

Public Accounts Committee PAC() -13 – Paper 1

Evidence paper from the Director General, Local Government and Communities, Welsh Government and the Director, Civil Contingencies Secretariat, Cabinet Office to the Public Accounts Committee in response to the Wales Audit Office Report on Civil Emergencies in Wales (6 December 2012)

Constitutional Position

Whilst civil contingencies, as a discrete function, is not devolved to the Welsh Government, the Civil Contingencies Act 2004 and its supporting regulations recognise the important role the Welsh Government plays in the legislative process and the fact that it has significant interest in this area given that it has devolved responsibility for a number of organisations which are Category 1 and 2 responders under the Act. The Act also recognises the differences in requirements which the Regulations place on Category 1 and 2 responders in Wales because of the unique administrative arrangements in Wales. The WAO report states that the Welsh Government provides 'effective support for the partners delivering the Civil Contingencies Act 2004.'

The Welsh Government has a statutory role to play in the introduction of regulations and guidance which relate wholly or partly to Wales. Where action is taken by the UK Government under Part 1 of the Act i.e. (making regulations or orders, giving directions, issuing guidance or taking enforcement action), which applies to bodies in relation to which the Welsh Government has functions, the UK Government must seek the consent of the Welsh Ministers (Section 16(2)). In other cases where such action applies to Wales, the UK Government must consult the Welsh Ministers (Section 16(1)).

It is only the UK Government and responders under the Act who can bring proceedings against responders in Wales for failure to comply with the duties contained in the Civil Contingencies Act. The Civil Contingencies Act 2004 assigns UK Ministers and Ministers in Scotland and Northern Ireland power to monitor performance of the civil protection duties. Welsh Ministers do not have these powers and therefore have no direct role in monitoring performance or enforcing proceedings for non-compliance.

The statutory guidance supporting the Civil Contingencies Act defines the relationship between the Welsh Government and the UK Government as:

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

As part of the Civil Contingencies Act a Concordat has been agreed which establishes a framework for co-operation between the UK Government and the Welsh Government on

issues pertaining to Part 2 (Emergency Powers) of the Act. The concordat sits alongside the Regulations and Guidance supporting Part 1 of the Act.

Emergency Planning

The Role of the UK Government

UK Ministers have a range of powers under Part 1 of the Act. Most of these powers relate to the issuing of guidance and Regulations to support the delivery of the main duties under the Act. These have not been used as a matter of course but could be used, should the need arise, on the discretion of the Minister and with the approval of Parliament. They fall into three categories - legislative powers, urgent direction powers and monitoring powers. With regard to monitoring the Act gives UK Ministers powers to require:

- the provision of information about actions taken by a Category 1 or 2 responder in the performance of its Part 1 duties; and
- an explanation as to why the responder has not taken action to comply with its duties under Part 1 of the Act.

The Cabinet Office manages the legislative framework for civil contingencies planning. In practice, the Government largely relies on established management, audit and regulatory bodies across the Category 1 and 2 organisations to assess performance; and on the promotion of good practice in performance management.

The Cabinet Office Civil Contingencies Secretariat provides cross-cutting oversight and co-ordination of resilience activity. This is overseen via a number of overarching programmes and committees, including the National Resilience Capabilities Programme and the officials' Resilience sub-committee of the National Security Council.

In England, the Department for Communities and Local Government Resilience and Emergencies Division plays a similar role to that undertaken in the Wales Government by the Resilience Team for example, it –

- acts as a critical friend, questioning rationales, suggesting alternatives, sharing good practice and supporting local planning activities;
- provides a support mechanism: helping local partners develop an appropriate response capability and brokering advance mutual aid agreements between areas.

The Role of the Welsh Government

Although civil contingencies is not devolved there is a public expectation in Wales that Welsh Ministers will provide political leadership in building resilience and responding to emergencies. The fact that the fuel crisis and foot and mouth occurred soon after devolution reinforced this expectation. Welsh Ministers have provided political leadership in emergency planning through the First Minister chairing the Wales Resilience Forum and have supported the emergency services and other responder agencies in Wales in developing and strengthening resilience.

The Welsh Government has built up a close working relationship with the Local Resilience Forums (LRFs) and responder agencies in Wales which has developed significantly since devolution. The Welsh Government co-ordinates the gathering of information on an all-Wales basis as part of the process which feeds into COBR during emergencies. The Welsh Government supports civil emergencies by leading on the co-ordination of all-Wales multi-agency planning, supporting local activity, acting as a link between the Local Resilience Forums and also linking in with Cabinet Office, Wales Office and other UK Departments. The Welsh Government co-ordinates planning on an all-Wales basis through its Resilience Team which facilitates the all-Wales planning structures and is seen by the WAO as a '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'.

