



WALES AUDIT OFFICE  
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# Civil Emergencies in Wales



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### 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 50

The approaches to risk assessment are inconsistent across Wales, making comparisons difficult 50

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 54

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

Duty	Summary of requirement
<b>Risk assessment</b>	Assess risks and prepare a community risk register
<b>Business continuity management</b>	Plan to continue functions in the event of an emergency
<b>Emergency planning</b>	Plan to prevent emergencies and to reduce, control or mitigate the effects of emergencies
<b>Cooperation</b>	Use the local resilience forum as the primary means of cooperating with all other responders and organisations
<b>Share information</b>	Share information, keep up to date with plans and answer information requests
<b>Warn and inform the public</b>	To make the public aware of the risks of emergencies and warn them about emergencies
<b>Advise and assist the commercial and voluntary sectors</b>	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 Regulations<sup>8</sup> require responders to cooperate with each other in local resilience forums. There are four local resilience forums based on the police force areas of Wales<sup>9</sup>. 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 Wales<sup>10</sup>.

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.<sup>11</sup>

<sup>8</sup> The Civil Contingencies Act 2004 (Contingency Planning) Regulations 2005

<sup>9</sup> North Wales Police, Dyfed Powys Police, South Wales Police and Gwent Police

<sup>10</sup> 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*.

<sup>11</sup> 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 Wales<sup>12</sup> 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.<sup>13</sup> 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.<sup>14</sup>
- 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 settlement<sup>15</sup> 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.

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

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

<sup>14</sup> We describe our methodology in Appendix 4.

<sup>15</sup> 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 accountably 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 capability<sup>16</sup>. 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.

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<sup>16</sup> 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.



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 picture<sup>18</sup> 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.

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



## 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*<sup>22</sup> 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.

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