

## Chapter 11 Wales

### Revision to *Emergency Preparedness*

## Chapter 11 (Wales) of *Emergency Preparedness*, Revised Version

### Summary

- The arrangements set out in Part 1 of the Act apply in Wales. However, there are some differences in the requirements which the Regulations place on Category 1 and 2 responders in Wales because of the unique administrative arrangements in Wales ([paragraphs 11.1–11.5](#)).
- While functions under Part 1 of the Act have not been transferred to the Welsh Ministers, the Welsh Government has significant interest in this area and is primarily responsible for a number of Category 1 and 2 responders ([paragraphs 11.6–11.14](#)).
- Category 1 and 2 responders and other organisations are engaged in response work together with the Welsh Government to address large-scale civil protection issues in Wales. The Wales Resilience Forum (WRF) promotes 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 WRF 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 WRF provides collective strategic direction to the Wales Capabilities Programme and individual member leadership to the various capabilities sub-groups co-ordinated through a Wales Resilience Partnership Team ([paragraphs 11.20–11.32](#)).

## WHAT THE ACT AND THE REGULATIONS REQUIRE

- 11.1. The duties in Part 1 of the Act apply in the same way in Wales as they do in England. Category 1 and 2 responders in Wales are subject to the Regulations and guidance made by a Minister of the Crown after liaison with the Welsh Ministers. The Welsh Government has a statutory role to play in the introduction of regulations and guidance which relate wholly or partly to Wales. When a Minister of the Crown issues a risk assessment to a Category 1 responder exercising functions in Wales, the Regulations require the Minister of the Crown to consult Welsh Ministers.
- 11.2. In addition, there are some differences in the requirements which the Regulations place on Category 1 and 2 responders in Wales because of the unique administrative arrangements in Wales.

### Co-operation

- 11.3. As in England, the principal mechanism for co-operation between Category 1 and 2 responders under the Act is the Local Resilience Forums (LRFs). Each LRF considers its own membership and subgroup structures.

### Risk assessment

- 11.4. In Wales, the detailed risk assessment process is undertaken at the LRF level where Community Risk Registers (CRR) are produced and maintained in the same way as in England. To support this work the Wales Risk Assessment Group (WRAG) brings together the Chairs of the LRF Risk Assessment Groups to facilitate the sharing of best practice and consistency of approach across the four Groups. The WRAG produces a Wales Risk Register on an annual basis which provides a summary of

the risks in Wales and which is based on information from the Community Risk Registers and the National Risk Register.<sup>1</sup>

- 11.5. The Regulations under the Act allow the UK Government to issue risk assessments to Category 1 responders. This information is disseminated, via the Welsh Government to Category 1 responders in Wales. The Welsh Government is then able to issue risk assessments in Wales where it is appropriate for it to do so, subject to the consent of the UK Government.<sup>2</sup>

### **The role of the Welsh Government**

- 11.6. The 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.<sup>3</sup>

### **Devolved responsibility under the Act**

- 11.7. Responsibility for local civil protection arrangements under Part 1 of the Act in England and Wales remains, in general, the responsibility of the UK Government. However, functional responsibilities in relation to health, the environment, animal health and welfare, local government, economic development, the fire and rescue authorities, road networks and rail services enable the Welsh Government to engage in aspects of civil protection work and, as a consequence, play an important co-ordinating role. This points to the importance of ensuring good communications between the UK Government and the Welsh Government.

<sup>1</sup> regulation 14(5)

<sup>2</sup> regulation 14(3)

<sup>3</sup> s.16(1-4)

- 11.8. Part 1 of the Act confers a number of delegated powers on Ministers of the Crown. In particular, the content of the Regulations, orders, directions and guidance made by them under Part 1 of the Act have a significant impact on the preparation for, and handling of, emergencies. The Welsh Government will be involved as soon as possible in the development of Regulations, orders, directions and guidance under Part 1 of the Act where this action directly affects Welsh Category 1 and 2 responders, or where there are significant cross border implications.<sup>4</sup>
- 11.9. 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. In other cases where such action applies to Wales, the UK Government must consult the Welsh Ministers.<sup>5</sup>
- 11.10. Should further functions be devolved to Welsh Ministers, agreement to 'consult' will be adjusted to a 'consent' agreement where appropriate. The consent of Welsh Ministers is required for the addition, removal and movement of local responders in Wales listed under the Act for which the Welsh Government has responsibility. In cases where local responders in Wales are not within devolved competence, Welsh Ministers will be consulted.
- 11.11. When requesting information from Category 1 and 2 responders in Wales under Section 9(1) of the Act, the UK Government will consider the case for using the Welsh Government to co-ordinate the process of gathering information on a pan-Wales basis. In other cases the UK Government will consider on a case-by-case basis the need to inform the Welsh Government of any request by it for information from:

<sup>4</sup> s.16(1-4)

<sup>5</sup> s.16(1-4)

