

Witness Name: Ken Thomson

Statement No.:01

Exhibits: KT

Dated: 18 April 2023

UK COVID-19 INQUIRY

MODULE 1

**WITNESS STATEMENT OF THE DIRECTOR GENERAL FOR STRATEGY AND EXTERNAL
AFFAIRS**

This statement is one of a suite provided for Module 1 of the UK Covid Inquiry and these should be considered collectively. In relation to the issues raised by the Rule 9 notice dated 4th November 2022 served on the Scottish Government, in connection with Module 1, the Director General for Strategy and External Affairs will say as follows: -

Intergovernmental relations and Devolution in Scotland

1. In order to set in context the Scottish Government's arrangement for working with the other three governments within the UK, it is considered useful to start with a short discussion about devolution.
2. Devolution in Scotland has its basis in the *Scotland Act 1998* (the 1998 Act), as amended most extensively by the *Scotland Acts 2012* and *2016*. Prior to the establishment of the Scottish Parliament in 1999 under the Act, the Scottish Office oversaw most public services in Scotland as part of the UK Government, with policy responsibilities such as health and local Government.
3. Devolution was intended to allow the people of Scotland to choose political representatives and leadership that reflected their views and priorities.

4. The 1998 Act followed a referendum on devolution in 1997. The 1998 Act established the Scottish Parliament and Scottish Executive (which has since been renamed the Scottish Government) and defines their powers. Scottish devolution is based on a “retained powers” model of devolution in which – broadly – the power to make legislation about matters not “reserved” in the 1998 Act is “devolved” to the Scottish Parliament. As a result, the Scottish Parliament has the powers to make primary legislation – Acts of the Scottish Parliament – on a range of matters commonly called “devolved matters”.¹

5. The table below has illustrative lists of reserved and devolved matters:

Devolved matters	Reserved matters
Agriculture, forestry and fisheries	Broadcasting
Education and training	Aspects of the Constitution
Environment	Defence and national security
Health, care and social services	Immigration
Housing and land use planning	Energy
Law and order	Employment
Local Government	Equal opportunities
Sports, arts and tourism	Foreign affairs and international relations
Parts of social security	Macroeconomic and fiscal policy
Some forms of taxation	Pensions, and parts of social security
Many aspects of transport	Trade, including international trade

6. Scottish Government Ministers have executive powers, including to make secondary legislation (such as regulations and orders), and responsibilities for which they are accountable to the Scottish Parliament. Those are in areas where legislative competence is devolved to the Scottish Parliament and a range of “executively devolved” powers and duties in relation to matters (for example many aspects of transport) for which the competence to make primary legislation is reserved. The 1998 Act removed most UK Ministerial powers and duties, so far as they were exercisable in relation to devolved matters, and transferred them

¹ The UK Internal Market Act 2020 increased the powers of UK Ministers to undertake expenditure in devolved areas.

to the Scottish Ministers, but under section 56 of the Act UK ministers retained a very limited number of powers (such as to provide financial assistance to industry) in devolved areas that are exercisable by them as well as the Scottish Ministers.²

7. There are also, of course, many areas where the devolved responsibilities of the Scottish Government and Parliament interact with those of the other governments, and many reserved areas where UK Government policies or Westminster legislation have impacts on devolved matters.
8. Accountability is worth emphasising. The Scottish Ministers are accountable to the Scottish Parliament rather than to the UK Ministers or the UK Parliament. Successive UK Governments have retained a Cabinet post of Secretary of State for Scotland (sometimes combined with other roles), but that post-holder does not have any overarching or supervisory role for devolved government except for some limited powers of intervention in certain circumstances.³
9. Section 28(7) of the 1998 Act asserts the UK Parliament's continued ability to legislate on devolved matters in Scotland. During the UK parliamentary passage of the 1998 Act, Lord Sewel, on behalf of the UK Government, set out what has become known as the "Sewel Convention" that the UK Parliament would not normally legislate about devolved matters without the consent of the Scottish Parliament. A reference to the Convention (recognising its existence) was inserted into the 1998 Act by the *Scotland Act 2016*.
10. There is an established procedure for seeking the legislative consent of the Scottish Parliament under the Sewel Convention for Westminster to legislate about a devolved matter or to change the powers or duties of the Scottish Parliament or Ministers, where the Scottish and UK Governments agree that such legislation should be proposed. The Scottish Government puts a Legislative Consent Memorandum to the Parliament that recommends whether or not the Parliament should agree to the request. If it does, it would pass a

² Sections 35 and 68 of the 1998 Act.

³ Unlike Northern Ireland where there is a tri-fold subdivision of matters (transferred, reserved and excepted), in the definition of the Scottish Parliament's legislative competence in the 1998 Act there is no concept of a "shared" matter. There are simply reserved matters and there is everything else.

Legislative Consent Motion. That process was followed for the *UK Coronavirus Act 2020*, which received Royal Assent in March that year and contained provisions about devolved matters in Scotland including health and social work services, medical certification of deaths, and powers for the Scottish Minister to make regulations that were used during the pandemic to put in place lockdown and other restrictions. The legislation was developed collaboratively between the Scottish and UK Governments and the Scottish Government then sought and secured legislative consent for the bill from the Scottish Parliament.

11. Starting in 2018 there have been several instances where the UK Government has proceeded to secure the passage of Bills about devolved matters or changing the competence of the Scottish Parliament and/or Ministers despite legislative consent having been refused. None of those were in the context of the Covid-19 pandemic.
12. There have been changes to the reserved/devolved split since 1998 of which the most relevant to the current context were changes following the Calman and Smith Commissions and subsequent intergovernmental negotiations that led to the Scotland Acts of 2012 and 2016. Those included devolution, amongst other things, of certain powers in relation to social security, and limited powers to raise revenue through taxation. Under the *Fiscal Framework* agreed between the UK and Scottish Governments in 2016, provided [KT/0001 – INQ000102914], however, it remains the case that much of the Scottish Government's funding is determined through the operation of the Barnett Formula from the effect of UK Government decisions about spending in England.

The Scottish Parliament

13. The Scottish Parliament is made up of all members of the Scottish Parliament (MSPs), of which there are 129, and is the law-making body for devolved matters in Scotland. Elections are on the basis of the additional member system of proportional representation with constituency members and regional list members. Like Westminster, the Scottish Parliament considers and passes Bills that become primary legislation (Acts of the Scottish Parliament). And it considers secondary legislation on a similar basis as Westminster. The Parliament also scrutinises the activities and policies of the Scottish Government through debates, parliamentary questions and the work of committees. Broadly committee remits align with Ministerial portfolios, but the Parliament also, for example, established a Committee

specifically to consider matters relating to the Covid-19 pandemic. The Parliament and its committees have powers to call witnesses to give evidence. As well as MSPs the Lord Advocate and the Solicitor General may speak in Parliament.

14. The Scottish Parliament cannot legislate for matters that are beyond its competence, as defined by the 1998 Act. The Scottish Parliament may amend or repeal Westminster legislation that applies to devolved areas.

The Scottish Government

15. The Scottish Government is comprised of the First Minister, Cabinet Secretaries (formally Scottish Ministers under the 1998 Act) and the Law Officers – the Lord Advocate and the Solicitor General. There are also Ministers (formally junior Scottish Ministers under the 1998 Act). As set out in Part II of the 1998 Act, the First Minister is nominated by the Parliament and appointed by the Sovereign (the other Scottish Ministers, except the Law Officers, being appointed by the First Minister with the approval of the Sovereign and the agreement of Parliament). The Lord Advocate and Solicitor General are appointed by the Sovereign on the recommendation of the First Minister and with the agreement of the Scottish Parliament (section 48 of the 1998 Act).
16. With the exception of certain functions exercisable by the First Minister or the Scottish Law Officers alone, most of the Scottish Ministers' powers and duties (like those of the Secretary of State in the UK Government) are exercisable by them collectively.
17. The Lord Advocate is both the head of prosecutions and the investigations of deaths in Scotland and the principal legal adviser to the Scottish Government. The Solicitor General acts as the Lord Advocate's deputy. The Lord Advocate and the Solicitor General are Law Officers. The Law Officers are not members of the Cabinet but may attend Cabinet: the Lord Advocate in her capacity as principal legal adviser to the Scottish Government and in her absence, the Solicitor General, as the Lord Advocate's deputy. Cabinet government in the Scottish Government operates on a similar basis to that at Westminster. Cabinet decision-making operates on the basis of collective responsibility as set out in the *Scottish Ministerial Code*, provided [KT/0002 – INQ000102901].

18. From 2007 to date the SNP has formed the Scottish Government. In addition, two Ministers were appointed from the Scottish Green Party in 2021.

The Scottish Administration

19. Under the 1998 Act, “the Scottish Administration” comprises the members of the Scottish Government, junior Scottish Ministers, various non-ministerial office-holders (for example the Registrar General of Births, Marriages and Deaths), and their staff.