The Wales Resilience Forum is chaired by the First Minister with the Local Government and Communities Minister acting as Deputy Chair. The Forum meets three times a year to promote good communication and the enhancement of emergency planning across agencies and services in Wales by providing a forum for Chief Officers to discuss with Welsh Ministers strategic issues of emergency preparedness. The role of the WRF is also captured in the statutory guidance supporting the Act. However, the WRF, like the Local Resilience Forums, is not a statutory body nor does it have powers to direct its members, Local Resilience Forums or individual Category 1 or 2 responders as defined under the Act.

The Wales Resilience Partnership Team (WRPT) has set up a number of sub-groups to develop resilience on a all-Wales level and shares good practice across LRFs and responder agencies. The team recommends to the Wales Resilience Forum appropriate actions to be taken in Wales in the light of the assessments made.

Other civil contingencies partners also provide co-ordination and leadership. The Joint Emergency Services Group (JESG) is chaired by the Chief Constable of Dyfed-Powys Police and brings together all the emergency services, Welsh Government and Armed Forces in Wales to consider how to take forward their contribution to civil protection in Wales. The Chair of JESG is also a member of the WRF and provides a direct link between the two groups.

As in England, the Civil Contingencies Act 2004 led to the creation of Local Resilience Forums in South Wales, Gwent, North Wales and Dyfed-Powys Police Force areas responsible for multi-agency planning at the local level.

Joint working between the Welsh Government, WRPT, JESG, Welsh Local Government Association and the LRFs has seen the development of a national programme of strategic training which will commence later this month. Similar collaboration took place on the development of strategic co-ordination centres in Wales.

Links between Welsh Government and Cabinet Office/Other Government Departments

The Welsh Government has been working closely with Cabinet Office since the Civil Contingencies Secretariat (CCS) was established in 2001. The Welsh Government worked with CCS on the development of the Civil Contingencies Act 2004 and on developing the UK Capabilities programme. There has also been very close working with CCS on the response to emergencies such as swine flu.

The Cabinet Office is a permanent member of the Wales Resilience Forum and reports on initiatives being taken forward at the UK level at each meeting. This allows CCS to engage directly with senior representatives of responder agencies in Wales and Welsh Ministers.

Welsh Government officials are permanent members of the UK Capabilities Programme Board and the officials level of the National Security Council sub-committee on resilience. There are regular meetings between Welsh Government, Cabinet Office and the other devolved administrations.

The Capabilities Programme is the core framework through which the Government is seeking to build resilience across all parts of the United Kingdom. It aims to ensure that a robust infrastructure of response is in place to deal rapidly, effectively and flexibly with the consequences of civil devastation and widespread disaster.

The Welsh Government holds regular meetings with Wales Office and ensure that timely communications are made during incidents which occur in Wales. Welsh Government work directly with the responder agencies: whenever Gold Groups are established to respond to emergencies the Welsh Government attends and acts as Government Liaison and remains in regular contact with the Wales Office and Cabinet Office.

Welsh Government also has direct links with Lead Government Departments where the sector is not devolved. For example, Welsh Government works directly with the Department for Energy and Climate Change (DECC) on fuel contingency planning and co-ordinates the work in Wales on DECC's behalf. It also works with Home Office on the CONTEST strategy on counter-terrorism and on developing interoperability between emergency services.

Emergency Response

Role of the UK Government

Where an emergency occurs in Wales and it falls within Welsh competence, there will often be little if any involvement for UK government. Where an emergency occurs in Wales and the scale or complexity of the emergency is such that some degree of UK central government support or co-ordination is necessary, but competence is non-devolved, the relevant UK government department will lead the response in close liaison with the Welsh Government. The level of central government involvement will vary and could range from a lead government department offering only advice and support, to the activation of the full-scale central government crisis management machinery (COBR).

The UK government will ensure that the Welsh Government is properly briefed and engaged throughout any incident response led by a UK department and recovery work will usually be led by the Welsh Government.

It is anticipated that the First Minister, or a designated Welsh Minister, will wish to act as a political spokesperson for any central Wales response. The detail of these arrangements is set out in the *UK Central Government Response Concept Of Operations*.

Role of the Welsh Government

The response to emergencies is managed on a multi-agency basis at the local level with plans in place in each Local Resilience Forum area to establish operational, tactical and strategic levels to co-ordinate the response. The response is managed at the strategic level by the Strategic Co-ordinating Group or 'Gold Group' which is formed primarily from agencies which comprise the LRF. The principle governing the response to most emergencies is based on subsidiarity; acknowledging the fact that the most effective response is managed at the most local level where a clearer understanding of local circumstances exist. In such cases, it is the role of the Welsh Government to provide any assistance it can to support the local level response by drawing upon wider resources where required and linking in with the UK Government for any broader national support. This capability has been demonstrated recently by the Welsh Government involvement in the response to the Gleision Colliery incident.

