civil Contingencies Enhancement Programme, *Revision to Emergency Preparedness, Chapter 13: Support and challenge*, Page 14, Paragraph 13.29, , Cabinet Office, March 2012. The Wales Resilience Partnership facilitates the Capabilities Programme in Wales.

also widespread expectation that the Welsh Government would have a central and leading role in more recent winter maintenance and fuel shortage emergencies. In both cases, the Welsh Government led and strategically coordinated the effective public sector response to these emergencies.

- 1.8** The Welsh Government does not consider it has the role to provide routine leadership and strategic oversight or to manage the performance of responders. The Welsh Government interprets its role in civil contingencies as supportive of responders, through the coordination of groups and partnerships of responders. However, the Welsh Government and Welsh Local Government Association have recently signed an agreement to regionalise the delivery of emergency planning. This decision reflects leadership rather than a supporting role. In this respect, we consider that the Welsh Government is already taking an effective lead for some non-emergency issues.
- 1.9** We have concluded that, when taken together, the legislation and Cabinet Office guidance and expectations do not accurately reflect the current role of the Welsh Government for civil contingencies. The Welsh Government's remit for routine leadership and coordination of civil contingencies is particularly unclear. In addition, the expectation that the Welsh Government will routinely provide some leadership to the organisations that are accountable for civil contingencies is also potentially confusing, because the Civil Contingencies Act 2004 does not appear to empower the Welsh Government in this way.

There is a lack of clarity in the relationship between the Welsh Government and United Kingdom Government

- 1.10** The Cabinet Office says that: 'The United Kingdom Government and the Welsh Government [will] work together on the development of civil protection policy'. The Cabinet Office expects that the Welsh Government will, as appropriate, 'cooperate with, be consulted on or take responsibility for delivery of the [civil contingencies] framework alongside the United Kingdom Government'.²⁸
- 1.11** The Welsh Government has agreed a concordat²⁹ with the United Kingdom Government which clarifies the role and responsibilities of the Welsh Government during an emergency incident. The concordat clearly says that for areas of devolved powers, the Welsh Government is to take a leading role in the response to major emergencies³⁰. However, the concordat does not apply to local civil protection arrangements under Part 1 of the Civil Contingencies Act 2004, concerning the more routine coordination of non-emergency activities in Wales. The Welsh Government has told us that when it has taken the lead other than in a major emergency, this was because someone needed to show leadership, rather than by any entitlement it has to this role.

²⁸ *Emergency Preparedness (Wales)*, Revised October 2011

²⁹ *Concordat between the United Kingdom Government and the Welsh Government on the Civil Contingencies Act 2004* (Document is undated). This concordat does not cover Part 1 of the Civil Contingencies Act 2004.

³⁰ *Concordat between the United Kingdom Government and the Welsh Government on the Civil Contingencies Act 2004*, paragraph 11 on the Welsh (Assembly) Government's use of emergency powers.



- 1.12** We are encouraged that the Welsh Government has interpreted its role in relation to routine civil contingencies and resilience as a proactive one, in engaging and promoting and supporting resilience. In particular, the Welsh Government Resilience Team has proved to be an effective mentor and critical friend to Category One responders and to other responders as part of a broader approach to improving public services in Wales.
- 1.13** However, it appears to us that the Welsh Government is prepared only to support, rather than routinely coordinate, civil contingency activities in Wales. To us, this means that the Welsh Government and its Resilience Team offer a varying level of backing for the organisations that must plan for and respond to emergencies. This assistance ranges from passive support, through more active coordination and, when the situation demands, clear leadership. This may be because the Welsh Government is trying to compensate for the lack of devolved powers and for the focus of accountability that is only at responder level.
- 1.14** Without some clarity of roles and responsibilities the lines of communication within the resilience framework and network of partnerships are also increasingly fragmented and potentially more confusing. Therefore, the many different organisations involved in the management of civil contingencies look to a range of government bodies for leadership, advice and guidance, and this introduces complexity, particularly during the intensity of an emergency incident.
- 1.15** An example of confused communication is that the Welsh Government receives guidance from the Cabinet Office via the Resilience Gateway Bulletin, adds any necessary Welsh dimension and issues this to Category One and Category Two responders. This bulletin includes not only communications that are 'for information' but also issues that are 'for action' or categorised as 'urgent'. In addition, Category One and Category Two responders receive information and guidance on civil contingencies directly from the Civil Contingencies Secretariat within the Cabinet Office via the National Resilience Extranet. The four police forces within Wales also receive advice and guidance from the Home Office.
- 1.16** Additional guidance produced by the Cabinet Office's Civil Contingencies Secretariat³¹ confirms that the Civil Contingencies Act 2004 sets out to 'deliver a single framework for civil protection in the United Kingdom capable of meeting the challenges of the twenty-first century'. The Civil Contingencies Act 2004 aims to:
- a** establish a clear set of roles and responsibilities for local responders;
 - b** give greater structure and consistency to local civil protection activity; and
 - c** establish a sound basis for performance management at a local level.
- 1.17** Presently, Category One responders assess their own performance and, by design, there is no framework for routine review by the Cabinet Office or other overseeing government departments. This approach to the delivery of policy reflects the lack of hierarchy and the drive towards 'localism' in England.

³¹ *Civil Contingencies Act 2004: a short guide (revised)*, Cabinet Office, Civil Contingencies Secretariat (document is undated)

1.18 Both the public and organisations involved in planning for and responding to emergencies expect the Welsh Government to lead, although these expectations should be directed to the United Kingdom Government. We understand the practical limitations of administering non-devolved legislation, but consider that the Welsh Government should work with the Cabinet Office to help to address these limitations. In particular, we consider that the Welsh Government could help the Cabinet Office by improving the Cabinet Office's strategic oversight of the delivery of the Civil Contingencies Act 2004 in Wales.

The Welsh Government is fulfilling expectations regarding the formation of partnerships and the provision of guidance and resources to promote resilience

1.19 The Scottish Parliament has fully devolved authority to undertake duties under Part 1 of the Civil Contingencies Act 2004³², giving Scotland more power and scope to drive resilience work. This means Scotland can decide its own support and training mechanisms and provide direct guidance, funding and leadership to its eight strategic coordinating groups and the partners involved with civil contingencies. The Audit Scotland report³³ on *Improving civil contingencies planning* noted that Scottish Resilience, the part of the Scottish Government responsible for civil contingencies, 'has undertaken a lot of activity to support implementation of the [Civil Contingencies] Act, both at central and local levels'.

1.20 The Resilience and Emergencies Division, a part of the Department for Communities and Local Government, offers support and 'critical friend' guidance to English local resilience forums. Regulations³⁴, together with guidance³⁵ issued by the Cabinet Office, confirms that Wales will have a similar structure to the English regional arrangements, with the Welsh Government providing overarching support for the four local resilience forums.

1.21 The Wales Resilience Forum is a high-level partnership that helps the Welsh Government to support responders. The Wales Resilience Forum has a remit to promote good communication and enhance resilience across agencies and services in Wales. **Exhibit 4** outlines the terms of reference of the Wales Resilience Forum. The First Minister chairs the Wales Resilience Forum with the Local Government and Communities Minister as deputy chair, and this provides an opportunity for high-level political intervention and leadership.

1.22 **Exhibit 5** shows the main organisations that make up the framework for resilience in Wales.

³² *The Civil Contingencies Act 2004 (Contingency Planning) (Scotland) Regulations 2005*

³³ *Improving civil contingencies planning*, Audit Scotland, 2009

³⁴ *The Civil Contingencies Act (Contingency Planning) Regulations 2005, Part 4: Duty to maintain plans*

³⁵ *Civil Contingencies Enhancement Programme, Revision to Emergency Preparedness, Chapter 2: Co-operation*, Cabinet Office, March 2012

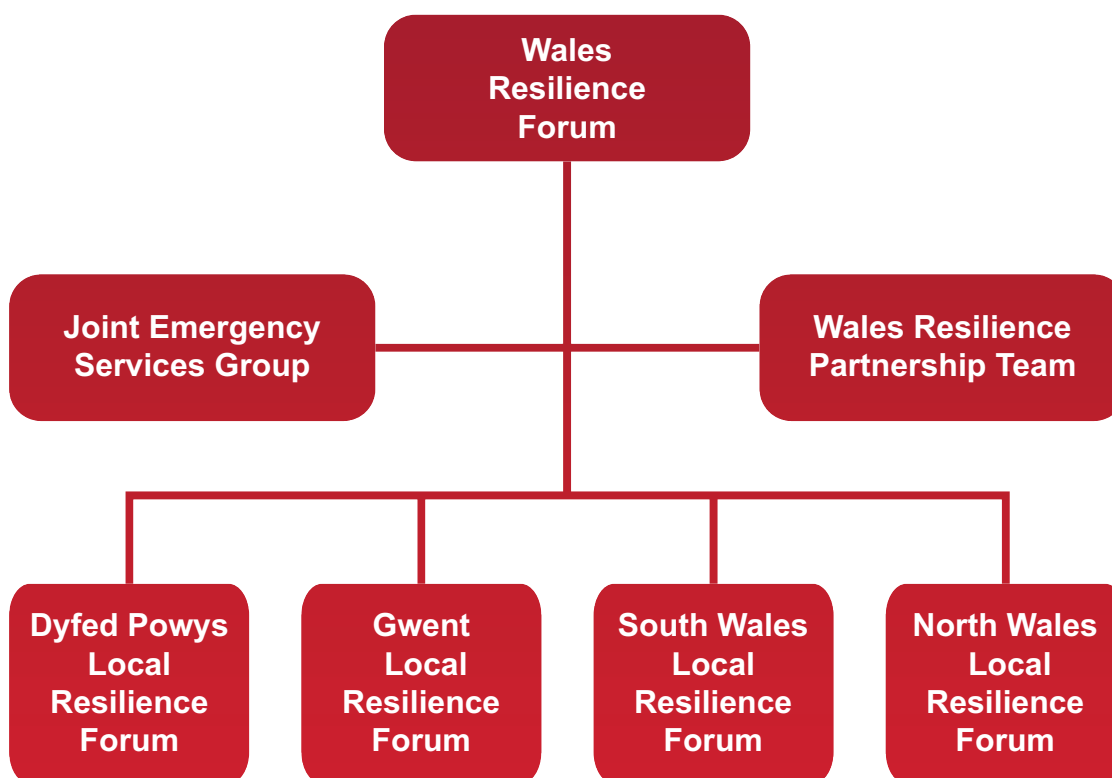


Exhibit 4 – Wales Resilience Forum Terms of Reference

- to create a forum for strategic guidance on resilience issues affecting Wales;
- to consider United Kingdom Government/Welsh Government policy guidance and to advise on the implementation in Wales where appropriate;
- to facilitate mutual aid arrangements and joined-up working;
- to provide direction and strategic leadership to the Wales Resilience Partnership Team and its subgroups;
- to map resilience at the pan-Wales level, identify gaps and facilitate preparedness activity;
- to raise, consider and discuss issues of resilience in Wales with the United Kingdom Government; and
- to support cross-boundary working and information sharing.

Source: The Welsh Government, Wales Resilience website

Exhibit 5 – The structure of resilience groups and forums within Wales



Source: The Welsh Government

1.23 The Wales Resilience Forum provides support to the local resilience forums and has links with:

- a the Joint Emergency Service Group**, which provides a forum for chief officers from emergency services in Wales and coordinates activity with the Wales Resilience Forum; and
- b the Wales Resilience Partnership Team**, which takes its strategic direction from the Wales Resilience Forum in delivering specific aims, objectives and targets of resilience work on an all-Wales basis.

1.24 The development of a national and three regional strategic coordination centres is an example of how the Welsh Government has made good use of resources to support the partnerships involved in improving resilience within Wales. The Welsh Government has established the Emergency Coordination Centre (Wales) in Cardiff, which provides a resource for the management and coordination of a major response during a national emergency. The Emergency Coordination Centre links to three dedicated strategic coordination centres located at Colwyn Bay, Cardiff and Carmarthen (see [Case Study 1](#)), for which the Welsh Government has provided³⁶ £10.4 million of funding.

Case Study 1 – Gold command strategic coordination centres

One of the recommendations from the report produced by Sir Michael Pitt into the 2007 flooding in England was that every area should have a purpose-built coordination centre for use in emergencies. The lessons learned from the response to swine influenza in Wales in 2009 reinforced this need. To achieve this recommendation, a joint project between the Welsh police forces and the Welsh Government created three strategic coordination centres in Wales.

The project consisted of: refurbishing the Local Emergency Centre in Colwyn Bay; buying and fitting out a building in Cardiff leased by South Wales Police, which it will share with Gwent Police; and a centre for the Dyfed Powys region in Carmarthen (see Photograph 1). Opening in September 2011, the total cost of these centres was £14.3 million, a cost jointly funded by the three police forces involved and the Welsh Government.

The centres are fully interconnected with modern information and communications equipment and provide accommodation and the necessary technology for the emergency services, local government and any other responders to coordinate their response to emergencies. The strategic coordination centres also link into the Emergency Coordination Centre (Wales) at the Welsh Government.

The strategic coordination centres are the main location for a strategic response to any emergency in Wales, and serve as training centres and facilities for the support to local resilience forums.

The key benefits of the centres are:

- that they greatly improve responders' ability to coordinate actions in emergencies;
- the provision of emergency training facilities in South, North and West Wales;
- the provision of dedicated multi-agency training facilities; and
- the provision of a base for the local resilience forums and their subgroups.

³⁶ Welsh Government funding comprised £10 million from the Strategic Capital and Investment Fund together with £399,000 from its Local Government and Public Services Directorate.



Photograph 1 – The Welsh Government and Dyfed Powys Police Force have built a new bespoke Strategic Coordination Centre in Carmarthen, one of three such centres in Wales.

Source: The Welsh Government

1.25 The Welsh Government also provides £20,000 each year for national exercises that test all-Wales response to emergencies. This includes supporting all-Wales exercises funded by the Welsh and United Kingdom Governments, which we consider in more detail in **Part 3** of this report.

1.26 The Welsh Government's website states that: 'Although civil contingencies are not devolved in Wales the Welsh Government... has an important role to play in terms of the political, social and economic aspects of the critical national infrastructure in Wales'. The

Welsh Government has made strong efforts to engage with the resilience community to establish partnerships and to provide support, guidance and expertise where needed. A dedicated Resilience Team within the Welsh Government works closely with and provides secretariat support to the Wales Resilience Forum and its subgroups, and supports the engagement of the emergency services via the Joint Emergency Services Group. The Welsh Government attends each of the local resilience forums to maintain the important link with individual Category One responders and their local resilience forums.