The Civil Service

20. The relationship between the Civil Service and Scottish Ministers is set out in statute at section 7 of the *Constitutional Reform and Governance Act 2010* (the 2010 Act), and further expanded in the separate *Civil Service Code*, provided [KT/0003 - INQ000102970] for the Civil Service supporting the Scottish Government (see sections 2 and 14). The effect of the 2010 Act, and the Code that flows from it, is to require the Civil Service to deliver the instructions of Scottish Ministers where those instructions meet the tests of being lawful, do not bring Civil Servants into conflict with their obligations set out in the Civil Service Code and meet the relevant Accountable Officer tests. Further information on this is included in the Module 1 DG Corporate statement dated 17 April 2023.
21. The Permanent Secretary is the principal policy adviser to the First Minister and Secretary to the Scottish Cabinet. Under section 14 of the Public Finance and Accountability (Scotland) Act 2000, the Permanent Secretary as Principal Accountable Officer (PAO) is personally answerable to Parliament for ensuring the propriety and regularity of the finances of the Scottish Administration and for ensuring that its resources are used economically, efficiently and effectively, and thus give value for money. Therefore, in addition to ensuring lawfulness and compliance with the terms of the Civil Service Code, it is also essential that all activity is undertaken within the parameters of the relevant PAO tests set out in the 2000 Act.
22. Civil Servants working for the Scottish Government are part of the unified UK Civil Service, and Senior Civil Service grades are the same as elsewhere. Like Whitehall departments the Scottish Government has its own distinct terms and conditions of employment. The Civil Service in the Scottish Government does not have Departments on the Whitehall model, but

rather a more flexible and unified structure comprising directorates and executive agencies. A number of Directors General each oversees groups of directorates and agencies. There are also a number of non-ministerial office-holders and their staff.

The Funding Arrangements

23. The Scottish Government is responsible for deciding how public money will be spent each year, and it publishes these spending plans in the annual Scottish Budget. The Scottish Government approaches to taxation and spending are intended to support its central purpose of achieving sustainable economic growth. The money that central government has to spend, collectively called the Scottish Consolidated Fund, comes from the following sources:

- Block grant from the UK Government
- Scottish income tax (collected by HMRC)
- Non-domestic rates (collected by local authorities and redistributed by us)
- Devolved taxes (collected by Revenue Scotland)
- Borrowing.

24. The block grant is funded from money the UK Government has raised through taxation supplemented by borrowing as required. Details of how the Scottish Government is funded are set out in the Statement of Funding Policy, a copy of the *2021 Statement of Funding Policy* is provided [KT/0004 – INQ000102912]. The change to the block grant each year is calculated as a population share of changes in funding for public services in England where responsibility is devolved to Scotland. This is calculated using the Barnett formula. For all taxes set, raised or assigned in Scotland, the block grant is correspondingly reduced.

Local Government

25. A single-tier system of local Government replaced the previous Scottish regional and district authorities in 1996. Local Government comprises 32 local authorities (councils) which provide public services, including education, social care, waste management, libraries and planning. Councils operate independently of central Government and are accountable to their electorates for the services they provide. Local authorities vary considerably in size and

population, but all have responsibility for providing a range of public services to the communities in their areas.

26. Each council is made up of councillors who are directly elected by the residents of the areas they represent. The council areas is divided into a number of wards, and three or four councillors are elected for each ward. There are 1227 councillors, elected using the Single Transferable Vote (STV) system.
27. The Convention of Scottish Local Authorities (COSLA) was formed in 1975 to represent the views of Scotland's 32 local authorities to central Government. It also acts as the employers' association for local authorities. Council officers collaborate with those in other councils through a wide range of professional bodies. Further detail is set out at paragraphs 173 - 180 below.
28. The Local Governance (Scotland) Act 2004 sets out provisions for local Government elections and expenses, and new requirements for the membership of local authorities (including pay and pensions). The Local Government in Scotland Act 2003 introduced a range of new duties for local authorities, including requirements to secure best value, engage in community planning and additional enforcement and financial functions. The Local Government etc. (Scotland) Act 1994 set the current structure of local Government in Scotland. The Local Government (Scotland) Act 1973 establishes many local authority powers and responsibilities.

Health Service

29. The National Health Service (Scotland) Act 1947 came into effect on 5 July 1948 and created the National Health Service (NHS) in Scotland. Many sections of the Act were repealed by the National Health Service (Scotland) Act 1972 and the remaining provisions were repealed by the National Health Service (Scotland) Act 1978. NHS Scotland has a budget of around £17 billion and currently employs approximately 165,000 staff working across 14 territorial NHS boards and a number of other Special NHS boards and health bodies. Each NHS board is accountable to Scottish Ministers, supported by the Scottish Government Health and Social Care Directorates. Territorial NHS boards are responsible for the protection and the improvement of their population's health and for the delivery of

frontline healthcare services. Special NHS boards and other health bodies provide a range of important specialist and national services including, for example, the Scottish Ambulance Service. All NHS boards work together for the benefit of the people of Scotland. They also work closely with partners in other parts of the public sector to fulfil the Scottish Government's Purpose and National Outcomes.

30. In 2010, the Public Services Reform (Scotland) Act 2010, created two new regulatory bodies:

- The Care Inspectorate – is the national regulator for care in Scotland
- Healthcare Improvement Scotland – works with health boards to improve the safety and reliability of healthcare as well as having an interest in improvement, scrutiny and evidence.

31. In 2014, The Public Bodies (Joint Working) (Scotland) Act 2014 brought together elements of health and social care in to a single, integrated system. 31 Integration Authorities were established in 2016 and at the time of producing this statement were responsible for around £9 billion of funding for local services, which was previously managed separately by NHS boards and local authorities. In June 2022, the National Care Service (Scotland) Bill was introduced to the Scottish Parliament. The Bill seeks to improve the quality and consistency of social services in Scotland by giving Scottish Ministers a duty to promote a comprehensive and integrated care service.

Arrangements for Intergovernmental Relations

32. Following the creation of the devolved legislatures in 1999, the UK and devolved governments agreed a Memorandum of Understanding (MOU) on Devolution and supplementary “concordats” that amongst other things established arrangements for liaison and dispute management, with a Joint Ministerial Committee (JMC) in various formats including a Plenary format (JMC(P)) chaired by the Prime Minister. JMCs were intended mainly as liaison mechanisms rather than for decision-making, given the separate lines of accountability of the participating governments. The MOU has been updated from time to time – most recently in October 2013, as provided [KT/0005 – INQ000102927]. The MOU

emphasises the need for good communication, consultation, and co-operation between the UK Government and devolved governments.

33. In 2018, the four Heads of Government commissioned a Review of Intergovernmental Relations to ascertain if the JMC structures were still fit for purpose in light of the UK's exit from the EU. The outcome of the Review was published by the UK Government in January 2022 [KT/0006 – INQ000102928], with devolved governments agreeing to use a new, three-tier structure comprising:

- Portfolio engagement at official and ministerial level
- Engagement on cross-cutting issues, including an Inter-ministerial Standing Committee
- A Prime Minister and Heads of Devolved Governments Council.

34. Neither this new structure nor the JMC structure that preceded it was intended to be the only conduits for intergovernmental working. On the contrary, the high-level formal structures have always been the complement to extensive bilateral and multilateral engagement and co-operation, formal and informal, between the governments, both on areas that are devolved and where devolved and reserved policies interact.

Overview of Civil Contingencies legislation and regulation in Scotland

35. The *Civil Contingencies Act 2004* (the 2004 Act) applies to the whole of the UK. It seeks to minimise disruption in the event of an emergency, and to ensure that the UK is better prepared to deal with a range of emergencies. The 2004 Act applies to the whole of the UK, while reflecting the various devolution settlements. It is separated into two substantive parts:

- Part 1: focuses on local arrangements for civil protection, establishing a statutory framework of roles and responsibilities for local responders
- Part 2: focuses on emergency powers, establishing a framework for the use of special legislative measures that may be required to deal with exceptionally serious emergencies.

36. In Scotland, the *Civil Contingencies Act 2004 (Contingency Planning) (Scotland) Regulations 2005*, as amended by the *Civil Contingencies Act 2004 (Contingency Planning) (Scotland) Amendment Regulations 2013*, set out further detail on the application of the 2004 Act in Scotland, regarding the duties and roles of responders. Regard should also be given to the *Civil Contingencies Act 2004 (Amendment of List of Responders) (Scotland) (Order) 2021*, which includes Integration Joint Boards, as category 1 responders.

Guidance and Protocols

37. The *Civil Contingencies Act 2004: Devolution Concordat with Scottish Ministers* [KT/0007 – INQ000102929] establishes an agreed framework for co-operation among the Scottish Ministers and the UK Government on the application, in Scotland, of the 2004 Act. It should be read in conjunction with the framework for inter-administrative relations, set out in the overarching *Memorandum of Understanding* and related Devolution guidance notes.

38. *Preparing Scotland* is a set of national guidance documents to assist Scotland in planning, responding to and recovering from emergencies. It is made up of a 'Hub' which sets out the philosophy, principles and good practice for emergency response in Scotland; and 'Spokes', that provide detailed guidance on specific matters. Further details on *Preparing Scotland* guidance are provided below at paragraph 64.

39. In terms of the operation of the 2004 Act over time, the following documents are relevant (all are attached):

- The *CCA 2004 Explanatory Notes* sets out previous local arrangements for civil protection [KT/0008 – INQ000102930]
- An Executive note, which details the implementation of the *CCA 2004 (Contingency Planning) (Scotland) Regulations 2005* [KT/009 – INQ000102931]
- A Policy note which details the implementation of the *CCA 2004 (Contingency Planning) (Scotland) Amendment Regulations 2013* [KT/0010 – INQ000102932]
- A Policy Note which details the implementation of the *CCA 2004 (Amendment of List of Responders) (Scotland) (Order) 2021* [KT/0011 – INQ000102933].

Structures and Entities

40. As mentioned, the network of legislation noted above sets out the key organisations responsible for ensuring the effective management of emergencies in Scotland. The structure that supports multi-agency co-ordination is the Regional Resilience Partnership (RRP). Currently there are three such groups: in the North, West and East of Scotland. All were established in November 2013. The RRP's are comprised of representatives from Category 1 and Category 2 responders, which are key organisations that are responsible for ensuring the effective management of emergencies, and other non-categorised bodies where necessary.