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

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

#### **Communication with the UK Government**

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

#### **Concordat between the Welsh Government and the UK Government**

11.14. A Concordat between the Welsh Government and the UK Government provides clarification as to how both sides see the role of the Welsh Government being delivered in practice under the Act. This guidance addresses this issue exhaustively in relation to Part 1 of the Act (“local arrangements for civil protection”) and therefore the Concordat focuses exclusively on Part 2 (“emergency powers”) issues. The Concordat is published on UK Resilience website: [www.cabinetoffice.gov.uk/ukresilience](http://www.cabinetoffice.gov.uk/ukresilience)



## HOW THE REQUIREMENTS OF THE ACT AND THE REGULATIONS MAY BE CARRIED OUT

### Co-operation

- 11.15. Generally, the models of operation and representation as set out in Chapter 2 will apply in Wales. But there are differences because Wales has a devolved administration and because of different NHS structures.
- 11.16. The Welsh Government is represented on all four LRFs in Wales in an observer capacity. Local responders should also seek to engage the Welsh Government on wider issues, including notifying the Welsh Government of the appointment of a lead responder in any of the four LRFs.
- 11.17. Welsh NHS organisations are engaged in civil protection at every level. Health Boards and Trusts progress this work individually and collectively through local health emergency planning co-ordinating groups and through the all-Wales Health Emergency Planning Advisory Group. The NHS is also appropriately represented on multi-agency groups including the strategic LRFs. The Health Protection Agency is linked into health emergency planning arrangements in Wales and provides specialist advice during both the planning and response stages. The Welsh Government's Health and Social Care Department provides health emergency planning policy guidance to the NHS and works with the Department of Health in reviewing and developing health resilience.

**Information sharing**

- 11.18. Where appropriate, the WRF will play a part, in co-ordinating the request for information between Category 1 and 2 responders in Wales. In this way, the WRF can be used as a vehicle for consideration of information sharing issues which affect a range of responders across Wales.

**Business continuity management**

- 11.19. As in England, Category 1 responders in Wales will maintain plans to ensure that they can continue to exercise their functions in the event of an emergency, so far as is reasonably practicable.

**Welsh civil contingencies framework****Pan-Wales planning**

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

**Wales Resilience Forum (WRF)**

- 11.21. The principal mechanism for multi-agency co-operation at the Wales level is the WRF.
- 11.22. The WRF has senior representation from the Welsh Government, Cabinet Office, local authorities, the emergency services, the armed forces, the Environment Agency Wales, NHS Wales, the Maritime and Coastguard Agency and the Health and Safety Executive. The forum considers planning and preparation matters and it functions in



a similar way to multi - LRF groupings in England but with a higher level of political involvement as a consequence of devolved responsibilities.

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

#### **Wales Resilience Forum business plan**

- 11.24. The strategic framework for capability development in Wales is set out in the Wales Resilience Forum Business Plan which is produced on an annual basis. The primary objective of the Business Plan is to clearly identify the relationship between planning for emergencies at the local, Wales and UK levels and to co-ordinate this work. The Business Plan ensures that co-ordination work at the pan-Wales level adds value to work being undertaken at other levels. At the core of the plan is a Wales Resilience Partnership Team, established to co-ordinate civil protection work in Wales.

#### **Local Resilience Forums**

- 11.25. As in England, the Act necessitated a restructuring of joint-agency planning in Wales resulting in the creation of LRFs in South Wales, Gwent, North Wales and Dyfed-Powys Police Force areas. The LRFs are supported by co-ordinating groups, sub-groups or task and finish groups established to develop various capabilities or set specific targets in strengthening local resilience through multi-agency collaboration.

**Joint Emergency Services Group**

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

**Welsh Borders Resilience Group**

- 11.27. To facilitate co-operation and information sharing between Wales and the border areas of England, a group has been formed which brings together the Welsh Government with the Department for Communities and Local Government, Resilience Emergency Division (DCLG (RED)). The group meets on a regular basis to discuss issues of mutual interest in civil contingencies and to help foster links at both the regional and local levels.

**Welsh Government Civil Contingencies Group**

- 11.28. In recognition of its functional responsibilities and its territorial role, the Welsh Government has adopted a collegiate approach to civil protection in Wales. The Welsh Government has established a Civil Contingencies Group (CCG), led by a Director-General, dedicated to supporting multi-agency co-operation in Wales and engaging with the UK Government on all issues relating to civil protection and emergency preparedness. This CCG is supplemented by a wide variety of subject matter experts, based on the Welsh Government's functional responsibilities, who support planning and response arrangements in Wales. For example, such support is provided by the Health Emergency Planning Unit and specialists in environmental

health, health, environmental science, animal health, and flood and coastal erosion risk management. This approach ensures that the Welsh Government is well placed to support Category 1 responders on civil protection matters and on specific resilience issues.

### **Welsh Government Emergencies Branch**

- 11.29. The Welsh Government's Emergencies Branch works in partnership with Category 1 and 2 responders and other organisations engaged in civil protection in Wales. The Branch fosters and maintains links with emergency planners in local authorities, emergency services and utilities companies, in order to co-ordinate civil protection planning in Wales. It also maintains links with UK Government Departments and other devolved administrations to share best practice and undertake joint-working.
- 11.30. To maintain the Welsh Government's co-ordination role the Branch provides the secretariat support to the Wales Resilience Forum, the Wales Resilience Partnership Team and various pan-Wales sub-groups.