1.27 The lack of devolved powers has not prevented the Welsh Government from establishing productive partnership working with Category One and Category Two responders. An example of effective partnership working led by the Welsh Government is the work of the Wales Resilience Forum, where a range of working groups supports the forum. However, some organisations with a clear role in resilience are neither a Category One nor Category Two responder. We consider that it is important that the Welsh Government also engages these organisations and includes them within resilience partnerships. An example of such an organisation is the Civil Nuclear Constabulary, which provides an armed response and policing capability for the nuclear industry. In addition some recognised Category Two responders, including transport organisations such as trunk road agencies, train operators, airport operators and harbour authorities are not included in the civil contingencies framework within Wales.

Too many emergency planning groups and unclear accountabilities add inefficiency to the already complex resilience framework

Complex reporting structures are leading to confusion about the roles and responsibilities of the numerous emergency planning groups and organisations

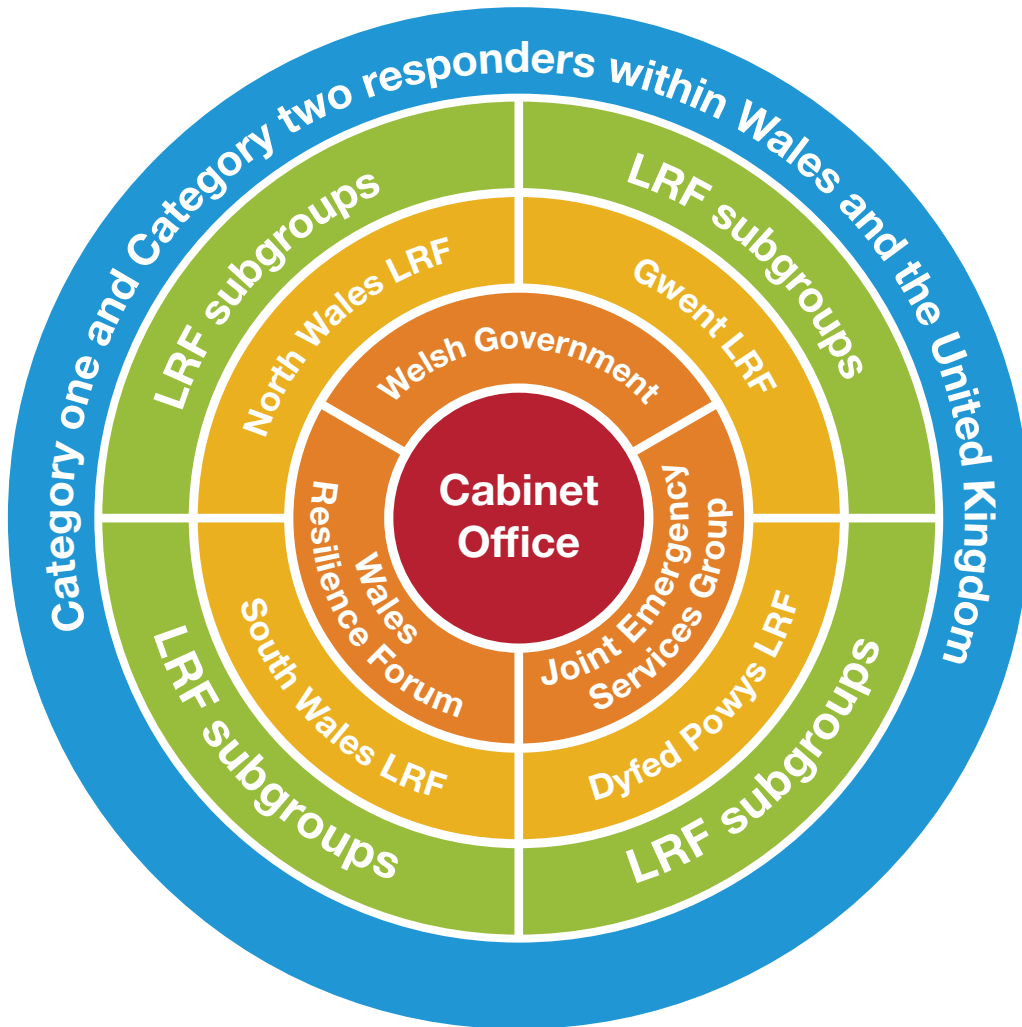
1.28 Each Category One responder has its own emergency planning capability. In all but a few instances where local collaborative arrangements exist, such as in Flintshire and Denbighshire and in Swansea and Neath Port Talbot, local authorities have dedicated emergency planning teams. However, the structure providing support and coordination for civil contingency activities within Wales has evolved over time, rather than as a part of more strategic arrangements.

1.29 Exhibit 6 shows the complex arrangement of organisations involved in delivering civil contingencies in Wales. Category One and Category Two responding organisations are represented on the local resilience forums and in their subgroups. The Wales Resilience Forum provides direction and strategic leadership to the local resilience forums, and works closely with the Welsh Government and the Joint Emergency Services Group. The Cabinet Office is at the centre of the arrangements for the delivery of the Civil Contingencies Act 2004 in Wales. However, the emergency planning teams operated by Category One and Category Two responders are only accountable to their own organisation. This means that a local authority emergency planning team is solely accountable to the local authority chief executive officer. With exception of the local resilience forums



and the Category One and Category Two responders, all other components of the resilience framework have developed informally and are arrangements aimed at improving the delivery of civil contingencies. The Civil Contingencies Act 2004 sets out to promote such informal arrangements.

Exhibit 6 – The complex arrangement of organisations involved in the delivery of civil contingencies in Wales



Note: LRF means local resilience forum

Source: Wales Audit Office

- 1.30** In addition to the local accountability for civil contingencies, there is a requirement for Category One responders to report the functional activities of all of their services. The three ‘blue light’ emergency services have functional reporting lines to three different United Kingdom and Welsh Government departments:
- a** the police report to the United Kingdom Government via the Home Office;
 - b** the fire and rescue services report to the Department of Local Government and Communities at the Welsh Government and to their respective fire authorities³⁷; and
 - c** the National Health Service in Wales has functional reporting lines to the Department of Health, Social Services and Children at the Welsh Government.
- 1.31** The 22 local authorities are not accountable to the Welsh Government but have a reporting line for their functional activities to the Department of Local Government and Communities. Other significant Category One responders relevant to Wales include the Environment Agency which reports to the Department for Environment, Food and Rural Affairs³⁸ in England, and the Maritime and Coastguard Agency which is an executive agency of the Department for Transport.
- 1.32** The Cabinet Office also has expectations that all responders in England and Wales have a reporting line, but not accountability to, United Kingdom Government departments that are leading on particular work streams. An example of this is the lead role that the Department for Health takes in the development of resilience and contingency planning for pandemic influenza.
- 1.33** Category Two responders are largely private companies monitored by their own regulators as opposed to any specific government department. Some regulators check compliance with the Civil Contingencies Act 2004 as part of their inspection regimes but they are not responsible for monitoring compliance.
- 1.34** Because many reporting structures are determined in legislation, much of this complication is unavoidable. However, the potential consequence of such complexity is confusion about roles and responsibilities within the resilience framework operating in Wales. This complexity also means fragmentation of the capacity to deliver effective and efficient civil contingencies, with a risk of overlap, or worse still, gaps in the arrangements for resilience.
- 1.35** The terms of reference of the Wales Resilience Forum include facilitating mutual aid arrangements and joined-up working, and to provide direction and strategic leadership across the resilience framework. Although our study highlights and commends the steps the Welsh Government and its partners have taken to improve resilience, the issues of complexity of the current structure and accountability remain.
- The current structure of numerous, small emergency planning teams results in inefficiencies and there would be benefits from rationalisation**
- 1.36** The approach to the central coordination of resilience and emergency planning within Wales is similar to that adopted in Scotland. In Scotland, eight strategic coordinating groups, broadly equivalent to local resilience forums operating in Wales, form the focus point of multi-agency planning. We found that while

³⁷ Fire authorities comprise elected members appointed by constituent local authorities and aim to provide fire and rescue services in an open, transparent and cost-effective way.

³⁸ Environment Agency Wales is a region of the Environment Agency, reporting to the Department for Environment, Food and Rural Affairs but with a Remit Letter that sets out the Welsh Government’s expectations on the use of funding provided in Wales. From April 2013, Environment Agency Wales will become part of the new Natural Resources Body for Wales. This new body will be a Category One responder that reports to the Cabinet Office via the Welsh Government.



the current structure in Wales has shown its effectiveness in dealing with recent events, such as threats from pandemic influenza, severe cold weather, and localised flooding events, there are likely to be areas where a more streamlined and efficient structure could bring additional benefits. For example, larger and multi-agency teams would provide opportunities for the development of specialisations and facilitate easier use and transfer of these skills. We also consider that it would be beneficial to clarify lead roles and accountabilities in a review of the organisational structure for resilience and emergency planning.

1.37 We are aware that the existing arrangements for resilience have, so far, worked well and that the Welsh Government and some Category One responders are keen for this success to be recognised. However, our findings point to the limitations of the existing framework for resilience and suggest that, with public services to come under unprecedented pressures, the framework is unlikely to be the most effective or efficient way to ensure the delivery of civil contingencies in the near future. Our findings confirm the conclusions of the Simpson Review that there is a need for a 'fundamental review of emergency planning' within Wales and that this review should happen 'as a matter of urgency'. The Simpson Review also says that, given the wide range of Category One responders in Wales and the relatively small size of many teams, it is 'unlikely that any single authority will have sufficient critical mass through which other departments can be engaged; valuable and scarce skills transferred more widely and best practise identified and shared effectively'. This led the Simpson Review to recommend that 'emergency planning be organised on a regional and cross-sectoral basis involving local authorities, the National Health Service,

police and fire services'. The decision of the Welsh Government and local authorities to accept and to act on this recommendation means the regionalisation of emergency planning, possibly³⁹ by the formation of regional emergency planning teams, aimed at making better use and sharing of resources. formation of regional emergency planning teams aimed at making better use and sharing of resources.

- 1.38** The decision to move to a regional, cross-sector framework for emergency planning could improve the efficiency and effectiveness of resilience arrangements for Wales. The move to regional, cross-sector working also provides the opportunity for Category One responders to put in place sound and transparent arrangements for governance and accountability. In **Parts 2 and 3** of this report we will discuss the use of resources in more detail, together with the need for greater consistency and accountability. However, the benefits that a regional resilience framework might provide could include:
- a** efficiencies gained from the better use of resources, knowledge management and communications technology;
 - b** improved consistency of resilience activity across Wales, with more consistent emergency and business continuity plans;
 - c** improved capacity to capture and share good practice in individual areas;
 - d** improved clarity of roles, particularly if the structure of regional teams is the same;
 - e** more consistent approaches to business planning, skills development and monitoring; and

³⁹ Each local resilience forum is to present their plans for regionalisation of emergency planning services to the Welsh Government's Organisational Development and Simpson Implementation Group during November 2012. At present, there is no certainty about the organisational arrangements for each individual local resilience forum area.

- f** opportunities to improve performance management, including through more coordinated self-assessments, peer review and scrutiny.
- 1.39** Restructuring would provide an opportunity to address some inconsistencies in partnership arrangements and to streamline functional arrangements. For example, there is no subgroup for Category Two responders in relation to transport and current structures do not acknowledge the prominent role of the trunk road agencies at times of serious emergencies affecting the road network.
- 1.40** The Simpson Review found that ‘emergencies are rarely contained within single administrative boundaries’. Differences in the administrative boundaries⁴⁰ between the National Health Service, police, fire and rescue, coronial⁴¹ and local authorities make effective coordination more difficult. Improving efficiency and more effective coordination of emergencies were undoubtedly key factors in the recommendation of the Simpson Review.
- 1.41** We consider that emergency planning teams below the level of the local resilience forums are too numerous and too small, and that improvement to operational delivery, efficiency and value for money can be secured through rationalisation. This is particularly the case since improved technology has minimised the risk of weakened communication over a wider area. The decision to regionalise emergency planning may also mean that there will be fewer, larger teams and they can be more efficient and effective.
- 1.42** The Simpson Review has provided a catalyst for the Welsh public sector to review and rationalise the organisational arrangements for emergency planning. In particular, the Simpson Review has provided an opportunity to secure efficiencies by reducing duplication, but also to identify and fill gaps that will ensure the arrangements in Wales offer greater resilience.
- 1.43** There are significant risks and cultural barriers to overcome in the rationalisation of arrangements for emergency planning. The potential key barriers to be overcome in implementing the recommendation for regional cross-sector teams for emergency planning include:
- a** The maintenance of democratic and corporate accountability of each Category One responder, and in particular the role of each local authority chief executive and for elected members during an emergency
 - b** Achieving the necessary degree of standardisation of practices, operating procedures and emergency management structures.
 - c** The need to maintain the relationships between local practitioners, local communities, local community leaders and retain local knowledge.
 - d** The avoidance of a ‘one-size-fits-all’ approach.
 - e** The provision of larger accommodation for regional emergency planning teams. **Case Study 2** shows an approach taken in North Wales, which is to leave local teams within their local authority area to prevent the dilution of local knowledge. **Case Study 2** also shows some other examples where regionalisation of emergency planning has already proved to be successful. In particular, Category One responders in Suffolk routinely meet to work together⁴² as the Suffolk Resilience Forum, and

⁴⁰ *Local, Regional, National: What services are best delivered where?* This report is also known as the ‘Simpson Review’, Local Government Leadership Centre, March 2011.

⁴¹ Relating to the Coroner or Coroner’s Office.

⁴² There are also similar examples of this type of working: Devon, Cornwall and the Isles of Scilly Local Resilience Forum have ‘monthly on Thursday’ arrangements, also Gloucestershire ‘Working on Thursdays’.



the Olympic Torch Relay across Wales demonstrated the benefits of bringing together partners from many agencies. In a contrasting approach featured in **Case Study 3**, Lincolnshire County Council considered that more permanent co-location was an important aspect of effective emergency management.

- f** The boundaries of some Category One responders do not match with local resilience forum boundaries. For example, the boundaries of the Mid and West Wales Fire and Rescue Service and the South Wales Fire and Rescue Service span two local resilience forums, requiring these Category One responders to have representation on both forums.
- g** The accommodation of different cultures, different terms and conditions of employment and pay scales.

Case Study 2 – Examples of emergency planning at a regional level

Reorganisation of emergency planning teams in North Wales aims to improve resilience and make better use of resources

There are six local authorities within the North Wales Local Resilience Forum, each with their own small emergency planning team. While Flintshire and Denbighshire have a joint team, the other councils operate separately.

In advance of the Simpson Review, the six local authorities had already expressed an interest in a regional service and undertook a review of their emergency planning teams with the aim of achieving a better utilisation of human resources to improve overall coordination and resilience across the North Wales Local Resilience Forum area.

After considering a range of options, the preferred option was the formation of a single service based on two emergency planning 'hubs' with an east-west split. It is likely that the western area will consist of Anglesey, Gwynedd and Conwy, while Denbighshire and Flintshire with Wrexham may form the eastern area. One of the two hub managers would have strategic command across both emergency planning units with the other hub manager acting as deputy. To retain local knowledge and support each hub would utilise the existing staff from the constituent authorities as liaison officers to the respective authorities, using agile working to best effect.