41. Category 1 and category 2 responders are as follows:

Category 1 Responders:

- Local Authorities
- Police
- Fire
- Ambulance
- Health Boards
- Scottish Environment Protection Agency
- Maritime and Coastguard Agency
- Integration Joint Boards.

Category 2 Responders:

- Electricity Operators
- Gas Suppliers
- Scottish Water
- Communications Providers
- Railway Operators
- Airport Operators
- Harbour Authorities
- NHS National Services Scotland
- Health and Safety Executive.

42. Within each RRP area sit several Local Resilience Partnerships (LRPs), the composition of which are determined by the RRP themselves. LRPs are not statutory and there is no requirement to have one in an area or for a responder to be a member.
43. The RRP and LRPs bring together all the relevant organisations in an area to develop an effective approach to deal with emergencies, in accordance with the principles of subsidiarity and proportionality.
44. Within Scotland, the Scottish Resilience Partnership (SRP) acts as a strategic policy forum for resilience issues. It provides collective assurance to Ministers that statutory responders and key resilience partners are aware of significant resilience gaps and priorities and are addressing these in line with appropriate and available resources. It also provides advice to the resilience community on how best to ensure that Scotland is prepared to respond effectively to major emergencies. We deal in some detail below with other entities, such as the Scottish Government Resilience Room (SGoRR), Scottish Government Resilience Officials (SGoR(O)) and Scottish Government Resilience Ministerial (SGoR(M)).
45. In terms of cooperation with the UK-wide civil contingencies framework, when an emergency involves reserved areas of policy or has led to cross-border impacts, and so requires a degree of co-ordination and support from the UK Government, the Cabinet Office will consider mobilising UK Government plans. Should a decision be made to mobilise, links will be established with the Scottish Government's corporate arrangements.
46. Where required, the Cabinet Office will appoint the most appropriate lead department to coordinate the UK Government response to the emergency. Scottish Government Directorates will work closely with UK Lead Government Departments to ensure co-ordinated government activity where appropriate.
47. Further details of the UK Government's emergency response, published 20 February 2013, can be found in an extract provided from the UK Government web site, which was last accessed on 19 January 2023 [KT/0012 – INQ000102934].

Offices and bodies within the Scottish Government with roles relating to preparedness and resilience

48. Key entities adjacent to the Scottish Government include the Regional Resilience Partnerships, and categorised responders which have been mentioned above. Within the Scottish Government, the following are responsible for preparedness and resilience:

The Resilience Division

49. The Resilience Division leads on emergency planning, response and recovery for the Scottish Government. Specialist teams within the division assist in the development of detailed risk assessments, which are used to provide a common information picture for responders and to inform policy across Scotland.

50. Resilience division also leads on the strategy, guidance and work programme for improving the resilience of the essential services, which we all rely on to go about our daily lives. The division's aim is to keep the people of Scotland safe from danger, and to ensure inclusive, empowered and resilient communities that can recover from disruptive challenges.

The Scottish Government Resilience Room (SGoRR)

51. When the scale or complexity of an emergency is such that some degree of central government co-ordination or support becomes necessary, the Scottish Government (Resilience Division) will activate its emergency response arrangements through SGoRR. The precise role of SGoRR will vary depending on the nature of the emergency. Since March 2022, the Deputy Director of Resilience Division has been Jim Baird. The previous two Deputy Directors were Jim Kerr and Fiona Wilson.

The Cabinet Sub-Committee on Scottish Government Resilience (CSC (SGoR))

52. The role of CSC (SGoR) is to give Ministerial oversight to strategic policy and guidance, in the context of resilience in Scotland. The CSC (SGoR) meets in preparation for emergency response and keeps abreast of matters related to promoting and improving civil protection, contingency planning and preparing for specific contingencies such as pandemic influenza.

Whilst acknowledging the independence of Category 1 responder agencies to undertake preparation pertaining to resilience, such preparation will generally take place within an overarching structure of legislation and national guidance. It is the role of CSC (SGoR) to approve new national guidance, and to make decisions on the promotion of new legislation. The CSC (SGoR) is not routinely used by Scottish Government. The last recorded meeting took place on 14 April 2010. A minute of the meeting and associated papers are provided [KT/0013 – INQ000102935], [KT/0014 – INQ000102936] and [KT/0015 – INQ000102937].

The Scottish Government Resilience (Ministerial): SGoR(M)

53. The SGoR(M) sets the strategic direction for Scotland's response. It acts on behalf of, and reports to, the Scottish Cabinet. In the response phase, membership of SGoR(M) is determined by the nature of the emergency. The procedures that support SGoR(M) will be activated flexibly. A judgement will be made by the Scottish Government, in each set of circumstances, as to which elements need to be activated. An essential element of a national response will be the activation of the SGoRR. Resilience Partnerships will be advised of the activation of SGoRR as soon as is practicable. The document, *Preparing Scotland: Scottish Guidance on Resilience (2016)* is provided [KT/0016 – INQ000102938].

The Scottish Government Resilience (Officials) (SGoR(O))

54. The SGoR(O) is a group of senior Scottish Government officials drawn from all relevant Directorates (i.e., government policy areas such as business and industry, health, environment etc.), and on occasion external sources. It will analyse information received by the Scottish Government and provide advice to the SGoR(M) on options for handling the consequences of the emergency; oversee implementation of decisions taken by the SGoR(M); and ensure co-ordination of Scottish Government activity. See Chapter 5 of *Preparing Scotland: Scottish Guidance on Resilience (2016)* [KT/0016 – INQ000102938].

The Scottish Government Resilience Room (SGoRR)

55. When the scale or complexity of an emergency is such that some degree of *central* government co-ordination or support becomes necessary, the Scottish Government will

activate its emergency response arrangements through SGoRR. The precise role of SGoRR will vary depending on the nature of the emergency. SGoRR will:

- a. Provide strategic direction for Scotland
- b. Co-ordinate and support the activity of Scottish Government Directorates
- c. Collate and maintain a strategic picture of the emergency response with a particular focus on response and recovery issues
- d. Brief Ministers
- e. Ensure effective communication between local, Scottish and UK levels, including the co-ordination of reports on the response and recovery effort
- f. Support response and recovery efforts as appropriate, including the allocation of scarce Scottish resources
- g. Determine the Scottish Government's public communication strategy and co-ordinate national public messages in consultation with Resilience Partnerships and other key stakeholders
- h. Disseminate national advice and information for the public, through the media; and
- i. If appropriate, liaise and work in partnership with the UK Government.

56. To achieve the above, clear and comprehensive communication between SGoRR and all agencies involved is necessary. In its activity, SGoRR will be supported by the local arrangements established by Resilience Partnerships. This function will, in general, be built upon existing arrangements created during preparation.

57. The Scottish Government's Resilience Division will lead the operation of SGoRR. Typically, SGoRR will include staff from the main affected Scottish Government Directorates and representatives of relevant agencies. It will gather and process information from external responders, either directly or via Resilience Partnerships and disseminate it to SGoR(O).

58. If UK level arrangements are initiated, SGoRR will work with the Cabinet Office Briefing Room (COBR), the Scotland Office and other relevant departments in UK Government. SGoRR will be the main point of contact between UK Government and Resilience Partnerships.

59. The Scottish Government recognises that local decisions must be taken locally. It will not interfere in local emergency response arrangements unless specifically empowered to do so by emergency regulations. See Chapter 5 of *Preparing Scotland: Scottish Guidance on Resilience (2016)* [KT/0016 – INQ000102938].

The National Mass Fatalities Group

60. The purpose of the group is to provide strategic oversight and guidance to support local and regional partners in responding to a mass fatalities event, by:

- a. Developing, reviewing and communicating an Additional Death Strategy, that supports partners in developing plans to respond to events that result in additional deaths
- b. Providing guidance on escalation from local to regional, and regional to national level
- c. Promoting a risk-based approach to managing a response; and
- d. Providing information, guidance and advice to Scottish Ministers, or any other agency, on any matter within its remit, including legislative change, which it considers appropriate.

Oversight of the Resilience Entities

61. Ministerial responsibilities for Resilience formerly lay with the Deputy First Minister during the period set out in the Rule 9 request, and now lie with the Cabinet Secretary for Justice and Home Affairs. A range of Special Advisers engage with resilience in line with their specific portfolio responsibilities, on an issue-by-issue basis. Prior to April 2020 the Resilience Division sat within the Justice Directorate, and was then placed under the Directorate for Performance, Delivery and Resilience. The Deputy Director of Resilience Division is Jim Baird. The previous two Deputy Directors of Resilience Division were Jim Kerr and Fiona Wilson. The Director of Performance, Delivery and Resilience Directorate is Shirley Rogers. Previous Directors with responsibility for resilience were Joe Griffin and Gillian Russell. Kenneth Hogg and Paul Johnston were Directors between 2010-2015.

62. Between March 2012 and November 2022, the following individuals had oversight responsibilities for Resilience:

- a. Michael Kellett, Deputy Director 1, Mar 12 to Sep 13
- b. Bobby Ronnie, Deputy Director 1, Aug 13 to May 15
- c. Annabel Turpie, Deputy Director 1, Jun 15 to Oct 16
- d. James Urquhart, Deputy Director 1, Oct 16 to Jan 17
- e. Fiona Wilson, Deputy Director 1, Jan 17 to May 20
- f. Jim Kerr, Deputy Director 1, March 20 to May 22
- g. Jim Baird, Deputy Director Mar 22 – Present
- h. Kenneth Hogg, Director, Mar 12 to Jan 13
- i. Paul Johnston, Director, Jan 13 to Jun 15
- j. Gillian Russell, Director, Jan 16 to Mar 20
- k. Joe Griffin, Director, Mar 20 to April 21
- l. Shirley Rogers, Director, April 21 to present.