Case Study 1 – Gleision Colliery

In response to the Gleision Colliery incident in September 2011 the Welsh Government acted as Government Liaison on the Strategic Co-ordinating Group. Its role was to represent Government and to act as a single point of contact for Welsh Government and Whitehall Departments for the responder agencies operating on the ground. The Welsh Government representative kept Welsh Ministers informed of the developing situation and also linked in with Wales Office and Cabinet Office on any broader UK support that may have been needed. The Welsh Government attended teleconference meetings facilitated by the Civil Contingencies Secretariat involving all Whitehall Departments to ensure that any support required could be deployed without delay.

Pan-Wales Response Plan

In Wales, the response to major emergencies is governed by the Pan-Wales Response Plan, which links into the UK Government's Concept of Operation (CONOPs) structure governed by COBR. The plan provides a all-Wales picture of the impact of the emergency which can be used to inform Ministerial decisions on consequence management issues. The plan is a culmination of the multi-agency working at both local and all-Wales level and epitomises the close working relationship which has developed between responder agencies and government in Wales.

Links with the UK Government

The all-Wales co-ordination to an emergency and the links with the UK Government is best demonstrated by the response to Swine Flu in 2009.

Case Study 2 – Swine Flu

During the swine flu pandemic Welsh Ministers were members of Ministerial COBR meetings along with other devolved Ministers to provide political leadership to the response. Senior officials from Welsh Government attended the officials level of COBR to implement the political decisions taken on handling in each devolved areas.

In Wales, the Emergency Co-ordination Centre (Wales) was established and remained operational for 9 months to provide co-ordination across Wales. A Civil Contingencies Group comprising

Welsh Government Departments and key responder agencies met daily to facilitate the response in Wales. At the local level multi-agency Strategic Co-ordinating Groups were established in each Local Resilience Forum areas, the chairs of which met regularly with the Civil Contingencies Group to ensure that consistent implementation of the response across all areas. The Wales Resilience Forum also met to be kept informed of the developing situation and was provided regular updates from the Emergency Co-ordination Centre (Wales).

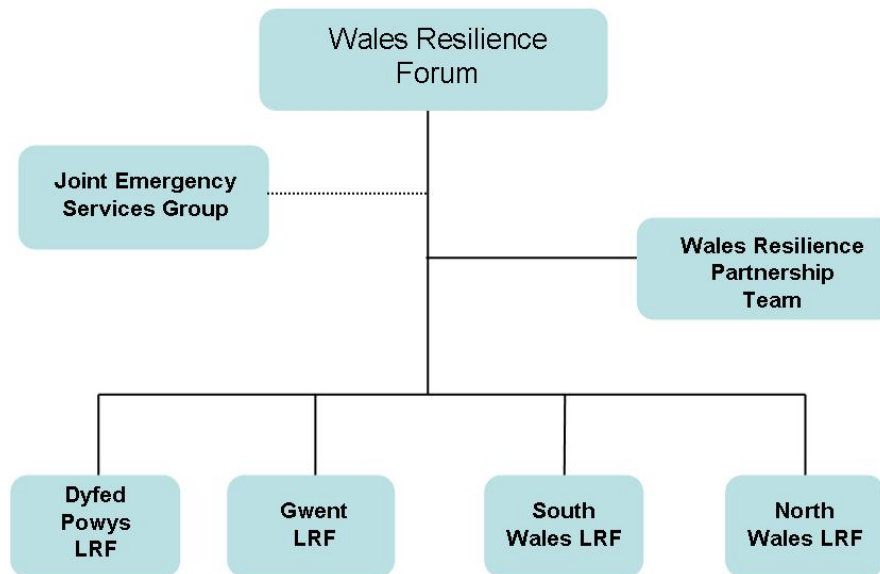
Following every daily UK Communications meetings held at the News Co-ordination Centre the Welsh Government held teleconference meetings with the Communications leads in each LRF area to ensure that consistent, accurate and effective public messaging was delivered.

Response Infrastructure

Since the response to Swine Flu in 2009 there have been significant developments in building the infrastructure to help facilitate effective multi-agency response to emergencies at the local level in Wales. The Welsh Government and the 4 Police Forces have funded a project to build a network of interconnected strategic co-ordination centres at Cardiff Gate, Colwyn Bay and Carmarthen. The centres were formally opened by the First Minister in September 2011. The centres in Dyfed-Powys and North Wales now house the Co-ordinators and partnership teams whilst the centre in South Wales was the permanent base for the multi-agency Olympics Planning Team. The Welsh Government established an Emergency Co-ordination Centre (Wales) in 2003 which has been developed further to form part of the network with the strategic co-ordination centres.

Annex 1

Wales Resilience Structure



Pan-Wales Response Plan Communications Structure

Strategic Communications Links