The main benefits of these arrangements are:

- improving the effectiveness of resilience for partner local authorities due to the team's size;
- improving the efficiency and focus of available resource by sharing specialist support and common tasks;
- ensuring greater effectiveness through consistency of response and dissemination of best practice amongst local authorities; and
- improving the effectiveness of communication channels between the local resilience forum and individual local authorities.

The chief executive from each local authority will assess the outline business case during 2012 and will also consider the impact of the Simpson Review and the compact agreed between the Welsh Local Government Association and Welsh Government. If the six local authorities adopt the proposal by the end of 2012, the new service delivery is expected to come into operation during the following financial year.

One Flame, One Journey, One Nation: The all-Wales approach to managing the Olympic Torch Relay

The Olympic Torch Relay passed through Wales over a period of five days during which a quarter of the population of Wales lined the route. The Olympic Torch Relay passed through 22 local authorities, four police force areas and four fire and rescue service areas together with the areas of a multitude of other 'resilience' agencies. With the support of the Welsh Government, the main resilience agencies established a single planning and command structure that utilised resources from across the country. This planning and command structure allowed for the development and execution of a single comprehensive plan, ensuring management of the risks and threats inherent in the event to a consistently high standard irrespective of the local resource available. This approach also ensured that the advantages of local tactical delivery merged with the benefits of national strategic coordination. A permanently staffed, single, multi-agency Gold command centre managed the entire operation. The Olympic Security Authority recognised the methodology adopted by Wales as good practice. Other parts of the United Kingdom followed this successful approach and adopted a similar single planning and command structure to manage the Olympic Torch Relay.

Suffolk Resilience Forum brings together partners in 'Working Wednesdays'

Increasing workloads, budget pressures and diminishing resources led the Suffolk Resilience Forum to review the way that it managed multi-agency partnership working. Since 2009 all Category One contingency planners in Suffolk meet every Wednesday to complete routine resilience work such as planning and reviews, to share information, and to plan exercises and training. This approach has brought improved management of resources, reduced fragmentation of planning work and improved the robustness of the routine operation of the Suffolk Resilience Forum⁴³.

⁴³ The Dyfed Powys Local Resilience Forum is also operating a similar arrangement to the Suffolk Resilience Forum.



1.44 In England, there are examples⁴⁴ where reorganisation of emergency planning services has already taken place at the level of counties and the local resilience forum. Lessons from this experience could be useful for Wales. **Case Study 3** shows how the emergency services in the Lincolnshire County Council area have combined to form a Joint Emergency Management Service.

Case Study 3 – Lincolnshire Joint Emergency Management Service

In September 2011, the emergency services in the Lincolnshire area combined to form the Joint Emergency Management Service. The Category One responders involved include Lincolnshire County Council, all seven Lincolnshire district and borough councils, Lincolnshire Police, National Health Service Lincolnshire, Lincolnshire Fire and Rescue, and the Environment Agency. Their emergency planners will now work together, co-located in the same building as part of a multi-agency team, the first of its kind in England.

The key benefits of this approach are:

- the avoidance of duplicating work;
- improved efficiency;
- improved coordination of activity of staff from a range of Category One responders;
- improved understanding of each other's needs and plans;
- the development of shared aims; and
- the re-enforcement of joint working in planning for emergencies.

1.45 As the examples from Lincolnshire and North Wales suggest, working together in closer arrangements can deliver measurable improvements. The likely common benefits arising from joining up emergency planning teams include:

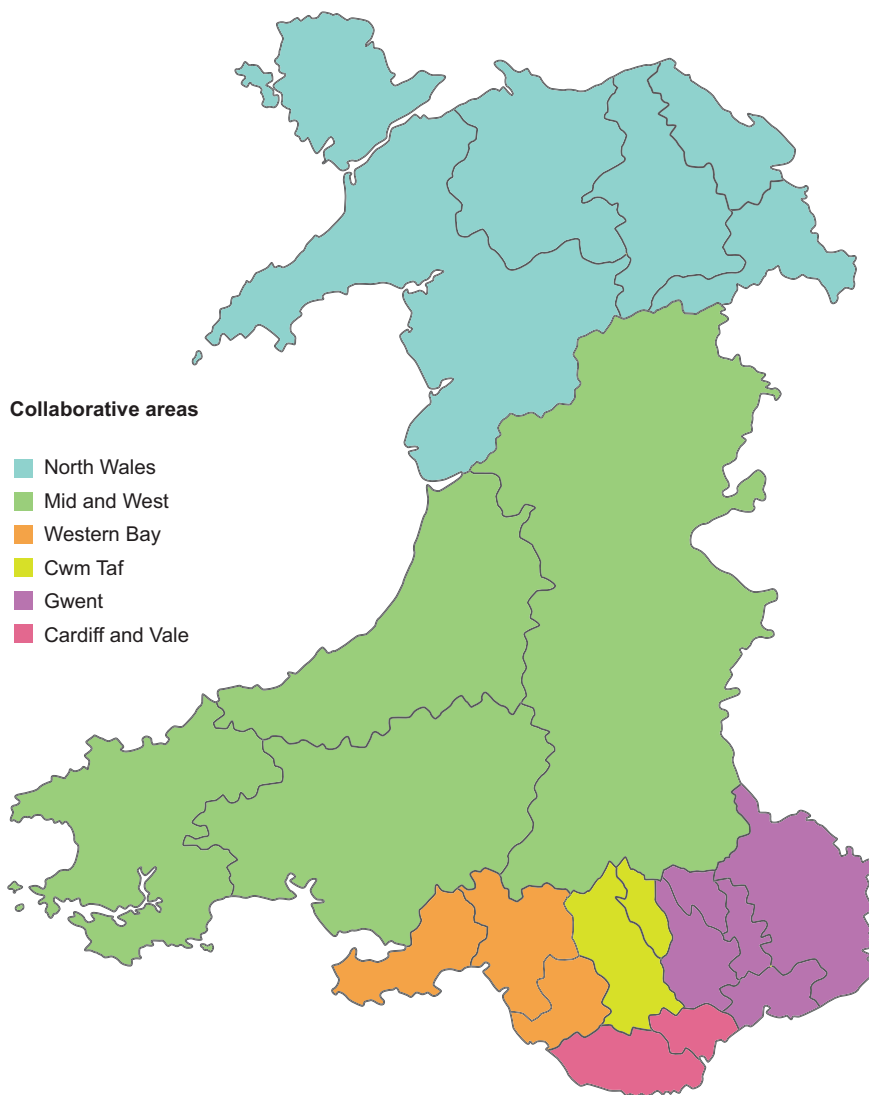
- a** Improved value for money and greater efficiencies.
- b** Larger emergency planning teams with the opportunity to specialise in specific areas of emergency planning, for example evacuation procedures.
- c** A higher profile for emergency planning within Category One responders, with clearer governance and scrutiny arrangements.
- d** Improved resilience due to larger team size. At present, some Category One responders have only one or two emergency planning officers and are unable to provide cover 24 hours a day, seven days a week without mutual aid agreements with other Category One responders.
- e** Reduction in duplication of effort between Category One responders with better coordination of training and improved learning from events. This will help Category One responders to improve joint working and the sharing of resources within larger teams.
- f** Larger teams and improved coordination of resilience activity between Category One responders will provide opportunities for the secondment of officers to different service areas, increasing opportunities for skills transfer and building resilience capacity.

⁴⁴ In addition to Lincolnshire, the four local authority emergency planning teams in Cleveland have merged and co-located with police, fire and some parts of the North East Ambulance Service. The merged organisation has also worked with the local primary care trust. Cleveland has been working this way for a number of years and five years ago received a Beacon Award for innovation and excellence in local government.

- 1.46 The above benefits, if fully realised and established on a common basis, will lead to a more consistent approach to resilience activity in all aspects across Wales and between organisations.
- 1.47 In considering local authority service provision in general, the Welsh Government’s Minister for Local Government and Communities proposed⁴⁵ boundaries for regional groupings

for a range of collaborative and regional services currently delivered separately by each local authority. This regional grouping is the basis for the Public Service Leadership Group that provides national leadership for collaboration and to drive the pace of improvement in public services of Wales. Exhibit 7 shows these proposed collaborative boundaries.

Exhibit 7 – The collaborative areas for the Public Service Leadership Group



⁴⁵ These boundaries are based on the ‘footprint of public service collaboration’ announced in a Ministerial statement in July 2011 to the National Assembly for Wales and the Local Government Partnership Council. The Welsh Government and the Welsh Local Government Association endorsed these boundaries in their Compact for Collaboration.



1.48 The Welsh Government proposes that, where possible, regional collaborative boundaries follow the seven⁴⁶ local health boards and/or the four police authorities. The Welsh Government describes it as a signal of its 'intent to move to align collaborative arrangements, building on the local health board and police structures'. There is already alignment of the boundaries of local health boards and the police, and therefore also with the local resilience forums. However, as we have mentioned in [paragraph 1.43\(f\)](#), there is not such a close alignment with the boundaries of the Mid and West Wales and South Wales Fire and Rescue Services. In addition, at this stage there is no certainty that the commitment to reorganise civil contingencies will result in four regions.

The creation of numerous subgroups is leading to inconsistent approaches to resilience

1.49 Regulations⁴⁷ set out the broad framework for the delivery of the Civil Contingencies Act 2004, but leave the practical details for determination by local agreement. Consequently, the four local resilience forums have created a large number of subgroups. For example, the Dyfed Powys Local Resilience Forum has 16 subgroups and approximately 50 separate organisations are involved in these subgroups. This situation repeats across much of Wales. The groups exist specifically to address hazards identified in the community risk register and the large number of subgroups reflects the large number of organisations that the local resilience forums consider need to be involved. However, the composition and objectives of these subgroups vary, with each local resilience forum making its own assessment of the number and type of subgroups required. We found that some local resilience forums have recognised that

there are too many subgroups and have begun to rationalise their structure. The South Wales Local Resilience Forum has recently introduced a Strategic Steering Group to manage the overall work programme and has reduced the number of subgroups to six. These subgroups focus on pandemic influenza and flooding, the two highest risks identified by the South Wales Local Resilience Forum.

1.50 We reviewed a sample of local resilience forums' websites for the remit and make-up of subgroups listed, and found a number of inconsistencies. In particular, from our review of local resilience forums' websites, we found that many subgroups had insufficient performance management arrangements to ensure that they established action plans, to monitor their delivery or for accountability to their local resilience forum. In addition, there was inconsistency in the approach taken by these subgroups and some did not have agreed terms of references or clearly defined objectives.

Strategic leadership for resilience within public sector organisations is often too remote

1.51 Leadership is important in driving improvements to resilience activity within public sector organisations, particularly given that accountability for the Civil Contingencies Act 2004 rests with each individual Category One and Category Two responder. The link between emergency planning teams and their chief executive officer often appears to be close, particularly at times when major incidents are taking place. However, the reality is that leadership and management of routine functional activities can be more distant. Emergency planning officers occupy an important position within local authorities but their posts are often at a low level and are relatively remote from strategic managers.

⁴⁶ The boundary of the Mid and West Wales collaborative area includes two local health boards: Hywel Dda and Powys Teaching Health Board.

⁴⁷ *The Civil Contingencies Act 2004 (Contingency Planning) Regulations 2005* and guidance on part 1 of the act.

Consequently, most local authority emergency planning officers struggle to influence the higher, decision-making level and they are in the main left to organise their own activities.

- 1.52** The remoteness of emergency planning officers and the lack of strategic leadership can contribute to inefficiency and to inconsistent approaches, both within local authorities and in the operation of the subgroups serving the local resilience forums. When emergency planning officers are also required to implement a wider range of resilience work, such as business continuity planning, the lack of strategic leadership is further exposed.

Part 2 – The Welsh public sector has very limited information about the resources it dedicates to ensuring resilience but there is clear scope to improve efficiency and effectiveness

2.1 This section of the report discusses the different types and amounts of resources, and their use in Wales to improve resilience and respond to emergencies.

Funding for civil contingencies and emergency planning is not sufficiently prioritised to the areas of highest risk, and the extent of costs and value for money is unclear

Difficulties in quantifying the costs of resilience activity mean that it is currently impossible to judge value for money

2.2 In the simplest terms, developing increased resilience provides reassurance that, should a major incident occur, responders can provide a response that is reliable and efficient. The value of an effective approach to resilience only becomes evident at the time of an incident. Even then, it is difficult to assess the real value of this contribution as the value is in avoided costs – the cost of what would have resulted had the resilience arrangements not worked effectively.

2.3 The Civil Contingencies Act 2004 sets out a wide range of duties that Category One responders are required to deliver under the umbrella of ‘resilience’. We summarise these duties in [Exhibit 3](#). Emergency planning is just one of these duties, and in 2010-11, Welsh local authorities allocated almost £3.2 million for civil contingencies and emergency planning.

2.4 Local authorities separately identify emergency planning in their budget headings. During 2010-11, Cardiff Council allocated the largest budget at £317,160, many local authorities provided around £150,000 and Isle of Anglesey County Council provided the least amount, at £80,530. Other Category One responders, such as the emergency services, do not separately identify emergency planning in their budget headings. This makes it difficult to assess value for money from their resilience activity. Such organisations argue that, as emergency services, their entire budgets relate to emergency planning, either in responding to major incidents or in delivering prevention and resilience activities.