Structure of the Resilience Entities and their responsibilities

The Resilience Division

63. The Resilience Division helps internal and external partners and communities assess risk, and prepare, respond and recover from emergencies, such as severe weather, major incidents and public health outbreaks. To do this, they provide practical support to frontline public agencies and voluntary sector organisations, that deliver emergency planning and response in Scotland.

64. The primary means of support is through a set of national guidance documents, *'Preparing Scotland'*, for example see *'Preparing Scotland: Scottish Guidance on Resilience'* (2016) [KT/0016 – INQ000102938] which sets out how Scotland is prepared. It identifies structures, and assists in planning, responding and recovering from emergencies. It is not intended to be an operations manual. Rather, it is guidance to responders to assist them to assess, plan, respond and recover. It establishes good practice based on professional expertise, legislation, and lessons learned from planning for, and dealing with, major emergencies at

all levels. In general terms the approach taken focusses on the management of consequences, regardless of cause.

65. Resilience Division is not responsible for preparedness activity against identified risk. That responsibility falls on individual policy areas (for example, health for a pandemic, animal health for avian influenza, etc.). Additionally, individual policy areas are responsible for the impacts of any risk against their business areas/sectors.

66. Resilience Division is currently located in the Directorate for Performance, Delivery and Resilience, within the Directorate General Strategy and External Affairs. Resilience Division was previously in the Directorate for Organisational Readiness in DG Constitution and External Affairs. At the outset of what became known as the Covid-19 pandemic, the Resilience Division was still under Safer Communities, within the Justice Directorate.

Resilience Partnerships

67. These have been introduced above in paragraph 40.

68. Working together, they can coordinate, collaborate and share information. Partnerships may also include organisations involved in the energy, telecoms, transport, and water sectors, as well as local or national volunteer groups.

69. 'Standing' regional and local resilience partnerships meet year-round across Scotland, to plan for emergencies, and to take part in exercises to test those plans. The Scottish Government supports them with guidance and practical help, through its embedded teams of Resilience Partnership coordinators.

The Scottish Resilience Partnership (SRP)

70. The SRP is a core group of the most senior statutory responders and key resilience partners. The group acts as a strategic policy forum for resilience issues, providing collective assurance to Ministers that statutory responders and key resilience partners are aware of significant resilience gaps and priorities, and are addressing these. It provides advice to the

resilience community on how best to ensure that Scotland is prepared to respond effectively to major emergencies.

Scottish Government Liaison Officers (SGLO)

71. The Scottish Government may send a Liaison Officer to support responders. SGLOs can help to ensure effective communication between responders and government; act as the principal contact for government officials or Scottish Ministers; facilitate joint meetings and provide general government-related advice and support.

Government Oversight

72. As set out above at paragraph 61, the former Deputy First Minister role had ministerial responsibility for Resilience. The Cabinet Secretary for Justice and Home Affairs now has ministerial responsibility for resilience.

Resilience and Preparedness: Processes, systems and methodologies put in place by the Scottish Government and UK Government

SGoRR

73. The resilience response team co-ordinate and support the response when Scotland is faced with an emergency or major incident such as a storm, flu outbreak or terrorist attack. The SGoRR can activate at any time of the day, all year round. The decision to activate is made by senior officials in Resilience Division or, at a ministerial level, by the First Minister, Deputy First Minister, or Cabinet Secretary for Justice and Veterans. The decision is based on the number of organisations and directorates involved, the impact on the ground and the potential for the situation to worsen.

74. Scottish Government Resilience Officials meetings, SGoR(O), are held to allow officials time to discuss and resolve detailed issues before reporting key facts to ministers. Scottish Government Resilience Ministerial meetings, SGoR(M), are chaired by the First Minister, Deputy First Minister, or Cabinet Secretary for Justice and Veterans. They are strategic in nature and require focused, prepared inputs from officials and subject matter experts, and

allow ministers an opportunity to be briefed and seek further information. An extract from Saltire, the Scottish Government's intranet, relating to SGoRR, as at 4 January 2023, is provided [KT/0017 – INQ000102939].

The Scottish Risk Assessment (SRA)

75. The first SRA was released in 2018. It was introduced to supplement the UK National Risk Assessment (produced by the UK Government). It provided a Scottish context for risks, where Scotland would be affected differently to the rest of the UK, as well as providing information to assist Scotland's responders to plan. The Scottish Risk Assessment documents and associated methodology are classified as '*Official-Sensitive*' and, as such, are not in the public domain [KT/0018 – INQ000102940]. The aim was, and continues to be, for the SRA to develop over time with updated and expanded iterations approximately every two years. The second iteration of the SRA was scheduled for release in early 2020, but this was delayed to January 2021 because of the Covid-19 emergency.

"Hub and Spokes"

76. *Preparing Scotland* is a set of national guidance documents to assist Scotland in planning, responding and recovering from emergencies. It is made up of a 'Hub' which sets out the philosophy, principles and good practice for emergency response in Scotland, and 'Spokes' that provide detailed guidance on specific matters. Guidance can be found in:

- a. *Scottish Guidance on Resilience: Philosophy, Principles, Structures and Regulatory Duties* [KT/0016 – INQ000102938]. This 'hub' document incorporates the philosophy of resilience in Scotland, the principles that underpin effective Integrated Emergency Management (IEM), regulatory guidance and recommended good practice and clear signposting to the detailed "Spokes". The spokes provide detailed guidance on specific matters such as those below.
- b. *Keeping Scotland Running: Resilience Essential Services – Scottish Government's Strategic Framework 2020-2023* [KT/0019 – INQ000102941]. Building resilience across all aspects of our essential services and enhancing the security and resilience of the critical infrastructure that supports and under-pins these services is vital. This can only be achieved through the implementation of

appropriate enhanced protective security measures, and mitigation of the risks from natural hazards through improving our resilience and contingency planning arrangements. Increasing our understanding of the threats and hazards and developing our awareness of the interdependency issues across all 13 sectors of critical infrastructure will also assist in terms of moving the resilience agenda forward in Scotland. *Keeping Scotland Running* has been designed to support critical infrastructure owners and operators, emergency responders, resilience partnerships (RPs), industry groups and relevant government departments in working together to improve the resilience of critical infrastructure and essential services provision in Scotland. It seeks to support the delivery of national strategies in Scotland, including the National Security Strategy and Strategic Defence and Security Review 2015 (SDSR 2015) and the UK Counter Terrorism Strategy. *Keeping Scotland Running* is not intended to duplicate or conflict with existing UK Government critical infrastructure resilience work streams, or other regulatory requirements in this area. In 2011, *Secure and Resilient – A Strategic Framework for Critical National Infrastructure in Scotland* was published [KT/0020 – INQ000102942]. The purpose of *Secure and Resilient* is to provide clear guidance and a strategic framework, within which Scottish Government and key public and private sector stakeholders in Scotland can contribute to the overall UK Government arrangements for infrastructure protection and resilience, specifically on Critical National Infrastructure (CNI). In 2020 *Secure and Resilient* was superseded by *Keeping Scotland Running*.

- c. *Responding to Emergencies: Scottish Guidance on Responding to Emergencies* [KT/0021 – INQ000102943]. Response to an emergency requires to be tailored to the circumstances. These circumstances will dictate the appropriate level of management required. The key principle is to have the right people, in the right place, at the right time. The management of emergency response is based upon a framework of three ascending levels, namely 'Operational', 'Tactical' and 'Strategic'. The procedures for mobilising these structures will be flexible and adapted to the circumstances.
- d. *Recovering from Emergencies in Scotland* [KT/0022 – INQ000102944]: The Scottish Government's approach to protecting the public in case of emergency is built around the concept of resilience. This is defined as the ability, "at every relevant level to detect, prevent and, if necessary, to handle and recover from

disruptive challenges”. Recovery is a fundamental element of resilience.

Promoting recovery should be a partnership between members of affected communities, the Resilience Partnership (RP) and the many agencies with a part to play. That partnership should be built upon tried and tested management structures and arrangements, that can embrace change, while always remaining relevant to the tasks in hand following emergencies. The guidance examines the nature of recovery, its place in the resilience process and its management. It also explores some of the issues those managing recovery may encounter, and how they can prepare for the task.

- e. *Guidance on Dealing with Mass Fatalities in Scotland* [KT/0023 – INQ000102945]. The Scottish Government has published guidance relating to preparing for emergencies that result in the deaths of large numbers of people. It deals specifically with the management of the fatalities that occur. It seeks to assist agencies that have duties under the Civil Contingencies Act 2004, the Public Health etc. (Scotland) Act (2008) and other legislation. It recommends both preparations that are required now and actions that will be needed immediately following a mass fatality emergency.