2.5 Emergency planning is just one element of resilience. The other costs associated with embedding resilience are very hard to quantify because they fall under the general functions of Category One responders, for example, the duties to develop business continuity plans and inter-agency cooperation. Therefore, it is not possible to judge if the Welsh public sector is delivering value for money in the implementation of the Civil Contingencies Act 2004. This was also the conclusion of Audit Scotland in its review in 2009 of the implementation of the Civil Contingencies Act 2004 in Scotland.⁴⁸

⁴⁸ *Improving Civil Contingencies Planning*, Audit Scotland, August 2009

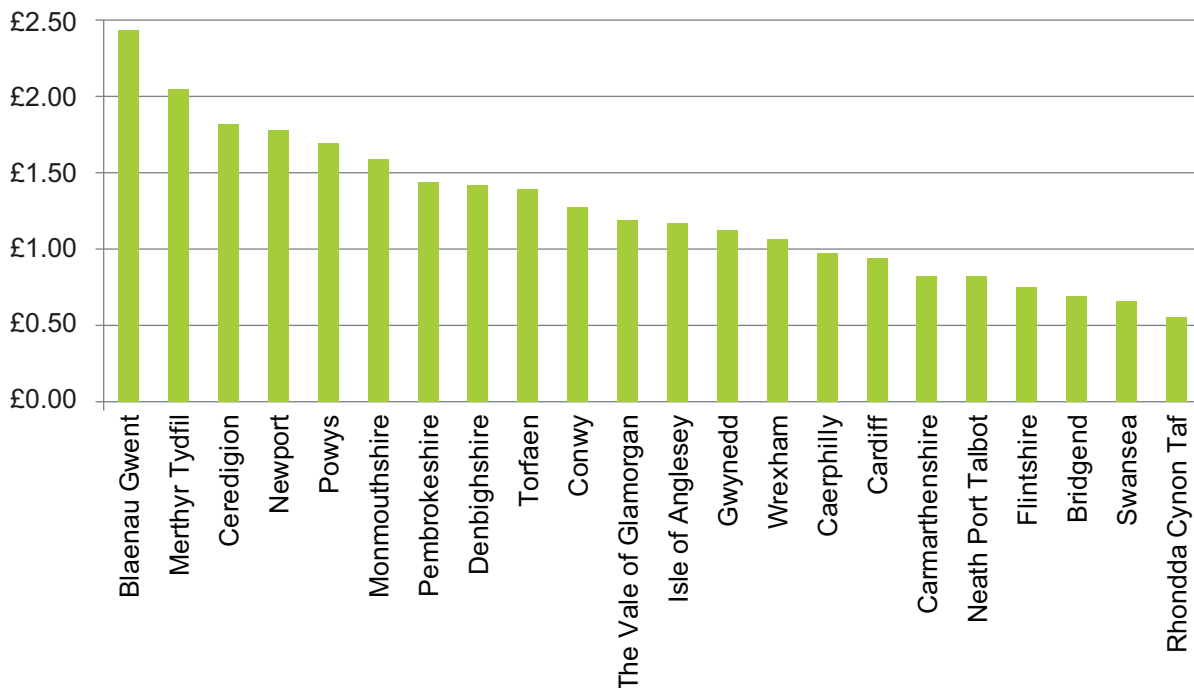
Funding for civil contingencies and emergency planning is not sufficiently prioritised to the areas of highest risk

2.6 Since 2008-09, the Welsh Government has included funding for emergency planning services within the Revenue Support Grant allocated to help local authorities deliver their services. Previously, there was a specific grant for civil contingencies from the Home Office. The resident population in each local authority area is the main determinant used to calculate the Revenue Support. For emergency planning services, this means that the local authorities with the largest resident population, as opposed to those with the highest number and level of risks, will have the largest funding. In addition, this method of allocating funding does not take account of seasonal and other transient variations in population, a factor

that can significantly increase the number of people at risk from emergencies for some local authorities.

2.7 We compared the budget that each local authority allocated to civil contingencies and emergency planning per head or resident population during 2010-11. Most local authorities allocated about £1.20 per head or resident population, but the amount allocated ranged from Blaenau Gwent County Borough Council at £2.16, to Rhondda Cynon Taf County Borough Council, at just £0.55. **Exhibit 8** shows the allocated budget per head of population for civil contingencies and emergency planning at local authorities during 2010-11. We could not determine the reasons why local authorities have decided to allocate such widely different budgets.

Exhibit 8 – Budget allocated by local authorities during 2010-11 for civil contingencies and emergency planning, per head of population



Source: Wales Audit Office



2.8 Consideration of budget plans for the organisations delivering civil contingencies and emergency planning can be misleading. Although the main area of routine expenditure is staff costs and is predictable, there can be considerable unplanned costs incurred, particularly during the management of emergency incidents. In 2010-11, we found that Welsh local authorities spent⁴⁹ about £4 million directly on their emergency planning, about 25 per cent more than the total budget allocated. Eleven of the 21 local authorities reviewed exceeded their budget allocation during this period.

2.9 **Exhibit 9** gives an analysis of revenue expenditure by each local authority for civil contingencies and emergency planning per head of resident population during 2010-11. This graph illustrates the variation in revenue expenditure on emergency planning in unitary authorities per head of population for 2010-11. In particular, expenditure in Powys County Council was £4.75 per head of resident population reflecting that the local authority spent £625,907 on civil contingencies and emergency planning during 2010-11, although budget allocation was just £222,760. But this was not due to poor performance or management, as the local authority incurred unplanned expenditure of about £442,000 mainly in legal costs incurred managing the impact of a large pollution incident during that period. A similar scenario occurred in June 2011 when a fire at a warehouse in Swansea (see **Photograph 2**) required removal and disposal of tyre waste, and cost the local authority and emergency services about £1.5 million. In such instances, budget allocations are quickly expended and the organisations responding to incidents turn to their own financial reserves or, for large-scale emergencies, to the Welsh Government for additional funding⁵⁰.

⁴⁹ Total revenue expenditure for civil contingencies and emergency planning in 2010-11 was £4,001,774.

⁵⁰ The Emergency Financial Assistance Scheme is a discretionary scheme operated by the Welsh Government which exists to give special financial assistance to local authorities, police and the fire and rescue service who would otherwise be faced with undue financial burden as a result of providing relief and carrying out immediate work in response to large-scale emergencies.

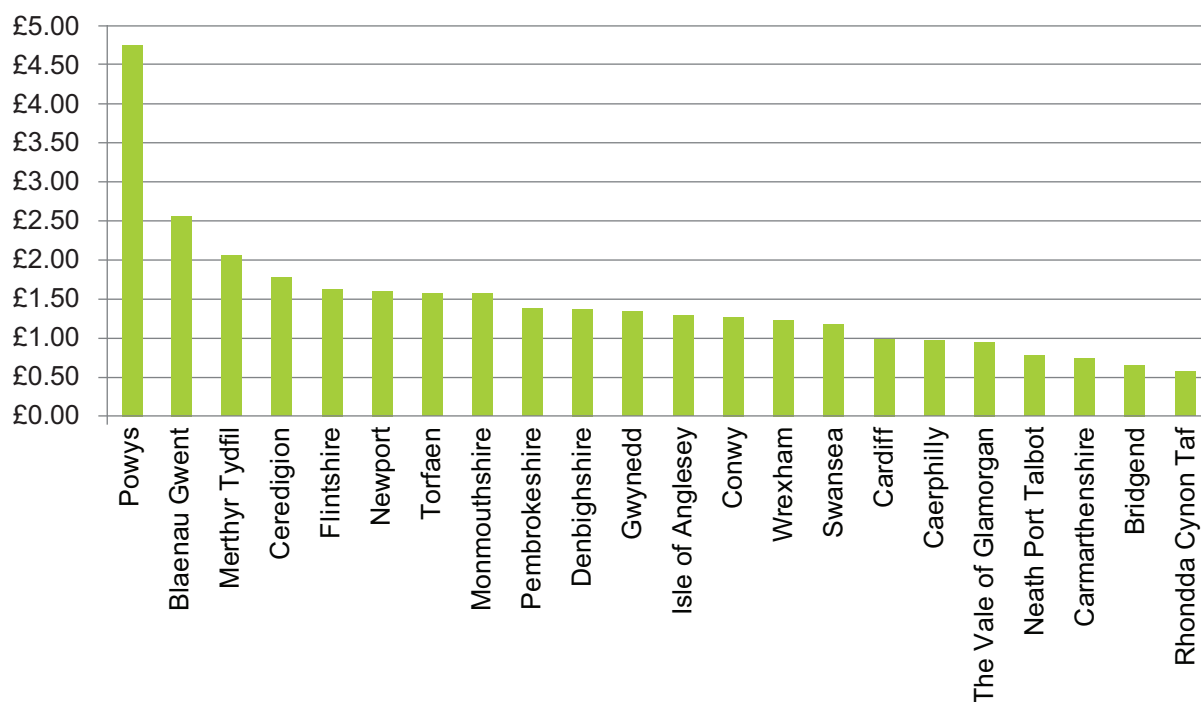


Photograph 2 – Fire at a depot in Swansea in June 2011 where tyre wastes were stored led to a major incident that lasted several weeks, threatened the evacuation of thousands of nearby residents, and cost the local authority and emergency services about £1.5 million.

Source: The City and County of Swansea



Exhibit 9 – Revenue expenditure on emergency planning in unitary authorities in 2010-11 per head of resident population



Source: Wales Audit Office

2.10 Local Risk Assessment Guidance⁵¹ is available to local resilience forums as a template for the assessment of risk. This guidance acknowledges that risk assessments need to consider more than just the risks to the local population. Assessments also need to include the potential impacts on commerce, environmental value, heritage and security. This makes sense as there have been many examples of major events that have taken place away from centres of population but that have had widespread consequences. For example, when the Sea Empress oil tanker ran aground off Milford Haven in 1996, the potential impact of pollution was widespread and not confined to Pembrokeshire. Another

example of where the impact of an emergency incident was very far reaching was the foot and mouth outbreak in 2001.

2.11 The assessment of risk based on the guidelines from the Cabinet Office should help Category One responders to determine the funding that they allocate to emergency planning and resilience. The new regional emergency planning arrangements provide an opportunity to consider the likelihood and consequence of risks in the way that they prioritise funding. The prioritisation of funding might be very different if based on an assessment of strategic risks for each local authority as well as on resident and transient population.

⁵¹ Local Risk Assessment Guidance, Cabinet Office Civil Contingencies Secretariat, <http://www.cabinetoffice.gov.uk/content/risk-assessment>

The need to make efficiency savings is likely to impact on emergency planning and resilience

2.12 Funding for local authority emergency planning services within the Revenue Support Grant is not ring-fenced. Therefore, like other service areas, emergency planning services are potentially subject to the need to make efficiency savings.

2.13 Current economic pressures and associated constraints on capacity mean that Category One responders are likely to find it harder to implement the recommendations and lessons learned from exercises. **Exhibit 10** shows how, under the current economic pressures, the police and fire and rescue service have planned to make large efficiency savings. While the possible impact of these savings on front-line work is unclear, they will require the emergency services to work in more efficient ways.

Exhibit 10 – Planned efficiency savings by the police and the fire and rescue service during the period 2011-12 until 2014-15 (units are £ millions and figures are rounded)

| | 2011-12 | 2012-13 | 2013-14 | 2014-15 | Total |
|--|-------------|-------------|-------------|-------------|--------------|
| Mid and West Wales Fire and Rescue Service | 1.2 | 0.3 | 0.7 | 1.0 | 3.2 |
| South Wales Fire and Rescue Service | 1.1 | 3.3 | 4.1 | 1.0 | 9.5 |
| North Wales Fire and Rescue Service | 0.8 | 0.8 | 0.8 | TBC | 2.4 |
| Total for fire and rescue service | 3.1 | 4.4 | 5.6 | 2.0 | 15.1 |
| Dyfed Powys Police | 5.1 | 4.2 | 1.5 | 1.4 | 12.2 |
| Gwent Police | 7.9 | 5.7 | 5.0 | 3.8 | 22.4 |
| North Wales Police | 4.7 | 5.0 | 2.7 | 2.4 | 14.8 |
| South Wales Police | 14.8 | 7.7 | 8.9 | 4.5 | 35.8 |
| Total for police | 32.5 | 22.6 | 18.1 | 12.1 | 85.2 |
| Grand total (£ million) | 35.6 | 27.0 | 23.7 | 14.1 | 100.3 |

Sources: Annual improvement plans for the three fire and rescue services (January 2012) and Delivering a Redesigned Police Service, Wales Audit Office report (April 2012)



It is becoming increasingly difficult to secure a sustainable level of funding for joint resilience activities

- 2.14** Collaborative working can be a way of achieving efficiencies and has become a consideration across the public sector. For emergency response, the Simpson Review recognised that it is impossible for each Category One responder to hold every resource it may need, making closer collaboration potentially a better way of managing resources, providing value for money and improving the provision of civil contingencies.
- 2.15** However, there are barriers that make it increasingly difficult to secure funding for joint activities. Funding of joint civil contingency activity is an issue because there is no central funding, either from the United Kingdom or Welsh Governments, for local resilience forums. In each local resilience forum, Category One responders make a voluntary contribution to the cost of operating the forum. Therefore, the funding of joint activities, such as local training and exercises, relies on informal agreements among the representative Category One responders.
- 2.16** **Case Study 4** shows how the operation of a training and exercise fund can help a local resilience forum to arrange funding for local resilience activity.

Case Study 4 – Funding of local resilience activity

Dyfed Powys and North Wales Local Resilience Forums operate a training and exercise fund that all the Category One responders contribute towards. When a Category One responder identifies a training need, it takes a proposal to the coordination group for ratification.

An example of this is social media training in an emergency. Following the provision of two courses at an all-Wales level instigated by the Wales Learning and Development Group, Dyfed Powys Local Resilience Forum commissioned two further courses to fulfil the demand for social media training across the local resilience forum area, with the multi-agency group members of the Training and Coordination Group signing off this proposal.

- 2.17** In the prevailing economic climate, securing a sustainable level of funding for joint agency activity through voluntary mechanisms can be increasingly difficult. The lack of available funding can present a barrier to joint activity such as research and the funding of exercises and training that are so necessary in testing emergency plans. In the main, the training budgets of Category One responders fund local exercises. Alternatively, the emergency services fund exercises with other Category One responders invited to attend. However, there are examples where good partnership arrangements within the local resilience forum have helped secure funding, such as Exercise Darkness facilitated by Newport City Council in 2010 to test the ability to evacuate rest centres.
- 2.18** Staging large-scale exercises can be prohibitively expensive unless, as happened in the case of Exercise Taliesin to test plans for pandemic influenza in 2009, the United Kingdom Government provides substantive funding. In Exercise Taliesin, the Welsh Government and the four local resilience forums met only smaller incidental costs.

- 2.19** In general, partner organisations agree funding at the start of the year. This funding includes an element for training and exercises intended to build increased resilience and better prepare partner organisations to manage emergency incidents. However, although the Wales Resilience Forum⁵² suggested that each local resilience forum produced an annual business plan showing budget requirements, uptake of this is patchy. The absence of formal and prioritised work plans for each local resilience forum means that future funding needs are uncertain and the Welsh Government Resilience Team cannot easily broker additional funding from within Wales or from the United Kingdom Government.
- 2.20** In addition, some significant national organisations such as the Maritime and Coastguard Agency do not contribute financially, even though they are essential and active members of local resilience forums. This is because they attend many local resilience forums across the United Kingdom making apportionment of funding complex.
- 2.21** This effort to secure adequate funding takes a lot of time that the local resilience forums would otherwise have spent on emergency planning and in delivering joint activities. We therefore consider that the current arrangements for funding are inefficient, fragile and therefore potentially unsustainable.

The current use of human resources may not provide the most efficient and effective means of building resilience and responding to emergencies

- 2.22** All Category One responders have an emergency planning team in place although the size, and therefore the capacity of, these teams vary. Within Wales, there are 37 Category One responder emergency planning teams. There are 20 local authority emergency planning teams, four within the police service, three within the fire and rescue service and 10 within the health sector. This means that currently almost every Category One responder dedicates human resources to emergency planning. We did not review the capacity of individual Category One responders as part of this study, so we are not able to identify whether the current level of human resources is necessary or sustainable.
- 2.23** We were concerned that we could not find any review that maps the human resources available for emergency planning in Wales. Without this review we cannot be certain whether people are located in the right place, are available in the right numbers, are equipped with the right skills, and are empowered to undertake the roles and responsibilities expected of them. We acknowledge that resource mapping will be a part of the process of regionalisation and that the capacity required will become clearer with more consistent identification and evaluation of risks at regional level. Regionalisation should also provide opportunities for Category One responders to make more robust arrangements to manage, retain and recruit staff with critical skills and capabilities or to develop these skills and capabilities within an identifiable career path.