The Ready Scotland website

77. A Ready Scotland online information portal was developed in March 2010, with a commitment to using ‘Ready Scotland’ as a national identity for public facing communications about resilience. It was originally hosted within the main Scottish Government site to provide a single point of access (to information already delivered by Government and a range of partner agencies) about how to prepare for emergencies. In November 2011, a dedicated website was launched, accompanied by a week of awareness raising activity, “NATIONAL RESILIENCE CAMPAIGN – READY FOR WINTER”. Prior to September 2020, the site existed at readyscotland.org but the site was reviewed and updated in early 2020, with an updated site going live at ready.scot in September 2020. The strategic objective of the site is to, “*strengthen Scotland’s resilience to civil emergencies, by enabling individual and community-level activities to prepare for and mitigate against harm, and by supporting voluntary and business sector participation in the response.*” During the Covid-19 pandemic the site hosted various campaign materials, including those designed to minimise panic buying, promote volunteering and support mental health.

78. Over time, Ready Scotland has evolved into a website and marketing campaign comprising social media, radio and digital advertising. Ready Scotland takes an all-risks approach, and is aimed at raising public awareness of risk, and the actions that people can take to mitigate against the consequences. It acts as the landing page for specific marketing campaigns, for example those raising awareness of specific severe weather warnings.

79. The Ready Scotland site includes a link to the *National Risk Register (2020)* [KT/0024 – INQ000102946], which outlines the key risks that could affect the UK. *The National Risk Register* (NRR) is a UK Government produced document that provides resilience guidance for the public across the UK. Scottish Government Resilience Division has been invited to comment on draft versions and quality-check Scottish specific content.

The Resilience Direct website

80. 'ResilienceDirect' is an online private 'network' that enables civil protection practitioners to work together – across geographical and organisational boundaries – during the 'preparation', 'response' and 'recovery' phases of an event or emergency. The Civil Contingencies Act 2004 requires that emergency responders co-operate and share information to prepare efficiently and effectively for, and respond to, emergencies, and to ensure that action is coordinated. 'ResilienceDirect' helps organisations to fulfil these duties by supporting the adoption of common working practices, and ensuring that key information is readily and consistently available to users.

Integrated Emergency Management (IEM)

81. The development of resilience in Scotland is based on the principle of IEM. The aim of IEM is to develop flexible and adaptable arrangements for dealing with emergencies, whether foreseen or unforeseen. IEM is underpinned by five key activities:

- a. *Assessment*: Risk assessment is an integral component of risk management
- b. *Prevention*: Prevention should be viewed as a central element of IEM to mitigate threats and hazards. This is especially crucial in respect of the security and

resilience of infrastructure which is critical to the delivery of essential services to the people of both Scotland and/or the UK as a whole

- c. *Preparation*: Preparation is a duty under the terms of the 2004 Act and a key aspect of responders' effort to protect the public. It encompasses planning, training, and exercising activities
- d. *Response*: An organisation which has committed itself to a programme of preparation is much more likely to respond in an effective manner
- e. *Recovery*: Recovery addresses the human, physical, environmental and economic impact of emergencies.

82. The principles of IEM include:

- a. *Consequences not causes* - An all-risks approach, concentrating on consequences rather than causes, allows a process of generic planning which can be adapted readily to fit a wide range of issues around response and recovery.
- b. *Adaptability*: Emergencies cannot always be accurately predicted, and responders must always be ready to adapt plans to suit a situation unfolding in an unforeseen way.
- c. *Direction*: There needs to be clear ownership of, and commitment to, resilience and contingency planning from the senior management of all organisations that have a part to play.
- d. *Subsidiarity*: Local responders' IEM arrangements are the foundation of dealing with emergencies, with control of operations being exercised at the lowest practical level. The coordination and support of local activity should be at the highest level required and both principles should be mutually reinforcing.
- e. *Continuity*: Personnel should be fully aware of their role in an emergency. Preparation should ensure that the appropriate people are trained appropriately, that they are aware of their role in an emergency and that plans are in place to support them in that role.
- f. *Responsibility*: Category 1 and, to a lesser extent, Category 2 responders have legal obligations under the terms of the 2004 Act and other legislation. However, responsibility for developing resilience is not confined to those organisations.

- g. *Integration*: Experience has shown that emergencies, irrespective of scale, will involve several partner agencies undertaking different functions. As the scale of an emergency grows, so too does the complexity of the response and the necessary higher level of co-ordination and support.
- h. *Communication*: Communication plays a central role in establishing resilience and dealing effectively with emergencies. It incorporates how organisations communicate internally, how they communicate with each other and how they communicate with the public.

Integrated multi-agency approach.

83. Whilst an individual commitment to IEM is important, experience shows that working together greatly increases effectiveness. All involved ensure that they have explored fully the benefits of collaborative working, training and exercising. In doing this they gain the benefits of partnership working, maximise effectiveness and, in large part, meet their duty under the 2004 Act to co- operate.
84. A committed and inclusive approach to IEM allows the skills and knowledge of a wide range of participants to play an active role in building resilience, locally, regionally and nationally. Resilient communities are better able to prepare for, respond to and recover from a wide range of emergencies as part of a safer and stronger Scotland.

An “all-risks approach”

85. As mentioned, an ‘all-risks’ approach concentrates on consequences rather than causes. It allows a process of generic planning which can be adapted readily to fit to a wide range of issues around response and recovery. It helps avoid duplication and allows resources to be allocated optimally, reserving more resource intensive specific planning for risks which are very high priority, or have unique consequences that generic planning cannot cover.
86. The ‘Consequences not Causes’ principle is one of the eight principles set out in ‘*Preparing Scotland Guidance*’ (i.e., The Hub). Responders are encouraged to take an all-risks approach, as set out in ‘*Preparing Scotland Guidance - Regional Resilience Partnerships*’ *Risk Preparedness Assessment Guidance*’, which is provided [KT/0025 – INQ000102947].

Communication Processes with the General Public

87. Several methods of communication with the public have been outlined, above. The following can also be mentioned. In December 2018, a *Scottish Government Communications Activation Plan for Pandemic Flu* was completed [KT/0026 – INQ000102948]. It set out key structures and processes to be established in the event of an imminent Flu pandemic. In December 2019, the Scottish Government also issued a guidance note for Resilience Partnerships setting out key aspects of a Pandemic Flu response and prompting several considerations for local or sectoral planning [KT/0027 – INQ000102949].
88. During 2018, the Scottish Government also engaged with UK Government and devolved administrations on the production of a 'UK Pan Flu Communications' plan, focused specifically on health advice. This was considered by the four CMOs, but four nations Ministerial agreement was not sought prior to the outbreak of Covid-19. A copy of the *Pandemic Flu Readiness Board - Work programme forward look*, which provides a status update as at 14 November 2018 is provided [KT/0028 – INQ000102950].
89. Further guidance in this area, called *Warning and Informing Scotland – Communicating with the public* was last revised in 2018 [KT/0029 – INQ000102951]. That document, produced in consultation with the resilience/responder sector, provides guidance and best practice on communicating with the public before, during and after such emergencies, and outlines general good practice for crisis communications.

Continuity of Leadership

90. Business continuity planning, including delegation of authority, is the responsibility of Directors across the Scottish Government's Directorates. During the pandemic, business continuity plans were activated to help Directorates deliver their key business and critical functions, including command structures, which is advised to include leadership succession planning. Each Directorate is responsible for the recording of their business area's response to incidents.

The role of regional and local government

91. *'Preparing Scotland'* is underpinned by the principal legislation involved, the 2004 Act, and the Civil Contingencies Act 2004 (Contingency Planning) (Scotland) Regulations 2005 (the Regulations) (as amended by the Civil Contingencies Act 2004 (Contingency Planning) (Scotland) Amendment Regulations 2013; and the Civil Contingencies Act 2004 (Amendment of List of Responders) (Scotland) Order 2021). This legislation outlines the key organisations responsible for ensuring the effective management of emergencies in Scotland. These are the Category 1 and 2 responders, already mentioned.

92. In addition to the above, other agencies can have an important role in the context of resilience. These include, but are not confined to:

- The military
- The Crown Office and Procurator Fiscal Service (COPFS)
- Transport Scotland
- Commercial organisations
- The Scottish Government
- The voluntary sector.

Regional Resilience Partnerships

93. Under the terms of the amendment regulations, the structure which supports multi-agency co-ordination is the 'Regional Resilience Partnership' (RRP). Currently there are three such groups: in the North, West and East of Scotland. Within each RRP area sit several 'Local Resilience Partnerships' (LRPs), the composition of which are determined by the RRP themselves.

94. The RRP and LRP bring together all the relevant organisations in an area to develop an effective approach in dealing with emergencies, in accordance with the principles of subsidiarity and proportionality.

Statutory Duties

95. The 2004 Act places several legal duties upon Category 1 responders. These are:

- Duty to assess risk
- Duty to maintain emergency plans
- Duty to maintain business continuity plans
- Duty to promote business continuity
- Duty to communicate with the public
- Duty to share information
- Duty to co-operate.

96. The legal duties outlined by the 2004 Act and the regulations are described in detail in Section 2. For Category 2 responders, the basic legislative principle is that they must co-operate with Category 1 responders in connection with the performance of their duties, including proper sharing of information.

Local Government Resilience/Preparedness in Practice

97. Each local authority area maintains a resilience planning function. They vary greatly in size and range of function, depending on factors such as the size of the council, its structure and the local risks faced. Local authorities comply with the duties placed upon them under the 2004 Act by:

- Assessing the risk of emergency occurrence, to inform contingency planning
- Putting in place emergency plans
- Putting in place business continuity management arrangements
- Putting in place arrangements to make information available to the public about civil protection matters, and maintaining arrangements to warn, inform and advise the public in the event of an emergency
- Sharing information with other local responders to enhance co-ordination
- Co-operating with other local responders to enhance co-ordination and efficiency
- Providing advice and assistance to businesses and voluntary organisations about business continuity management (local authorities only).

98. Certain Local Authorities have also formed a 'Resilience Consortium', designed to share resources.

99. The Scottish Government provides a Civil Protection grant under the Grant Aided Expenditure as a support to local authority Civil Resilience work. This provides each authority with a minimum amount to put towards the employment of an Emergency Planning Officer, with the balance of the allocation based on population. See the *Scottish Local Government Finance 'Green Book' 2022-23* (produced) which details finance on Civil Protection [KT/0030 – INQ000102952].

Key entities and individuals at the local and regional level

Strategic Coordinating Groups (SCG)

100. SCGs existed in resilience planning in Scotland prior to the introduction of RRP in 2013. The role of the RRP mirrors that of the SCGs. The term 'SCG' is now used by partners to define a combined strategic response to incidents in England and Wales. In Scotland it refers only to Counter Terrorism incidents.

Scottish Resilience Partnership (SRP)

101. The Scottish Resilience Partnership (SRP) is a core group of the most senior statutory responders and key resilience partners, and has been discussed, above.

Regional Resilience Partnerships (RRP)

102. These have been discussed, above. The formulation of RRP is as described in 'Preparing Scotland'. Each RRP also has its own regional guidance/structures document (previously provided to the Inquiry). These groups are chaired by a Police Scotland Assistant Chief Constable.

103. Whenever there is an emergency in Scotland, several different organisations immediately start working together to tackle it. Depending on the nature of the incident, this might include Police Scotland, the Scottish Fire and Rescue Service, Scottish Ambulance Service, health boards, local authorities, Integration Joint Boards (health and social care), the Scottish Environment Protection Agency or the Maritime and Coastguard Agency.

104. Working together, these organisations form a 'resilience partnership', which helps them to coordinate, collaborate and share information. Partnerships may also include organisations involved in the energy, telecoms, transport, and water sectors, as well as local or national volunteer groups.
105. Standing regional and local resilience partnerships meet year-round across Scotland, to plan for emergencies and to take part in exercises to test those plans. The Scottish Government supports them with guidance and practical help through embedded teams of Resilience Partnership coordinators.
106. In Scotland, responders and resilience partners, with the relevant expertise to complete the RRP Risk Preparedness Assessment (RPA), are brought together under each of the three RRP. However, the RRP do not have the power to direct individual members in the undertaking of their duties. Each of the three RRP identifies a RRP RPA Co-ordinator (generally from one of the Category 1 responders), who is supported by the Scottish Government Partnership Teams. Together they coordinate the multi-agency collaboration required to complete the RRP RPA. The Local Resilience Partnerships (LRPs) have a key role in supporting RRP to prepare by ensuring local arrangements are in place and promoting wider awareness of the roles and responsibilities to their members. Clear direction during preparation should ensure that emergency management structure and procedures are agreed in advance and supported by training and exercise. The RRP RPA is not a mechanism for reporting to Scottish Ministers. However, RRP may seek to transfer or highlight risks, which are beyond regional capability and capacity, through organisational governance structures or through the Scottish Resilience Partnership

RRP Learning and Development Co-ordinators

107. A co-ordinator:
- Works with partners to establish the strategic direction for RRP learning and development, in line with the national resilience learning and development strategic direction

- Provides resilience learning and development expertise and advice to the RRP chair, resilience partners and SG policy leads
- Co-ordinates the development, management and implementation of the RRP learning and exercise programme, so that partners train, learn and exercise together in preparation for an effective emergency response
- Ensures the RRP learning and exercise programme is clearly linked to RRP priorities, including capability gaps identified through the Risk and Preparedness Assessment process, as well as Scottish Government Resilience Division priorities and objectives
- Contributes to the planning and facilitation of learning events and exercises, including co-facilitation of the ScoRDS core learning programme ensuring that all activities are in line with the ScoRDS Quality Assurance Framework
- Oversees the evaluation and long-term impact of the RRP learning and exercise programme
- Oversees the management and co-ordination of the RRP debriefing and lessons policy and process, debriefing incidents and exercises as required
- Contributes to the development and implementation of the RRP business plan
- Promotes joint learning and working between the 3 RRP's to ensure best practice is shared, key initiatives adopted, and there is consistency of approach where applicable
- Supports the development of skilled and professional resilience practitioners within organisations
- Assists with national projects as requested by Resilience Division either by direct involvement or by assessing and conveying the views of responder agencies when required
- Is part of a 24/7 on-call system for the Resilience Partnerships team, to support the local response to emergencies or SGoRR (Scottish Government Resilience Room) activations as required.

Local emergency planning officers

108. Police Scotland has emergency planning functions. All Category 1 organisations with a local dimension (principally local authorities and NHS boards) have Resilience Officers with emergency planning functions.

Scottish Government Partnership Teams

109. These teams:

- Support the development of multi-agency emergency planning, response and recovery across the RRP area
- Maintain and develop information flow to ensure information required is shared by the local responders, RRP members, as well as by SG nationally, both during emergencies and at other times
- Provide information proactively in advance of incidents/emergency events; where possible to ensure awareness of the likely impacts of foreseen events/disruptions at a local level and the arrangements in place (or planned) to mitigate against them, are shared locally/regionally and at the National level, to SGORR, as appropriate
- Provide a single point of contact (Scottish Government Liaison Officer (SGLO)) for SGORR during emergencies, and disruptive incidents, effectively managing information flow, requests for information and assistance
- Provide a 24/7 on-call system, to support the local response to emergencies or SGoRR activations as required
- Support the production of the Resilience Preparedness Assessment for the Region, proactively horizon scanning for risks and assessing the RRP's capacity to respond
- Assisting Category 1 Responder agencies, such as local authorities, the emergency services, NHS, MCA and SEPA, who have a responsibility under the Civil Contingencies Act 2004 and associated regulations, to meet to plan for, respond to, and recover from disruptive or emergency events. The coordinator posts in each RRP area are intended to assist that process.

Public Communications Groups (PCG)

110. Each RRP has a PCG. It is chaired by a territorial 'communications' (comms) lead within Police Scotland. Its membership comprises of 'comms' representatives from all categorised responders, as well as other interested parties across Scotland. See the section on public communication groups, within the document *Warning and Informing Scotland – Communicating with the public* [KT/0029 – INQ000102951].

Care for People Groups

111. A 'Care for People Team' is a multi-agency functional team that is active at the tactical level in preparation, response and longer-term recovery. It is one of several functional groups which should be established at the tactical level. The Team will:

- advise and inform the decisions of the Resilience Partnership
- implement the Resilience Partnership strategies by co-ordinating its members' activities
- deliver services through its members' staff working at an operational level.

112. An event may affect more than one LRP/RRP. it may be necessary to evacuate into an LRP/RRP area unaffected by the event. Where possible, during planning the affected LRP should consider the cross-boundary impacts of an event, the need to coordinate with neighbouring LRPs/RRPs, and the management of mutual aid. Coordination should seek to ensure that neighbouring LRPs/RRPs are aware of any planning that could have an impact on them, and that evacuation and shelter plans complement each other. In some cases, it may be beneficial to develop joint plans. The document *Care for People affected by emergencies* (2017), is relevant and is provided [KT/0031 – INQ000102953].

113. The 2004 Act places a duty on responders to share information during an emergency. To this end, Persons at Risk Distribution (PARD) enables local authorities to access and use data about citizens in their jurisdiction that may become vulnerable during an emergency. PARD allows two datasets to be brought together to achieve this: one from local authority

Social Work/Care for People systems and the other NHS health data. The document on *PARD: Persons At Risk Distribution*, is provided [KT/0032 – INQ000148754].

Scientific and Technical Advice Cells (STAC)

114. STACs are a sub-group of the structure which supports multi-agency co-ordination (Strategic Co-ordinating Groups up to 2013; Regional Resilience Partnerships from 2013). They can be established to provide practical advice on public health, environmental, scientific and technical issues to those responsible for mounting and coordinating the response to an emergency. Core STAC (and Primary STAC) membership is likely to involve public health, environmental, scientific and technical advisors from Category 1 and Category 2 responders. The Scottish Government is not a member of STAC. If the emergency involves more than one area, a Primary STAC will be designated by agreement between the areas.

Processes and methodologies of Resilience Entities

The Regional Resilience Partnerships' Risk Preparedness Assessment

115. The 'RRP RPA' is not set out in the legislation. Rather it has been developed to assist responders discharge their duties under the 2004 Act. The RRP RPA allows RRP to: assess risks; their level of preparedness to deal with the consequences of the identified risks within their region; and communicate with the public about the risks identified in the RRP RPA. The RRP RPA focuses on developing resilience, and dealing with consequences of, rather than causes, of emergencies. Specifically, the purpose of the RRP RPA is to:

- a. Provide an accurate and shared understanding of the risks which may affect a region based on available evidence so that consequence-based planning has a sound foundation
- b. Provide a rational basis for the prioritisation of effort and allocation of resources
- c. Identify and assess the capabilities and capacities (preparedness) of the region to deal with the consequences of the risks
- d. Develop a work plan aimed at closing any identified capability and capacity gaps

- e. Provide an overview of emergency planning and business continuity arrangements for responders and resilience partners within the region
- f. Provide a basis for risk communication to the public through Community Risk Registers (CRRs).

116. The RRP RPA specifically addresses the assessment and preparation activities of IEM.

The Regional Resilience Partnerships' Risk Preparedness Assessment (RRP RPA) process has been developed to allow RRP's to assess risks within their region, and their level of preparedness to deal with the consequences of the identified risks, as well as communicating identified issues with the public.