⁵² *Local Resilience Forum Collaborative Costing Model*, Wales Resilience Partnership Team and the Joint Emergency Services Group, 2007



- 2.24** There is no guidance available to Category One responders regarding the number and capability of emergency planning officers, and other human resources, needed to deliver the Civil Contingencies Act 2004. However, Skills for Justice has published *National Occupational Standards for Civil Contingencies*⁵³. In the absence of other guidance, the *National Occupational Standards for Civil Contingencies* contains information to provide a consistent standard, through specified competencies, defined roles and vocational qualifications, for emergency planning officers. These standards align with the police and the fire and rescue service competencies and roles for incident management. However, we found that few local authorities in Wales currently use the standards.
- 2.25** With the current organisational arrangements, there could be duplication and gaps in critical areas of knowledge and expertise. These gaps may only be identified when a significant emergency incident tests arrangements. The Simpson Review commented that small emergency planning teams may not have the necessary critical mass.
- 2.26** Improved knowledge management and communications have the potential to improve access to information and specialist skills. There is no single reference point within Wales to guide planners and responders to good practice and the specialist skills and knowledge to support their response and help them plan more effectively.
- 2.27** Current arrangements for knowledge management appear informal and largely depend on local contacts and local networking, including through the local resilience forum. However, there are some examples of the use of new technology by emergency planning teams to join up with other Category One organisations, such as for the assessment of risk or arrangements to respond to incidents. The National Resilience Extranet is a good example of new technology used by the Cabinet Office and many other partners involved in civil emergencies to share classified information with Category One responders. **Case Study 5** shows how the Joint Resilience Unit of Neath Port Talbot and Swansea local authorities has created an internet site to share a range of plans and contact details across different Category One responders.

⁵³ Skills for Justice is the Sector Skills Council for the justice, community safety and legal services sectors. The National Occupational Standards underpin training and assessment of competence for the police and the fire and rescue service. Over the past four years, local authorities are also increasingly using these standards, although we found uptake by Welsh local authorities remains low.

Case Study 5 – Use of information technology to improve the access to critical data

One of the major challenges facing all local authority services in Wales is how to become more efficient and innovative with less resource. The same challenge also faces all emergency planning teams throughout the South Wales Local Resilience Forum area.

Neath Port Talbot and Swansea local authorities combined their emergency planning teams some years ago to form the Joint Resilience Unit. In August 2011, new management arrangements placed a greater emphasis on new and innovative ways for service delivery. This has included a public-facing and interactive website and the introduction of a secure system to communicate via mobile telephones. In addition, advanced work on a secure internet website, which is accessed through the Public Sector Broadband Aggregate system, a Welsh Government-led collaborative national communications service built in Wales to meet the specific needs of the Welsh public sector, has now also been completed.

Local authorities can use the secure website to collate and share their own and other organisations' emergency plans and other documents. In addition, each Category One responder can maintain its documents and plans online.

The website is a good example of how Category One responders can use information and communication systems in an innovative way that contributes towards their civil contingency duties to share information and cooperate with each other.

The key benefits of the system include: improved partnership working between Category One responders that has helped to share best practise and reduce the duplication of work; easier access to documents and key contacts; and the ability to work remotely when required without losing access to documents.

The absence of a national overview of the effectiveness of physical assets for an emergency response means their availability, maintenance or operation cannot be guaranteed

2.28 The diverse types of emergency incidents already experienced in Wales, and the range of risks identified by Category One responders, mean that access to a wide range of assets is required. These assets typically range from highly specialised technical equipment, such as specialist vehicles and mobile mortuaries, to fixed assets such as flood defence facilities and rest centres. Our work with local authorities on asset management shows that many local authorities do not have asset management plans. Further to this, our 2009 report on coastal erosion and tidal flooding confirmed that for flood management, many local authorities do not know the condition or replacement value of their own assets or manage maintenance and replacement effectively⁵⁴. The 2009 report provided a snapshot of the standard of emergency asset management in Wales for sea flooding and erosion. With no evidence to the contrary, we consider that there is a significant risk that the situation may be similar for the assets used for other types of emergency response.

2.29 Each Category One responder is responsible for its operational assets, such as personal protection equipment, and the training needed to undertake emergency activity with equipment such as breathing apparatus. More stringent training and health and safety requirements, such as for breathing apparatus, can also reduce the availability of assets for use in emergencies. Mid and

⁵⁴ Coastal erosion and tidal flooding risks in Wales, Wales Audit Office, October 2009



West Wales Fire and Rescue Service has recently produced a new asset management plan which forms a comprehensive database of every asset the fire and rescue service possesses, ranging from an individual building to the number, location and service history of thermal imaging cameras. However, there is no national picture within Wales of the location, availability and maintenance of these and other assets.

2.30 Information and communication about the location and use of assets is essential during an emergency incident. When there is an emergency, the role of communications and information technology can quickly become critical in ensuring, for example, the delivery of the right assets to the correct location. Communication equipment has limitations, particularly in handling a large amount of user traffic. The limitations of mobile telephones and the internet have been evident during major emergency incidents such as terrorist attacks in the United States of America on 11 September 2001 and the bombings in London on 7 July 2007⁵⁵. With some experience of the unreliability of established communication systems such as mobile telephones, the Joint Emergencies Services Group is currently trialling a new dedicated incident communication system. The effectiveness of assets can therefore mean more than their provision and maintenance.

2.31 We found that emergency plans can make unreliable assumptions regarding the location and availability of assets. For example, we found that rest centres and other accommodation needed during and after an emergency, may not be available. However, it was not clear from emergency plans if assumptions made about the availability, access and the type of accommodation

were tested. The 2011 business continuity management survey⁵⁶ notes that 26 per cent of respondents had suffered from a loss of access to a site that they relied upon, but only half of plans included this risk. This survey strongly suggests that some plans may be out of date and, consequently, unreliable.

Category One responders are inconsistent in the way that they use the resources offered by the voluntary sector to build resilience and to respond to emergencies

2.32 Representation of the voluntary sector within the resilience framework in Wales is generally limited to the local level. The British Red Cross previously represented the voluntary sector on the Wales Resilience Forum. However, the difficulties of national representation of this very diverse and locally focused sector meant that membership of the Wales Resilience Forum ceased. The Wales Council for Voluntary Action, Churches in Wales and British Red Cross continue as members of the Wales Community Resilience Group, a subgroup of the Wales Resilience Partnership Team chaired by the Head of the Third Sector Unit in the Welsh Government. The WRVS⁵⁷, British Red Cross and Churches in Wales are also members of the Wales Humanitarian Assistance Group. At the regional level, the British Red Cross chairs the multi-agency humanitarian assistance groups in Dyfed Powys and in North Wales. Through these groups, the British Red Cross works closely with local authorities, particularly in planning for the use of rest centres and in training for the response to emergency

⁵⁵ Coroner's inquests into the London Bombings of 7 July 2005.

⁵⁶ *Managing threats in a dangerous world*, the 2011 business continuity management survey.

⁵⁷ WRVS was previously the Women's Royal Voluntary Service.

incidents. Whilst there are some other examples of engagement at the regional level, arrangements are inconsistent and do not maximise the benefits of the voluntary sector.

- 2.33** The Welsh Government supports a third sector scheme in Wales which provides a formal mechanism for voluntary sector engagement with the Welsh Government. This scheme includes an infrastructure of county voluntary councils and local volunteer centres supported by the Wales Council for Voluntary Action; a Third Sector Partnership Council; and regular ministerial meetings held between Welsh Government Ministers and representatives from the voluntary sector. However, there are currently no formal arrangements to coordinate approaches at a national level or through the local resilience forums, although the Cabinet Office has recently issued some guidance⁵⁸ on this for local resilience forums and responders.
- 2.34** The potential contribution of the voluntary sector within the resilience work of Category One responders is significant. However, there are some examples in England that show how the local resilience forums have taken different approaches to how they engage with this sector (**Case Study 6**).

Case Study 6 – Lincolnshire’s partnership working with the voluntary sector

The local resilience forum in Lincolnshire has developed a memorandum of understanding with the voluntary sector. The memorandum establishes a formal protocol that provides a clear understanding of what the voluntary sector can offer, particularly during a large-scale, wide-area and prolonged emergency. The local resilience forum held a two-day conference with the voluntary sector to reinforce protocols and working arrangements.

The arrangements ensure that larger voluntary sector organisations, such as the British Red Cross, can operate at the level required. This initiative has promoted the voluntary sector in a positive and helpful way, and has increased awareness of its capability with senior managers and emergency responders.

The British Red Cross coordinates the voluntary sector response in the county on behalf of the local resilience forum and voluntary sector representatives work as part of the command support functions that are established during an emergency response. The arrangements provide a focal point for the local resilience forum to request deployment of the voluntary sector and a means of assessing the capability and capacity of volunteers.

The memorandum of understanding with the voluntary sector means that the local resilience forum has the highest regard for the voluntary sector. The impact is considerable, and statutory agencies and the voluntary sector now have a better understanding of their role. In addition, the voluntary sector has enjoyed the chance to prove itself, energising relationships, and providing a foundation for future work.

⁵⁸ Civil Contingencies Act Enhancement Programme, *Revision to Emergency Preparedness, Chapter 14: The Role of the Voluntary Sector, Paragraphs 14.11 – 14.15*, Cabinet Office, October 2011



2.35 During the winter of 2009-10, the British Red Cross logged almost 600 hours of support for persons at risk from the severe cold weather. The British Red Cross supported the emergency responders in many ways including, for example, the use of off-road vehicles to collect hospital night staff from remote villages in North Wales. In addition, St John Cymru Wales, mountain rescue services and off-road vehicle user groups also provide additional resources during periods of severe weather conditions⁵⁹. In the Swansea area, the British Red Cross also provides a 'fracture and strain hospital referral service' to take people who have an injury to hospital. This initiative by the voluntary sector was effective in reducing the demand placed on accident and emergency facilities during these difficult weather conditions.

2.36 The voluntary sector has been keen to stress to us the need for greater consistency and standards for their engagement within resilience planning. The public sector should also be clear about the response that the voluntary sector needs to make during an emergency. The voluntary sector considers that some Category One responders have only a limited understanding, and therefore make limited use of their potential contribution to building resilience and in responding to emergencies. This inconsistent engagement means that the voluntary sector can be an inefficiently used resource. Cabinet Office guidance⁶⁰ explains the legislative requirements⁶¹ placed on Category One responders to have regard to the contribution that the voluntary sector can make to improve local emergency planning arrangements. The Cabinet Office expects the voluntary sector to be involved 'at every stage' of emergency planning, including in training and exercising

and in the response to emergencies. At present, there is no formal or coordinated approach at national, regional or local level to involve the voluntary sector in developing a response to emergencies or in assisting with longer-term incidents and recovery. There is scope for the public sector and voluntary sectors to engage more effectively for the benefit of more robust resilience arrangements and a more collaborative response to emergency incidents.

⁵⁹ The North Wales Resilience Forum published a guide to engaging the voluntary sector in emergency planning, building community resilience, response and recovery in May 2012.

⁶⁰ Civil Contingencies Act Enhancement Programme, *Revision to Emergency Preparedness, Chapter 14: The Role of the Voluntary Sector, Paragraphs 14.4 – 14.8*, Cabinet Office, October 2011

⁶¹ *The Civil Contingencies Act 2004 (Contingency Planning) Regulations 2005*, Regulation 23: Voluntary organisations

Part 3 – The approaches taken by Category One responders to implement the Civil Contingencies Act 2004 are inconsistent and responders are not effectively monitoring their activities

3.1 This section of the report looks at the different actions and approaches that Category One responders are taking to implement the Civil Contingencies Act 2004. In this section we consider the ways in which these responders assess risks, produce emergency plans, and monitor and scrutinise their resilience work.

The approaches to risk assessment are inconsistent across Wales, making comparisons difficult

3.2 One of the primary roles of local resilience forums is the production of a community risk register, which is an assessment of the local risks faced by the communities within the area of the forum. There are four such risk registers within Wales, one for each local resilience forum. Legislation also intends for community risk registers to inform the public about the types of risks that could affect their community, and allow preparations that increase resilience and reduce the consequence of emergencies.

3.3 We are concerned that local resilience forums take different approaches in compiling community risk registers. This has the potential to lead those managing, or affected by, emergency incidents towards taking different actions which result in variations in role, service level and expectation. Inconsistency in assessing risks can also mean that resilience to particular risks develops in different ways and to different

levels. We also found that community risk registers assess risks individually, but rarely do they assess the likelihood of multiple risks happening at the same time⁶². In addition, the community risk registers do not assess the length of time some events take, for example the long-term impact of the Chernobyl nuclear disaster of 1986 on some sheep farmers.

3.4 While there is a wide range of guidance and advice available to help responders assess risks⁶³, there appears to be no common approach to risk assessment at the local level. A more consistent approach to risk assessment would ensure similar consideration of risks of the same type. Improving the consistency of risk assessments provides emergency planners with better information about the likelihood that an emergency incident will occur, and that the consequences of this incident for the communities affected will be broadly similar.

3.5 Understandably, local circumstances such as geography and the proximity and density of nearby population will influence local risk assessments. However, we found variation in community risk assessments that is difficult to explain. It was also not clear if community risk registers fully account for risks identified at a national level that might have a local impact. For example, the absence of a risk assessment for nuclear sites outside of the immediate area of a local resilience forum.

⁶² We acknowledge that assessing multiple risk combinations is difficult and complex, and may be best addressed when setting out planning assumptions.

⁶³ Civil Contingencies Enhancement Programme, *Revision to Emergency Preparedness, Chapter 4: Local responder risk assessment duty*, Cabinet Office, March 2012



3.6 Taking an inconsistent approach to risk assessment means that widely different presumptions about risk inform the community risk register. This leads to a potential for plans to be inadequate to deal with the consequences of an emergency. Overestimating the impact of a particular risk can lead to the unnecessary and inefficient use of resources, taking these resources away from areas of greater priority. **Exhibit 11** shows some examples that we found of the inconsistency of risk assessments. It is difficult to understand the variation of risk ratings associated with a failure of the electricity network as this has little relationship to geography, similarly the failure of water infrastructure. While the South Wales Community Risk Register includes assessment of inland flooding, it does not include an assessment of severe inland

flooding occurring in Wales and another United Kingdom region at the same time. In contrast, the variation of risk level relating to dam failure reflects local risk in terms of the number and age of dams and local topography.