117. The RRP RPA process is outlined in the *Preparing Scotland - Regional Resilience Partnerships Risk Preparedness Assessment Guidance* [KT/0025 – INQ000102947]. This November 2021 publication was preceded by, *Are We Ready? - Guidance on risk and preparedness assessments - December 2017* [KT/0033 – INQ000102954] and *Are We Ready? - Risk and preparedness assessment guidance 2013* [KT/0034 – INQ000102955].

Scientific and Technical Advice Cell (STAC) Guidance: Providing Public Health, Environmental, Scientific and Technical Advice to Strategic Coordinating Groups in Scotland

118. STACs are a sub-group of the structure which supports multi-agency co-ordination (Strategic Co-ordinating Groups up to 2013; Regional Resilience Partnerships from 2013) and can be established to provide practical advice on public health, environmental, scientific and technical issues to those responsible for mounting and coordinating the response to an emergency. The STAC framework is outlined in *Preparing Scotland STAC Guidance* [KT/0035 – INQ000102956].

119. This October 2022 publication was preceded by *2013 STAC Guidance* [KT/0036 – INQ000102957]. That included templates for use by the responder members of the Strategic Coordinating Group Responders.

Building Resilient Communities: Scottish Guidance on Community Resilience

120. The *Building Resilient Communities: Scottish Guidance on Community Resilience*

[KT/0037 – INQ000102958] 'spoke' of the 'Preparing Scotland' suite of guidance recommends that responders consider best practice, to maximise the effectiveness of their work with: individuals, community groups, private sector businesses and voluntary sector organisations. In line with other Preparing Scotland guidance, it was drawn from existing good practice in Scottish communities and is in line with international examples of community resilience in the face of emergencies. It takes an all-risks approach and as such does not specifically focus on community resilience in pandemic crises.

The Practitioners Toolkit accompanying the RRP RPA guidance document

121. The Practitioner's Toolkit was jointly developed by Scottish Government and stakeholders to provide additional non-statutory guidance and tools to Category 1 and 2 responders involved in the RRP RPA process. This project was identified as part of the debriefing process completed in 2017, to review the application of the RRP RPA process. A *Risk Preparedness and Assessment: User Guide (2019)* is provided [KT/0038 – INQ000102959].

Regional Resilience Partnership Risk Preparedness Assessment (RRP RPAs) and RRP RPA Co-ordinators

122. Each of the three RRP identifies a RRP RPA Co-ordinator (generally from one of the Category 1 responders) who co-ordinates the multi-agency collaboration required to complete the RRP RPA.

The UK Local Risk Management Guidance (LRMG)

123. This is UK Government produced guidance for Local Resilience Forums (LRFs) in England and Wales.

The SCG Common Recognised Information Picture (CRIP)

124. The term 'SCG' (Strategic Coordinating Group), in a consequence management sense, only applies in Scotland for Counter Terrorism Incidents. The term 'CRIP' is more applicable to England & Wales. A CRIP usually relates to the amalgamated information picture from one or more Situation Report ('Sit Reps') provided by individual agencies and/or resilience partnerships.
125. Guidance on Sit Reps and associated Sit Rep templates can be found in *Preparing Scotland: Responding to Emergencies* 'spoke' document [KT/0021 – INQ000102943].
126. Combined Sit Reps in Scotland will be used to formulate a 'Scottish Situation Report' Extract. Based on information shared by all relevant partner agencies, a Scottish Situation Report (SSR) will be created. This will be a single representation of relevant incident information that can be shared with organisations during a multi- agency response. The SSR Template is at Annex B within '*Responding to Emergencies*'.

The Regional Resilience Partners' Risk and Preparedness Assessment (RRP RPA)

127. This refers to the process that Resilience Partners in Scotland use to assess risk and prepare for emergencies within their Regional Resilience Partnership (RRP). This process has been developed to assist stakeholders to fulfil their statutory duty as defined in the 2004 Act. The RRP RPA is completed over a two-year cycle. The RRP *RPA User Guide* is provided [KT/0039 – INQ000102960].

Community Risk Registers (CRR)

128. A CRR is a multi-agency publication, created as an output of the Risk Preparedness Process. It highlights risks that possess the highest likelihood and potential to cause significant impact and creating disruption to specific regions across Scotland and its communities. They are held by Scottish Fire and Rescue Service. The Community Risk Registers for North [KT/0040 – INQ000102961], East [KT/0041 – INQ000102962] and West [KT/0042 – INQ000102963] Scotland are produced.

Communication plans / local communication plans / local emergency communication plans

129. Individual RRP have communication plans. The *East RRP region public communications plan* is produced as an example [KT/0043 – INQ000102964].

Multi-agency communications response

130. *Warning and Informing Scotland: communicating with the public* [KT/0029 – INQ000102951] was last revised in 2018. This document, produced in consultation with the resilience/responder sector, provides guidance and best practice on communicating with the public before, during and after such emergencies, and outlines general good practice for crisis communications. 'Ready Scotland' provides public information on risks and advice and guidance on how to respond. It acts as the 'landing page' for specific marketing campaigns, for example those raising awareness of specific severe weather warnings.

Structures and Processes for Cross Scottish Government cooperation on resilience and preparedness

The Scottish Risk Assessment

131. The SRA is produced in collaboration with a wide range of partners from within the government, and across the wider resilience community. Scottish Government policy teams or national agencies lead on the development and assessment of individual scenarios which fall within their remit. They develop appropriate scenarios and assess the risk using the SRA methodology.

Communications

132. The *Scottish Government Communications Activation Plan for Pandemic Flu* [KT/0026 – INQ000102948] has already been mentioned in paragraph 87.

Resilient Essential Services

133. The document, *The 'Scottish Approach' to Critical Infrastructure Resilience (CIR) Biennial Report to Scottish Government Ministers* (June 2016) is provided [KT/0044 – INQ000102965].

134. This is the first biennial report to Ministers, providing an overview of the Critical Infrastructure Resilience (CIR) programme in Scotland. Due to resourcing pressures, attributable to Brexit preparations and Covid-19, a subsequent report was not produced. Part 1 of the report provides information in the form of executive summaries for the following Critical Infrastructure Sectors/Sub Sectors:

- Electricity and Gas - Reserved
- Telecoms – Reserved
- Public Broadcast - Reserved
- Transport – Reserved/Devolved
- Finance - Reserved
- Government - Devolved
- Water - Devolved
- Health – Devolved
- Food - Devolved
- Emergency Services – Devolved.

135. The executive summaries include details of Governance (including Lead Government Department, Scottish Government Policy Lead, Key Stakeholders, Governance/Oversight), Criticality of the Sector (including primary industry stakeholders), Resilience of the Sector, Vulnerabilities and Improvements.

136. Part 1 also provides details in respect of our future sector programme for the following:

- Oil and Fuel Sub Sector – Reserved
- Postal Services Sub Sector – Reserved
- Internet Sub Sector - Reserved

- Civil Nuclear Sector – Reserved
- Space Sector – Reserved
- Defence Sector – Reserved
- Chemicals sector – Devolved.

Significant Local Infrastructure Mapping

137. Resilience Partnerships have established Critical Infrastructure subgroups or work programmes, to support their understanding of infrastructure in their geographic areas. Among other priorities, this provides context for their Risk Preparedness Assessments (RPA), and ultimately supports the production of Community Risk Registers. This forms part of Scotland's strategic vision for Critical Infrastructure Resilience in Scotland. The other parts being delivered by:

- Scottish Governments Resilient Essential Services Team (REST) and their work with Infrastructure Sector Resilience Groups to identify critical infrastructure in each of the 13 Critical Infrastructure Sectors
- Police Scotland's Protect Profile work which identifies a broad range of infrastructure and other assets in each of their territorial Divisions.

Resilience Partnerships and Significant Local Infrastructure

138. The term 'Significant Local Infrastructure' is used, in this context, to reduce sensitivities that can attach to the term 'critical'. 'Critical' often refers to infrastructure which has a particular national (UK) or regional (Scottish) importance. 'Significant Local Infrastructure' work will provide a much more comprehensive list of infrastructure, *some* of which may be regarded as 'critical'. A *Methodology to Identify Significant Local Infrastructure* document, to assist with the identification of significant local infrastructure, is provided [KT/0045 – INQ000102966].

Keeping Scotland Running – Resilience Essential Services – Scottish Governments Strategic Framework 2020-2023

139. Building resilience across all aspects of our essential services and enhancing the security and resilience of the critical infrastructure that supports and underpins these services is vital. This can only be achieved through the implementation of appropriate, enhanced protective security measures, and mitigating the risks from natural hazards, through improving our resilience and contingency planning arrangements. Increasing our understanding of the threats and hazards, and developing our awareness of the interdependency issues across all 13 sectors of critical infrastructure will also assist in terms of moving the resilience agenda forward in Scotland.

140. *Keeping Scotland Running* [KT/0019 – INQ000102941] has been designed to support critical infrastructure owners and operators, emergency responders, resilience partnerships (RP), industry groups and relevant government departments, in working together to improve the resilience of critical infrastructure and essential services provision in Scotland. It seeks to support the delivery of national strategies in Scotland, including the 'National Security Strategy' and 'Strategic Defence and Security Review 2015' (SDSR 2015)¹ and the UK Counter Terrorism Strategy – CONTEST.² *Keeping Scotland Running* is not intended to duplicate or conflict with existing UK Government critical infrastructure resilience work streams, or other regulatory requirements in this area.