3.7 Some greater consistency between local risk assessments would allow the Wales Resilience Forum to be more informed and to assess resource needs against current capacity more accurately. Greater consistency would also help in drawing useful conclusions about the performance of the emergency response services and, where needed, for the Wales Resilience Forum to take action where performance issues are identified. However, the Wales Resilience Forum, although ideally placed and facilitated by the Welsh Government, is advisory and does not have the statutory status to take these actions.

Exhibit 11 – Examples of variation of risk classification within community risk registers⁶⁴

| Local resilience forum | Year register was published | Risk rating | | | | |
|------------------------|-----------------------------|---|---------------------------|--|--|--------------------------------------|
| | | Severe inland flooding affecting more than two UK regions | Pandemic influenza | Technical failure of electricity network | Failure of water infrastructure or accidental contamination with a non-toxic contaminant | Major reservoir dam failure/collapse |
| Dyfed Powys | 2010 | Very high | Very high | High | High | High |
| Gwent | 2010 | High | Very high | High | High | Medium |
| North Wales | 2012 | Very high | 'Risk assessment pending' | High | High | Very high |
| South Wales | 2012 | Not listed | Very high | Medium | Medium | Medium |

Source: Wales Audit Office review of community risk registers

⁶⁴ Community risk registers are based on the Local Risk Assessment Guidance produced by the Cabinet Office.

- 3.8** We also found that most of the current sets of community risk registers are not easy to read or to understand. Guidance⁶⁵ produced by the Cabinet Office states that: ‘The community risk register, which Category One responders have a duty to publish, is an effective mechanism for making communities and businesses more aware and better able to prepare to play their part in emergency scenarios’. The Cabinet Office has also produced guidance⁶⁶ on how to engage with the public and other stakeholders in communicating risk.
- 3.9** The South Wales and Dyfed Powys Local Resilience Forums have recognised the need to warn and to inform the public about risks and have each produced a booklet summarising the main risks in their

community risk registers. In Lincolnshire, the local resilience forum has developed a risk register to be easy for the public to read and understand (**Exhibit 12**). This is so that the public can become better informed and take steps to improve their own resilience to the likely risks that they face. The risk register provides the public with some actions that they can take, such as signing up to be a part of a flood warning network and careful storage of valuables where flood waters are unlikely to cause damage. In addition, the risk register sets out clearly the actions others will take on their behalf, such as the maintenance of culverts, drainage systems and flood defences, to reduce the consequences of flood risk.⁶⁷

Exhibit 12 – The community risk register compiled by Lincolnshire provides accessible information for the public on risks and how they can become more resilient



Source: Lincolnshire Community Risk Register

⁶⁵ Civil Contingencies Enhancement Programme, *Revision to Emergency Preparedness, Chapter 4: Local responder risk assessment duty*, Cabinet Office, March 2012

⁶⁶ *Communicating Risk Guidance*, Cabinet Office

⁶⁷ <http://www.lincolnshireprepared.co.uk/section.asp?catid=24235/>



3.10 There may also be a better way of assessing the likelihood and the consequences of the individual risks featured in community risk registers. Currently, most⁶⁸ Category One responders assess the impact of each individual risk, but this is a narrow assessment that may not anticipate the full range of consequences. Research⁶⁹ into a ‘capability and consequences-based approach’, explained in more detail in **Exhibit 13**, may be a better way to develop resilience and to plan for emergencies. The research also suggests that this different approach should encourage the agencies involved in an identified risk to discuss and work together to achieve an agreed response plan.

Exhibit 13 – How a ‘consequences approach’ could improve the assessment of risk

Heavy snowfall is an example of an emergency incident that features in all risk registers. A ‘consequences approach’ has the potential to change the risk assessment and response for heavy snowfall from a simple isolated assessment, to a much wider and more realistic assessment of the full range of consequences.

By developing a much better picture of the disruption that heavy snow could cause to an area, emergency planners can set out plans that are more strategic and integrated, and to make better use of resources. So, plans for heavy snowfall can identify the critical transport routes and the methods to keep these routes open. But these plans go further still, and can show, for example, the potential role for the private sector in the provision of off-road vehicles and integrate this with a role for the voluntary sector in helping to identify and protect vulnerable citizens.

The consequences approach can also help to communicate and reinforce expectations for the public to improve its own resilience and reduce demand on emergency resources.

Source: Wales Audit Office interpretation of research undertaken by the Royal United Services Institute

3.11 In addition to local risk assessment undertaken through the community risk registers, the Cabinet Office issues the National Risk Register and Local Risk Assessment Guidance. The National Risk Register and Local Risk Assessment Guidance provide information on hazards and threat assessments for the local resilience forums. Guidance⁷⁰ issued with the National Risk Register allows the Welsh Government to produce its own risk assessment for responders in Wales, but only with the consent from the Minister of the Crown.

3.12 The Welsh Government and the Wales Resilience Forum have decided not to compile a national risk register, because they say this would add little value, could dilute local risk priorities and unnecessarily take up resources. Instead, the Welsh Government produces the Wales Resilience Forum Business Plan that includes a summary of risks in the paper *Community Information on Risks in Wales*⁷¹ based on the National Risk Register produced by the Cabinet Office.⁷² The business plan provides only a very high-level assessment of risk and does not specifically seek to provide consistency in the assessment of risks. The plan also provides a summary of the approach to dealing with emergencies rather than an overview for the purpose of strategic leadership or performance management.

⁶⁸ The South Wales Local Resilience Forum Risk Register now takes a consequence approach to risk planning.

⁶⁹ *Combined Effect: A New Approach to Resilience 2010*, research paper jointly produced by the Royal United Services Institute and SERCO.

⁷⁰ Civil Contingencies Enhancement Programme, *Revision to Emergency Preparedness, Chapter 4: Local responder risk assessment duty, Paragraph 4.18*, Cabinet Office, March 2012

⁷¹ *Community Information on Risks in Wales*, Wales Resilience, May 2012

⁷² <http://www.cabinetoffice.gov.uk/resource-library/national-risk-register>

Category One responders have emergency plans but procedures are inconsistent and quality is variable, and this could detract from their value during an emergency incident

3.13 As part of the Civil Contingencies Act 2004, all Category One responders must have in place emergency plans and business continuity plans. Emergency plans outline functions to prevent or to control emergencies, or take other actions in the event of an emergency. Business continuity plans ensure that if an emergency occurs, the organisation can continue to provide services. The guidance⁷³ from the Cabinet Office associated with the Civil Contingencies Act 2004 outlines the minimum content for emergency plans.

3.14 As part of our study, we requested a copy of the main emergency plan from each Category One responder. Every health organisation sent us their current plans, as did most local authorities. The emergency services either sent us their plans or allowed us to undertake a review on their premises.

3.15 Our review of emergency plans of Category One responders shows that while emergency plans are in place, they are inconsistent and many are of variable quality and content. We found the main gaps within some of the plans reviewed were that they:

- a** did not meet the requirement to make sufficient reference to, and integrate emergency plans with, the risks identified in the community risk register;

- b** lacked sufficient information about the role of the emergency planning team during an emergency;
- c** did not sufficiently outline the procedure to follow to complete an incident and to stand-down emergency procedures; and
- d** did not contain schedules to ensure that training and exercises are undertaken.

3.16 We found that there are areas of good practice, such as the emergency plans used by the National Health Service and their use of 'action cards' that prompt actions from specific officers during an emergency. However, many plans from other Category One responders do not fully conform to the minimum content as laid out in the statutory guidance. It is possible that supplementary documents hold this information for some Category One responders, but this was unclear in the plans we reviewed. In addition, it was not clear why plans do not meet the minimum content as described in the statutory guidance to the Civil Contingencies Act 2004.

3.17 Within the emergency plans we reviewed, there were references to 57 separate acts, plus numerous regulations and circulars. This detail has made some of these plans overly complicated and can detract from their use as effective guidance in an emergency. Some plans also contain references to legislation that is no longer current or is not directly relevant to the organisation concerned. It is therefore unclear whether a person using one of these emergency plans would have an accurate view of the legal powers and duties that are available.

⁷³ *Emergency Preparedness – Guidance on Part 1 of the Civil Contingencies Act (Annex 5B)*, Cabinet Office (undated)



3.18 Very few plans include definitions of the role of elected members, relationships between Category One responders, the role of the Coroner or how to involve the voluntary sector. The guidance suggests that the role of elected members and interaction of responders is to be clear so that these partners can perform their roles and exercise their responsibilities in achieving resilience, managing incidents or in post-incident recovery.

3.19 Most of the plans provided for our review by Category One responders were the first version, and dated 2009 or 2010. In addition, we saw some plans produced at an earlier date. Therefore, as many plans are now two to three years old, it is reasonable to expect a review during this period with a focus on quality, completeness and consistency. We could find little evidence of such reviews occurring.

3.20 The inconsistent quality of emergency plans is a concern and reflects the lack of defined performance management arrangements. We consider that checks to confirm compliance with statutory guidance are a minimum expectation, and one that is necessary to ensure that emergency plans are fit for purpose. However, the way that the legislation is structured means that checks on the quality and consistency of emergency plans relies on self-assessment by Category One responders.

3.21 Our review of emergency plans also found that Category One responders had made insufficient reference and arrangements to exploit the opportunities offered by social media. Emergency planners need to take these developments and the preferences of citizens into account when refreshing their emergency plans. Blogs and instant

messaging systems like Twitter can do a better job of getting information out to the public during emergencies⁷⁴ than either the traditional news media or government emergency services. According to research,⁷⁵ harnessing social media could help responders to handle emergencies in a quicker, more coordinated and effective way. In addition, research⁷⁶ also notes that social media is also becoming vital to recovery efforts after crises.

There are good examples of exercises and training although the recovery phase of emergency incidents remains largely untested and financial pressures are likely to impact on the extent of testing in future

3.22 Advice offered from the United Kingdom Government in its guidance document *Emergency Preparedness* is that it is essential to have the correct skills available⁷⁷ to manage civil contingencies. There is an assumption in this guidance that exercises and training events should reflect the real world. However, exercises can often be expensive and funding them is likely to become more difficult with the need for organisations across Wales to reduce expenditure.

3.23 The Wales Resilience Forum has set up the multi-agency Wales Learning and Development Group. The group, which is chaired by the Emergency Services Civil Contingencies Coordinator, meets four times a year and reports to the Wales Resilience Partnership Team. The aim of the group is to synchronise training and exercises across

⁷⁴ Recognition of the need to monitor social media sites is increasing. Dyfed Powys Police Force has specific media roles within 'Gold' command to monitor media activities remote from the scene but related to the incident. Managing media during an emergency incident is becoming increasingly challenging as the BBC and other media outlets ask for stories and pictures from the scene of incidents.

⁷⁵ *Integrating Social Media into Emergency-Preparedness Efforts*, *The New England Journal of Medicine*, July 2011

⁷⁶ The increasing importance of social media during and after emergencies was featured in research by *The Australian Journal of Emergency Management*, February 2012.

⁷⁷ <http://www.cabinetoffice.gov.uk/content/training-emergency-preparedness>

the local resilience forums. The group also produces and maintains a three-year rolling programme of exercises and training events, such as the Taliesin and Watermark exercises, intended to improve efficiency and handling of major events. The Joint Emergency Services Group and the Welsh Government each contribute £20,000, and the Welsh Local Government Association contributes £10,000 to support training and exercises within Wales. In addition, the emergency services jointly fund the Emergency Services Civil Contingencies Coordinator, a role that is unique to Wales.

- 3.24** Each local resilience forum has a training and exercising subgroup that organises and coordinates local training events. These subgroups link to the Wales Learning and Development Group. Where possible, exercises reflect the risks within the community risk register or are required through other regulations such as Control of Major Accident Hazards (COMAH) Regulations. Exercises relating to COMAH sites address the need to assess and practice for a major industrial incident, and are included in all community risk registers.
- 3.25** Exercises vary greatly in scale and cost. A contribution of £50,000 from the United Kingdom and Welsh Governments funded Exercise Taliesin ([Case Study 7](#)), with individual participating organisations funding their own contribution from within their own budgets. In contrast, Exercise Watermark ([Case Study 8](#)), held in March 2011, was a United Kingdom-wide exercise costing £1.8 million. The United Kingdom Government mainly funded this exercise which involved around 10,000 people; 10 government departments; and emergency services, utility companies and communities. Exercise Watermark illustrates how a large-scale national exercise can lead to improvements in resilience against flooding events in the future.

Case Study 7 – Exercise Taliesin tested engagement with Category One responders in Wales

Exercise Taliesin, held in April 2009, tested the Pan-Wales Response Plan and influenza pandemic plans across Wales. The exercise formed part of the Cabinet Office's work to develop resilience against an influenza pandemic. In Wales, the exercise ran simultaneously in all four local resilience forum areas together with the central emergency centre within the Welsh Government. The exercise tested both the strategic decision making of the multi-agency Strategic Coordinating Group and the operation of the supporting Strategic Coordination Centre.

The phased approach taken by the exercise enabled the Strategic Coordinating Group to test five different levels of alert, ranging from low to critical level. The exercise engaged many Category One and Category Two responders, and led to some useful recommendations for major incident management for the Welsh Government and Category One responders.

Case Study 8 – Exercise Watermark was a major national flood response exercise

Exercise Watermark was a national flood exercise held in March 2011. This exercise tested improvements in the capability to respond to future flooding, in particular those improvements prompted by Sir Michael Pitt's review of the 2007 floods. The exercise provided an opportunity for Wales to test its flood resilience in light of the lessons learned from the Pitt Review. The Welsh Government co-sponsored the exercise with the Department for Environment, Food and Rural Affairs. The Environment Agency led the delivery of the exercise.

An action plan supported the 17 recommendations contained in a report on this exercise for Wales. The Welsh Government has reviewed this report along with the national report, and has assessed the recommendations for Wales. The Wales Flood Group is overseeing implementation of the action plan on behalf of the Wales Resilience Forum.



3.26 A report on civil contingency planning within the police forces of England and Wales by Her Majesty's Inspectorate of Constabulary found that 'making exercises realistic and meaningful can have substantial cost implications and by their very nature the policing responses required for civil emergencies can quickly escalate into large-scale mobilisation'. In addition, they found that the financial and opportunity costs associated with exercises involving real situations and where there is no notice given of the exercise, is unattractive to forces already facing budget constraints.

Photograph 3 shows Exercise Gwyniad at Llyn Tegid, Gwynedd. Over 300 rescuers from across Wales were involved in Exercise Gwyniad, an exercise held in March 2011 to test the response to severe flooding.

3.27 Some local exercises also reflect significant national risks. A recent example of this is an exercise, held early in 2011, that tested

the emergency response to a major road accident on the M4 in the Bryn Glas tunnels, near Newport. In July 2011 several vehicles caught fire in the tunnels initiating a major emergency which could have threatened lives and caused significant damage to transport infrastructure, a scenario largely avoided by the use of effective and well-tested emergency plans. The incident closed the westbound tunnel and a section of the motorway for three days but could have been much worse without the learning gained from the recent exercise. In a review of this emergency incident, the conclusion was that the rapid response of the emergency services to rescue persons trapped in the tunnel is likely to have avoided several fatalities. In addition, the tunnel reopened within three days with only limited disruption to traffic and significantly reduced economic impact. This is a tribute to the emergency response and shows the value of exercises.



Photograph 3 – Rescue teams in action during Exercise Gwyniad at Llyn Tegid, Gwynedd.

Source: The Welsh Government

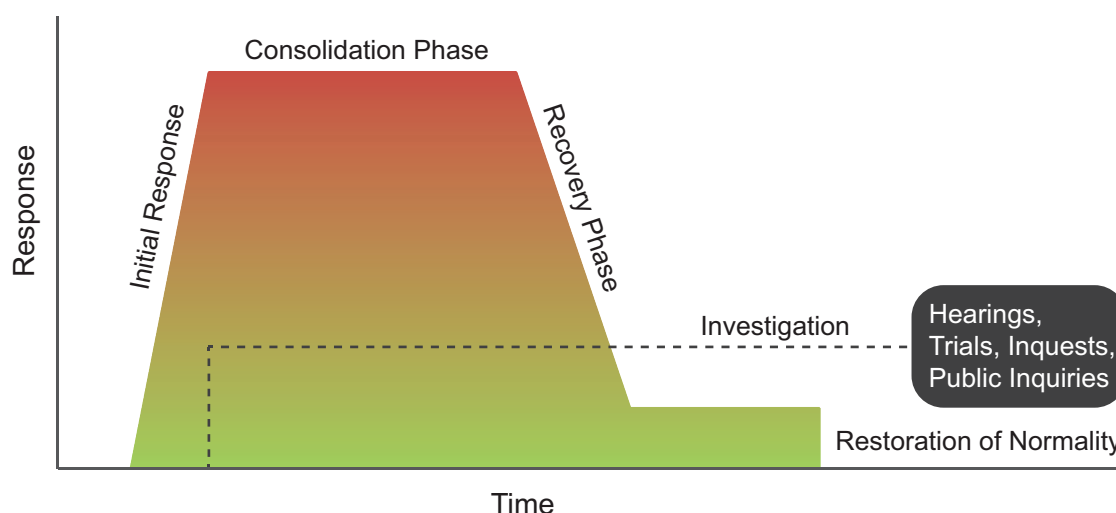
3.28 Exercise Taliesin identified that there appears to be a gap in that few training and exercises have covered the recovery phase of a major incident or the issues that typically arise from a longer-term incident, for example resting of key staff and long-term availability of specialist equipment. This gap was addressed in part during Exercise Watermark, with recovery tested by a local exercise held by the Dyfed Powys Local Resilience Forum and at the Emergency Coordination Centre (Wales) at the Welsh Government.

3.29 Dyfed Powys Police Force’s major incident plan identifies the stages of an emergency (Exhibit 14) and illustrates the difficulty of testing plans and in holding exercises for a large-scale incident. The major incident plan includes the following additional detail within the traditional ‘recovery’ phase, noting that this phase will usually be led by a local authority:

- a** relief – provision of initial relief to people directly affected by an emergency or major incident;
- b** remediation – the provision of medium to long-term support and care to survivors and evacuees, and making good the affected area; and
- c** regeneration – ensuring that the long-term effects of the emergency or major incident are addressed.

3.30 Major incident plans also need to highlight the potential outcomes from a major incident in terms of hearings, inquests and freedom of information requests. These later stages of an emergency incident, often overlooked in training and in exercises, are essential to the quick restoration of normality and are an indicator of the effectiveness of resilience arrangements. Potentially, these stages require a large number of staff to be dedicated to providing a response, adding an additional financial impact to training and exercises.

Exhibit 14 – Schematic showing the stages of a major incident



Source: Derived from Dyfed Powys Police Major Incident Plan (2010)



3.31 The Simpson Review suggested there would be benefits from delivering training and exercises at a national level. If this suggestion is adopted in Wales, it should improve the coordination of training and exercises across Category One responders, and should deliver a more efficient and cost-effective approach to training and exercises.

3.32 Closer alignment of training with the risks identified in the document *Community Information on Risks in Wales*⁷⁸ could result if training and exercising were coordinated and delivered at national level. National coordination would also ensure the sharing and application of the lessons learned from exercises and training events throughout Wales. The Scottish Resilience Development Service, the part of the Scottish Government that provides the civil contingency support, adopts a similar approach. However, with devolved legislation, Scotland is able to develop a stronger compliance framework than is possible in Wales. The advantages of this stronger compliance framework is that Category One responders can more easily apply national standards for training and exercises, and build on the good work in this area that already exists.

Scrutiny and performance management of resilience activity is generally ineffective

3.33 In the provision of any business or service there is a need for effective monitoring and scrutiny. If undertaken well, it provides organisations with reassurance that business is in accordance with the law and meets expected standards. Appropriate monitoring and scrutiny can demonstrate that public money is safeguarded, accounted for and used economically, efficiently and effectively.

3.34 No single organisation is responsible for monitoring the implementation of the Civil Contingencies Act 2004. In all but the most extreme and rarely used circumstances, scrutiny is reliant on self-assessment against guidance produced by the Cabinet Office. A consequence of this approach is the uncoordinated nature of reviews of the implementation of the requirements of the legislation. We also found that there is little clear evidence available regarding the implementation of any recommendations arising from these reviews.

3.35 Some local authorities, as the Category One responders with sole accountability for their performance in delivering the Civil Contingencies Act 2004, have reviewed the operation of their emergency planning functions as part of the routine scrutiny function. For example, a scrutiny committee at Gwynedd Council has reviewed the local authority's Emergency Planning Service, following a series of earlier reviews by the Wales Audit Office, independent external scrutiny and feedback arising from two key exercises. This approach emphasises the Cabinet Office's expectation, and reliance on, Category One responders taking responsibility for their own performance.

⁷⁸ <http://walesresilience.gov.uk/publicationsnew/6357920/jsessionid=rHJQPt8V0LHhFxBHfwL21JsLSKy6mBLbWKPZT4ktlLbLwKMMLLp4M!545803488?lang=en>

3.36 The ‘blue light’ emergency services have recognised that to rely exclusively on self-assessment may not provide a guarantee that service provision is effective and meets the expected standard. The fire and rescue service operates a peer review scheme that has included a range of reviews that have assessed the response of this emergency service to major incidents. In 2009, Her Majesty’s Inspectorate of Constabulary reviewed how rigorously the police had used exercises to test their emergency plans. Findings from this review raised concern that across England and Wales, just over 40 per cent of police forces have failed adequately to test their plans in exercises; and only half have evaluated their plans because of real-time operations.

3.37 All police forces in Wales have responded to the report from Her Majesty’s Inspectorate of Constabulary and put in place local actions plans. It is now three years since Her Majesty’s Inspectorate of Constabulary’s study and we consider it is timely that it undertakes a review to see how well the police have implemented the changes recommended in the local report⁷⁹. Although we did not review the performance management arrangements that are applied to emergency planning in the National Health Service, we are encouraged that there are groups scrutinising performance and that the National Health Service undertakes annual reviews and produces an annual emergency planning report. The National Health Service also undertakes internal audits of components of its civil contingency arrangements.

3.38 During 2011, each local resilience forum undertook a peer review led by another Welsh local resilience forum and the Emergency Services Civil Contingencies Coordinator for Wales. The review used the guidance *The role of Local Resilience Forums: A reference document* produced by the Cabinet Office. **Appendix 3** provides more detail about this document. The results of the peer review are summarised in **Case Study 9**.

Case Study 9 – Peer review of local resilience forums

During 2011, the Emergency Services Civil Contingencies Coordinator for Wales and the four local resilience forums agreed to undertake a peer review of each local resilience forum. The Cabinet Office guidance *The role of Local Resilience Forums: A reference document*, produced in 2011, was used for this peer review. This document sets out the role of a local resilience forum and the range of duties expected of it. The Civil Contingencies Coordinator acted as moderator with North Wales and Dyfed Powys Local Resilience Forums peer reviewing each other, with the same process undertaken by South Wales and Gwent Local Resilience Forums.

The reviews enabled the sharing of good practice as well as providing some independent analysis of work programmes. This has assisted the forums in prioritising some areas of the work that the review highlighted as needing further development. Prioritised actions included the need to develop improved warning and informing processes, and to become better at reaching out to vulnerable communities.

The peer reviews also highlighted some strengths, including the creation of learning and development directories and an audit of skill sets across the four forums within Wales. The Wales Resilience Forum received a report on the outcomes from the peer reviews, facilitating identification and response to the issues.

Source: Emergency Services Civil Contingencies Coordinator for Wales

⁷⁹ The recently introduced police and crime commissioners also have a performance management role that will supplement local inspection and review arrangements.



- 3.39** The Civil Contingencies Act 2004 provides some steps to address the poor performance of responders. Section 10 of the Civil Contingencies Act 2004 enables a Minister of the Crown or any Category One or Category Two responder to take an individual or responder to the High Court to enforce the duties under the act. The High Court may then take ‘any action it thinks appropriate’. However, although there is some concern amongst responders about the quality of and variation in emergency plans amongst emergency planning practitioners, there is a reluctance to use this rather severe provision.
- 3.40** The Cabinet Office expects all Category One and Category Two responders to use its ‘expectation set’⁸⁰ to assess their own effectiveness. The expectation set is the primary means by which the Cabinet Office relies on responders to assess their performance. The expectation set includes mandatory guidance, issues to consider and some examples of good practice. We provide a summary of the three categories of ‘expectations’ in [Appendix 2](#).
- 3.41** The use of the Cabinet Office’s expectation set by Category One responders is very limited in Wales. We conducted a survey of emergency planning officers and were concerned to find that very few Category One responders had used this expectation set to review their emergency plans. While some Category One responders did not recognise the document, others felt it was not their role or part of their job description as emergency planning officers to assess the performance of their employing organisation. Our survey received a limited response, with only 18 replies received from the 39 requests that we sent.
- 3.42** Comments in responses to our survey of emergency planning officers’ use of the expectation set included:
- a** there is insufficient time to use the expectation set;
 - b** lack of resources prevents use of the expectation set;
 - c** it is not the role of emergency planning officers to review their own performance; and
 - d** respondents to the survey were unaware of the expectation set document.
- 3.43** The failure of many Category One responders to provide evidence, via the expectation set, of their ability to deliver their duties under the Civil Contingencies Act 2004 is a significant concern. Our findings lead us to conclude that many responders do not recognise their duty to undertake self-assessment⁸¹, although the Civil Contingencies Act 2004 relies upon this in maintaining acceptable performance standards. We did not undertake a survey of Category Two responders.
- 3.44** The use of the expectation set should not be in isolation from effective performance management arrangements. As one Category One responder told us, ‘the use of the expectation set should not be used in isolation to measure progress and should really only be used as part of a more pragmatic approach which deals with, and actually assists with improvement through quality of service delivery’. In other words, while the use of the expectation set can reveal the need for improvements to performance, this needs to be part of a wider performance management framework.

⁸⁰ *Expectations and Indicators of Good Practice Set for Category 1 and 2 Responders*, Cabinet Office, December 2010

⁸¹ *Revision to Emergency Preparedness, Chapter 13: Support and challenge* makes reference to the use of the *Expectation Set and Indicators of Good Practice for Category 1 and 2 Responders* as an assessment tool.

3.45 Our findings lead us to conclude that for Category One responders, there is no established performance management framework, and little scrutiny and self-assessment in place to assess the impact and outcomes of resilience activity across Wales.

3.46 An analysis of completed reviews undertaken in accordance with the expectation set could help provide the Wales Resilience Forum and Category One and Category Two responders with a clearer picture of the strengths and weaknesses across all sectors and regions dealing with the duties of the Civil Contingencies Act 2004. Information about the state of preparedness of responders would also help to provide a more complete picture, allowing a more informed strategic overview for leadership, and to target actions and resources at identified gaps. However, a performance framework, other than a voluntary framework similar to the existing arrangements, for the use of this information is not established.

3.47 In addition, Category One and Category Two responders have made only very limited use of internal and external audit, suggested in the statutory guidance⁸², to identify their strengths and weaknesses. When we spoke to the Cabinet Office⁸³, it identified this lack of external challenge in Wales. We are also unaware of any feedback on the use of the expectation set or other performance assessment tools, from the Cabinet Office for Welsh Category One responders. The Cabinet Office undertakes a survey of Category One responders every two years, but we found that this does not monitor the performance of responders or their alignment with the expectation set. In addition, the Cabinet Office was not readily able to sort and analyse the data collected by this survey that applies to Wales⁸⁴.

3.48 We also found that scrutiny from the direct involvement of elected members in the delivery of the Civil Contingencies Act 2004 is limited. A number of local authorities have, or are in the process of, developing protocols to contact local members if an incident is occurring in their ward. However, the involvement of elected members after the emergency has passed is more uncertain. There are a few examples of good routine engagement with members on emergency planning issues. One such example is the Joint Emergency Planning Committee operated as a collaboration between the City and County of Swansea and Neath Port Talbot County Borough Council. We feature this joint committee in **Case Study 10**. This committee provides a link between elected members and the joint emergency planning team of the two local authorities to form a Joint Resilience Unit. The Joint Resilience Unit was heavily involved in the major emergency incident that developed when tyre waste caught fire at a depot in Swansea, which we have referred to in **Paragraph 2.9**.

Case Study 10 – The Joint Emergency Planning Committee between Swansea and Neath Port Talbot local authorities

The Joint Emergency Planning Committee formed by Neath Port Talbot County Borough Council and the City and County of Swansea is the only one of its type in Wales. The benefits of this joint committee include:

- improved awareness among elected members of their roles and responsibilities during an emergency;
- providing a 'sounding board' for proposals for actions raised by the Joint Resilience Unit of the two local authorities; and
- providing a link between elected members and the emergency response during an emergency.

⁸² Civil Contingencies Enhancement Programme, *Revision to Emergency Preparedness, Chapter 13: Support and challenge*, Cabinet Office, March 2012

⁸³ Wales Audit Office telephone interview with Cabinet Office on 22 May 2012.

⁸⁴ The Cabinet Office informs us that it can now disaggregate Welsh data from the survey of Category One responders and that it are considering undertaking this survey each year.



3.49 Another example of a local authority seeking to involve elected members more in routine emergency planning issues is at Conwy County Borough Council. The local authority has published a guidance document for elected members which outlines how they will be involved during an emergency in areas such as:

- a** supporting and providing reassurance to members of the public that are affected by emergency incidents;
- b** providing assistance at rest centres;
- c** giving interviews to local media during and about emergency incidents;
- d** providing the political lead during the recovery stage from emergency incidents; and
- e** providing effective representation to the government when seeking resources and financial assistance.

3.50 Changing legislation means that the absence of effective scrutiny and monitoring increases the potential risk to Category One and Category Two responders. In particular, the Corporate Manslaughter and Corporate Homicide Act (2007) enables the criminal prosecution of companies and other organisations where there has been a gross failing, throughout the organisation, in the management of health and safety and that this has resulted in fatal consequences. This poses an increasing risk for Category One and Category Two responders in terms of how they utilise their staff and the accountability that they have for their decisions during an emergency.

3.51 We consider that more effective scrutiny of emergency planning activities, together with a better understanding through approved guidance of what the legislation expects from responders, can also help those preparing for and managing emergencies to protect themselves.

Appendix 1 – Organisations in Wales with responsibilities under the Civil Contingencies Act 2004

The Civil Contingencies Act 2004 includes a schedule listing of the types and names of organisations designated as Category One or Category Two responders. The following table sets out the responders operating in Wales and shows those responders where, other than for the Civil Contingencies Act 2004, the Welsh Government has devolved functional responsibilities.

| Scope of organisation | Category One responders | Category Two responders | Others |
|--|--|--|---|
| Devolved to Welsh Government | <ul style="list-style-type: none"> • Fire and rescue authorities • Local authorities (including port health authorities) • Local health boards • National Health Service acute trusts (hospitals) • Wales Ambulances Service NHS Trust • Any Welsh NHS trust that provides a public health service • Environment Agency (Wales) | <ul style="list-style-type: none"> • Harbour authorities | <ul style="list-style-type: none"> • Animal Health |
| Not devolved | <ul style="list-style-type: none"> • British Transport Police • Police forces • Maritime and Coastguard Agency • Health Protection Agency | <ul style="list-style-type: none"> • Health and Safety Executive | <ul style="list-style-type: none"> • Armed Forces • Food Standards Agency • Met Office • Civil Nuclear Constabulary |
| Non-public sector organisations | | <ul style="list-style-type: none"> • Electricity distributors and transmitters • Gas distributors • Network Rail • Train operating companies (passenger and freight) • Telephone service providers (fixed and mobile) companies • Airport operators • Water and sewage undertakers • Highways Agency | |

Source: Civil Contingencies Act 2004, schedule 1, List of responders. Cabinet Office guide to the Civil Contingencies Act 2004.

Appendix 2 – Expectations and indicators of good practice set for Category One and Category Two responders

In April 2009, the Cabinet Office issued the *Expectations and Indicators of Good Practice Set for Category 1 and 2 Responders* (the expectation set). The Cabinet Office intends that this document is used by responders to provide 'additional clarity and guidance' about their duties and aims to 'support responders in continuing to develop their capabilities in civil contingencies and emergency preparedness'. It pulls together the wide range of advice and guidance on the Civil Contingencies Act 2004 into 'one useful reference document'.

The following table shows the main categories of the expectation set, and sets out the number of expectations within this guidance that are mandatory and have a statutory basis, together with other expectations that are not mandatory but are to 'be considered' by responders or to be regarded as good practice.

The Cabinet Office's expectation set for Category One responders

| | Mandatory | Issues to consider | Good practice |
|--|-----------|--------------------|---------------|
| A: Duty to assess risk | 9 | 3 | 6 |
| B: Duty to maintain plans – The emergency plan | 14 | 2 | 8 |
| C: Duty to maintain plans – Business continuity | 13 | 5 | 9 |
| D: Duty to communicate to the public | 16 | 12 | 8 |
| E: Business continuity promotion | 11 | 7 | 8 |
| F: Information sharing | 6 | 1 | 3 |
| G: Cooperation – Category 1 responders | 9 | 8 | 12 |
| H: Cooperation – Category 2 responders | 2 | 0 | 3 |
| Totals | 80 | 38 | 57 |

Appendix 3 – The role of local resilience forums

In April 2011, the Cabinet Office issued *The role of Local Resilience Forums: A reference document* as guidance for English and Welsh local resilience forums in relation to duties within the Civil Contingencies Act 2004. The reference document also applies to the Contingency Planning Regulations 2005 and associated guidance; the National Resilience Capabilities Programme; and the non-statutory guidance document *Emergency Response and Recovery* that applies to the Civil Contingencies Act 2004.

Similar to the *Expectations and Indicators of Good practice Set for Category 1 and Category 2 Responders, The role of Local Resilience Forums: A reference document* sets out the mandatory requirements for each local resilience forum, issues to consider and indicators of good practice. The following table sets out the number of areas for each local resilience forum to consider in each main duty of the Civil Contingencies Act 2004.

The role of local resilience forums

| | Mandatory | Issues to consider | Good practice indicators |
|------------------------------------|-----------|--------------------|--------------------------|
| General arrangements | | | |
| Leadership and structure | 4 | 9 | 4 |
| Systems, processes and information | 4 | 7 | 6 |
| Duty to assess risk | | | |
| Local resilience forum members | 4 | 0 | 0 |
| Leadership and structure | 0 | 2 | 4 |
| Systems, processes and information | 0 | 3 | 6 |
| Emergency plans | | | |
| Local resilience forum members | 6 | 0 | 0 |
| Leadership and structure | 0 | 7 | 6 |
| Systems, processes and information | 0 | 3 | 5 |



| | Mandatory | Issues to consider | Good practice indicators |
|------------------------------------|-----------|--------------------|--------------------------|
| Business continuity | | | |
| Local resilience forum members | 4 | 0 | 0 |
| Leadership and structure | 0 | 3 | 2 |
| Systems, processes and information | 0 | 2 | 5 |
| Communicate with the public | | | |
| Local resilience forum members | 3 | 0 | 0 |
| Leadership and structure | 0 | 5 | 5 |
| Systems, processes and information | 0 | 4 | 4 |
| Promote business continuity | | | |
| Local resilience forum members | 2 | 0 | 0 |
| Leadership and structure | 0 | 4 | 5 |
| Systems, processes and information | 0 | 3 | 4 |
| Duty to share information | | | |
| Local resilience forum members | 9 | 0 | 0 |
| Leadership and structure | 0 | 3 | 5 |
| Systems, processes and information | 0 | 3 | 3 |
| Duty to cooperate | | | |
| Local resilience forum members | 3 | 0 | 0 |
| Leadership and structure | 0 | 5 | 7 |
| Systems, processes and information | 0 | 2 | 4 |
| Totals | 39 | 65 | 75 |

Appendix 4 – Methodology

The scope of our study did not include a detailed analysis of individual Category One responders, but we did make use of some specific local audit work of the Wales Audit Office, peer reviews within the fire and rescue service and the work of other regulators with these responders. We completed much of our research and fieldwork before April 2010, so there may be instances where issues have progressed since then. Where possible, we have picked up these changes in the clearance of the report.

Review of literature, data and statistics

We have reviewed a wide range of documents and media, including:

- Welsh Government policy and guidance documents regarding resilience in Wales
- The Wales Resilience website
- The emergency plans and business continuity plans of Category One responders within Wales
- The four community risk registers
- Relevant research and guidance from the Cabinet Office, United Kingdom Government

Our review of literature also included the Simpson Review, and the peer reviews undertaken by the fire and rescue service and the thematic inspections of the police emergency response arrangements undertaken by Her Majesty's Inspectorate of Constabulary.

We found that it was difficult to identify data and statistics relevant to this study. However, we reviewed emergency planning costs from the accounts of local authorities and the *Common Costing Model for Local Resilience Forums*. In addition, some limited data on proposed budget savings was reviewed from emergency services.

Survey of emergency planning officers

The Wales Audit Office surveyed emergency planning officers at each Category One responder to assess whether their organisation had used the *Expectations and Indicators of Good Practice Set for Category 1 and 2 Responders* produced by the Cabinet Office.



Interviews

We conducted numerous interviews, including with:

- Director of the Civil Contingencies Secretariat, at the Cabinet Office
- Deputy Head of Community Safety, and Head of Resilience, Community Safety Division, Department of Local Government and Communities, Welsh Government
- Emergency Services Civil Contingencies Coordinator for Wales
- Welsh Government Health Emergency Planning Unit
- Chairs and coordinators of the four local resilience forums and the Local Resilience Forum Coordinator's Group
- Environment Agency Wales
- Category Two responder's subgroup of the Wales Resilience Partnership Team
- The British Red Cross
- The Welsh Council for Voluntary Agencies
- The Welsh Local Government Association

We also attended the Wales Civil Contingencies Conference held in February 2012 and contributed to the Audit Scotland Study Advisory Group for the report *Improving civil contingencies planning*, published in August 2009.

Study Reference Group

We assembled a virtual Study Reference Group as an expert panel to use as a 'sounding board' to test our findings and recommendations. The group comprised a mixture of emergency planning practitioners and senior representatives from organisations with a background in civil contingencies, regulation or public engagement. We drew from the experience of these experts in Wales, Scotland and in England; from local authorities and emergency services; and from the private sector.

Our Study Reference Group comprised:

- Mick Giannasi (previously the Chief Constable of Gwent Police Force, and now a Commissioner for Isle of Anglesey County Council)
- Vivienne Sugar (previously the Chief Executive Officer at the City and County of Swansea, and now Chair of Consumer Focus Wales)
- Jennifer Cole (Research Fellow, Royal United Services Institute – an independent private sector think tank for security and defence)
- Miranda Allcock (Portfolio Manager for Justice, Audit Scotland)
- Helen Braithwaite OBE (Head of Division, Resilience – Central, Resilience and Emergencies Division, Department for Communities and Local Government)
- David Powell (Head of Emergency Planning, Lincolnshire County Council)



WALES AUDIT OFFICE

SWYDDFA ARCHWILLO CYMRU

Wales Audit Office / Swyddfa Archwilio Cymru

24 Cathedral Road / Heol y Gadeirián
Cardiff / Caerdydd

CF 11 9LJ

Date: 19 December 2012

Our ref: HVT/1790/fgb

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Tel / Ffôn: 029 20 320500

Fax / Ffacs: 029 20 320600

Email / Epost: wales@wao.gov.uk

www.wao.gov.uk

Mr Darren Millar AM
Chair of the Public Accounts Committee
National Assembly for Wales
Cardiff Bay
Cardiff CF99 1NA

Dear Darren

AUDITOR GENERAL'S 2011-12 ANNUAL REPORT AND ACCOUNTS

At its meeting on 2 October 2012 to consider my Annual Report and Accounts for 2011-12, the Public Accounts Committee asked me to provide before Christmas an update on:

- improvements in our financial management procedures;
- improvements in our procurement arrangements; and
- our negotiations with HMRC on VAT and other tax liabilities.

I have provided in Appendix 1 a brief update on developments, which I hope you find helpful.

Please do not hesitate to contact me if you or other members of the Committee have any queries or require any additional information.

Yours sincerely

HUW VAUGHAN THOMAS
AUDITOR GENERAL FOR WALES

Enc



**APPENDIX 1:
AUDITOR GENERAL'S 2011-12 ANNUAL REPORT AND ACCOUNTS**

Improvements in our financial management procedures

I am pleased to confirm that since October we have continued to improve our financial management and financial reporting procedures, and have been assisted in this by the advice we have received from our non-executives. Areas of focus have included better profiling of our budgeted income and the development of new report formats to provide clearer and more focused reporting for executive and non-executive committees.

The guidance and procedures set out in our new Financial Management Handbook are being reinforced by specific training events to be held in the New Year targeted at our approximately 70 budget holders and project managers in the New Year.

Improvements in our procurement arrangements

We have strengthened our procurement arrangements across the WAO, including:

- revised reporting mechanisms to identify emerging potential problem areas that might risk breaching WAO internal and EU procurement processes in sufficient time to take necessary remedial action; and
- new controls, approval mechanisms and reporting arrangements where single tender actions are judged necessary.

As with financial management detailed training is to be provided to budget holders in the New Year on these new arrangements.

Our negotiations with HMRC - VAT

I have very recently received a ruling from HMRC that I should stop charging VAT on supplies made to local government bodies. That ruling however did not cover a number of critical points, notably:

- the date from which I should stop charging VAT on supplies to local government bodies;
- whether I should continue to charge VAT on supplies to NHS bodies and, if so, the effective date of the proposed change; and
- whether HMRC intended to raise an assessment for any historical liabilities (PAC members will recall that I had included a provision of £2.4 million in my 2011-12 accounts to cover this potential liability).

I have been advised by HMRC that I can expect a further ruling on these outstanding points very shortly.

Our negotiations with HMRC - Employment taxes

My staff have provided to HMRC detailed analyses and reports regarding the areas of concern that we had identified in the 2011-12 accounts. I hope to receive an indication from HMRC early in the New Year of its likely stance on these particular issues.

I am pleased however that we now seem to be making progress with HMRC in resolving a number of long standing tax issues, though we have not yet reached the point of final settlement. I would suggest therefore that I write to you by 31 March 2013 to provide a further update

Public Accounts Committee

Meeting Venue: **Committee Room 3 – Senedd**

Meeting date: **Tuesday, 8 January 2013**

Meeting time: **09: – 11:00**

Cynulliad
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National
Assembly for
Wales



This meeting can be viewed on Senedd TV at:

http://www.senedd.tv/archiveplayer.jsf?v=en_400000_08_01_2013&t=0&l=en

Concise Minutes:

Assembly Members:

Darren Millar (Chair)
Mohammad Asghar
Mike Hedges
Julie Morgan
Gwyn Price
Jenny Rathbone
Aled Roberts
Jocelyn Davies

Witnesses:

Committee Staff:

Tom Jackson (Clerk)
Daniel Collier (Deputy Clerk)
Joanest Jackson (Legal Advisor)

1. Introductions, apologies and substitutions

1.1 The Chair Welcomed Members and members of the public to the meeting.

2. Papers to note

2.1 The Committee noted correspondence from the Auditor General for Wales on the Stage 1 of Public Audit (Wales) Bill.

2.2 The Committee noted correspondence from the Auditor General for Wales to the Chair of the Committee on Scrutiny of Public Audit (Wales) Bill.

2.3 The Committee noted correspondence from the Auditor General for Wales on the WAO Local Government fees scale.

2.4 The Committee noted correspondence from the Permanent Secretary regarding ministerial access to papers of former Ministers.

3. Motion under Standing Order 17.42 to resolve to exclude the public from the meeting for the following business:

4. Consideration of draft report on Maternity Services in Wales

4.1 The Committee commented on its draft report on Maternity Services in Wales and agreed to consider an amended report at a future meeting.

5. The Welsh Government's acquisition and action to dispose of the former River Lodge Hotel, Llangollen – Key themes and emerging issues

5.1 Julie Morgan declared an interest for this item and would not be involved in discussion.

5.2 The Committee discussed the Key themes and emerging issues of its inquiry into the Welsh Government's acquisition and action to dispose of the former River Lodge Hotel, Llangollen.

5.3 The Committee agreed to discuss the findings of its inquiry further at its next meeting.

Agenda Item 6

By virtue of paragraph(s) vi of Standing Order 17.42

Document is Restricted

By virtue of paragraph(s) vi of Standing Order 17.42

Document is Restricted