Community Resilience

141. In terms of structures and processes, the Community Resilience Unit (CRU) is responsible for, and works collaboratively with: Scottish Government colleagues, Cat 1 responders, the private, voluntary, and community sector (through the Voluntary Sector Resilience Partnership (VSRP)). VSRP could be seen to have a 'preparedness' and 'resilience' function in relation to the appropriate involvement of the voluntary sector in emergency preparation, response and recovery arrangements. Any 'information sharing', 'policy formulation' or 'operational approaches' are in line with long established 'Preparing Scotland' resilience doctrine – i.e., to prepare for any emergency, rather than individual emergencies. On that basis, VSRP had no specific pandemic work-stream discussions during 2009 – 2020, and no VSRP developed, pandemic specific, documents exist.

Cooperation with the UK Government

COBR meetings

142. The Response Team, within SG Resilience Division, is the primary Scottish Government contact for Cabinet Office colleagues responsible for COBR meetings. A full list of all COBR meetings facilitated by the Response Team has been provided to the Inquiry previously. It should be noted that COBR will often send invitations for meetings directly to Ministerial Private Offices, and therefore the Response Team are not always aware of all COBR meetings attended by Scottish Government.

The UK National Risk Assessment (NRA)

143. Scottish Government was a member of UK Government meetings that discussed and developed the NRA (such as the Cabinet Office's Risk Assessment Steering Board).

The UK National Security Risk Assessment (NSRA)

144. Scottish Government is a member of UK Government meetings that discuss and develop the NSRA (currently the Cabinet Office's Risk Assessment Steering Group and Risk Assessment Steering Board).

The UK National Risk Register (NRR)

145. The NRR is discussed as part of UK Government's meetings which the Scottish Government is invited to.

The Resilience Capabilities Programme (RCP)

146. The RCP is discussed as part of UK Governmental meetings which the Scottish Government is invited to.

The UK National Resilience Planning Assumptions (NRPA)

147. NRPA's are discussed as part of UK Governmental meetings which the Scottish Government is invited to.

Scottish Government Liaison Officers

148. As already mentioned, the Scottish Government may send a Liaison Officer (SGLO) to support responders. SGLOs can help to ensure effective communication between responders and government; act as the principal contact for government officials or Scottish Ministers; facilitate joint meetings and provide general government-related advice and support.

Community Resilience

149. The Scottish Government convenes the Voluntary Sector Resilience Partnership (VSRP) which provides a forum for cross-sector working between voluntary and community sector organisations, government and statutory responders. UK Government Cabinet Office Community Resilience Team are invited to, and frequently attend this meeting. VSRP has no formal/informal cooperation with the forums RDG, Quad, SoS, SEC etc.

Cooperation between the Scottish Government and Local/Regional Government: structures and processes

150. The primary means by which the Scottish Government engages with Local Government regarding preparedness and resilience functions is via the Regional Resilience Coordinator Teams. These teams consist of Civil Servants (four in each Regional Resilience Partnership area). They engage with Local Government entities on a regular basis in relation to key preparedness and resilience functions. They facilitate and support Resilience Partnership meetings to ensure categorised responders can fulfil their duties under the 2004 Act. The Scottish Government's relationship with the Scottish Local Government Resilience Entities is based on the principles outlined in *Preparing Scotland* (produced).

Expert partners (apart from the 'Expert Entities') with whom the Scottish Government cooperated

The National Centre for Resilience (NCR)

151. The National Centre for Resilience is an academic partnership which has been established to bring together a range of partners to understand natural hazards better. This includes researchers, policy makers, emergency responders, volunteers and communities. The Centre funds research and applied projects, that aim to build Scotland's resilience to natural hazards.

Expert Partners: structures and processes

152. The relevant bodies, actual cooperation, and advice provided, have already been discussed. They include:

a. SGoRR

SGoR(O) and SGoR(M) have already been discussed above.

b. SRA

The SRA has been discussed. The methodology sets out how expertise (both advice and independent challenge) is sought and used to develop and produce the SRA

c. Resilient Essential Services

These have been discussed in paragraph 134-137

d. Community Resilience

The Community Resilience Unit: has already been discussed in paragraphs 142 and 159.

Cooperation with Public Sector Bodies: Structures and Processes

153. This has been discussed, above, in relation to:

- SGoRR
- SGoR(O) and SGoR(M).
 - SRA

- Resilient Essential Services
- Communications
- Resilient Communities.

Cooperation with the Private and VCSE sectors

The Scottish Approach to Critical Infrastructure Resilience (CIR) Biennial Report

154. Dated June 2016, this is the first biennial report to Ministers that provides an overview of the Critical Infrastructure Resilience (CIR) programme in Scotland [KT/0044 – INQ000102965]. Due to resourcing pressures because of Brexit preparations and Covid-19, a subsequent report was not produced.

155. Part 1 of the report provides information in the form of executive summaries for the following Critical Infrastructure Sectors/Sub Sectors:

- Electricity and Gas - Reserved
- Telecoms – Reserved
- Public Broadcast - Reserved
- Transport – Reserved/Devolved
- Finance - Reserved
- Government - Devolved
- Water - Devolved
- Health – Devolved
- Food - Devolved
- Emergency Services – Devolved.

156. Sector executive summaries include details of Governance (including Lead Government Department, Scottish Government Policy Lead, Key Stakeholders, Governance/Oversight), Criticality of the Sector (including primary industry stakeholders), Resilience of the Sector, Vulnerabilities and Improvements.

157. Part 1 also provides details in respect of our future sector programme for the following:

- Oil and Fuel Sub Sector – Reserved
- Postal Services Sub Sector – Reserved
- Internet Sub Sector - Reserved
- Civil Nuclear Sector – Reserved
- Space Sector – Reserved
- Defence Sector – Reserved
- Chemicals sector – Devolved.

Community Resilience Unit

158. In terms of structures and processes, the Community Resilience Unit (CRU) is responsible for, and works collaboratively with: Scottish Government colleagues, Category 1 responders, the private, voluntary, and community sector, (through the VSRP). Membership is set out below. VSRP could be seen to have a 'preparedness' and 'resilience' function in relation to the appropriate involvement of the voluntary sector in emergency preparation, response and recovery arrangements. Any 'information sharing', 'policy formulation' or 'operational approaches' are in line with long established 'Preparing Scotland' Scottish resilience doctrine; to prepare for any emergency rather than individual emergencies. On that basis VSRP had no specific pandemic work-stream discussions during 2009 – 2020 and no VSRP developed, pandemic specific, documents exist.

- a. Intermediary organisations
 - Scottish Council for Voluntary Organisations
 - Volunteer Scotland
 - Foundation Scotland
 - National Emergency Trust
 - Office of Scottish Charity Regulator
 - Third Sector interfaces
 - Scottish Community Development Centre
 - Volunteering Matters
 - Black and Ethnic Minority Infrastructure in Scotland.

- b. Voluntary organisations
 - British Red Cross
 - Scottish Mountain Rescue
 - Scottish Flood Forum (SFF)
 - Lifelines
 - Neighbourhood Watch
 - Order of St John
 - Raynet
 - Royal National Lifeboat Institution
 - Royal Voluntary Service
 - Salvation Army
 - Save The Children
 - SNIFFER
 - St Andrews First Aid
 - The Conservation Volunteers
 - Victim Support Scotland
 - Voluntary Action Scotland
 - Workplace Chaplaincy Scotland
 - 4x4 Groups
 - Scottish Refugee Council
 - Cruse (Bereavement) TBC
 - Youthlink.
- c. Statutory responder organisations
 - Police Scotland
 - Scottish Fire and Rescue Service
 - Scottish Ambulance Service
 - Local Authority Resilience Group Scotland
 - National Health Service (NHS)
 - Scottish Environment Protection Agency (SEPA)
 - Maritime and Coastguard Agency
- d. Government
- e. Cabinet Office
- f. Scot Gov Policy

- Third Sector
- Community Resilience
- g. Regional Resilience Partnerships
- h. Education Scotland
- i. Convention of Scottish Local Authorities
- j. Private Sector
- k. Business in the Community
- l. Business Emergency Resilience Group (BERG)
- m. Scottish Business Resilience Centre (SBRC) SPEN
- n. Scottish and Southern Energy Networks.

Actual Cooperation with the Private and VCSE sectors

Significant Local Infrastructure Mapping

159. Resilience Partnerships have established Critical Infrastructure subgroups or work programmes to support their understanding of infrastructure in their geographic areas. Among other priorities this provides context for their Risk Preparedness Assessments (RPA) and ultimately supports the production of Community Risk Registers. This forms part of Scotland's strategic vision for Critical Infrastructure Resilience in Scotland. The other parts are delivered by:

- Scottish Government's Resilient Essential Services Team (REST) works with Infrastructure Sector Resilience Groups to identify critical infrastructure in each of the 13 Critical Infrastructure Sectors
- Police Scotland's Protect Profile work which identifies a broad range of infrastructure and other assets in each of their territorial Divisions.

Resilience Partnerships and Significant Local Infrastructure

160. As mentioned above, the term 'Significant Local Infrastructure' is used in this context to reduce sensitivities attached to the term 'critical'. Critical often refers to infrastructure which has a particular national (UK) or regional (Scottish) importance. Significant Local Infrastructure work will provide a much more comprehensive list of infrastructure, some of

which may be regarded as critical. The SLI 'Methodology' document has been provided [KT/0045 – INQ000102966].

161. The *Preparing Scotland: Having and Promoting Business Resilience* guidance [KT/0046 – INQ000102967] focuses on how organisations can become more resilient. It provides advice to Category 1 responders and information to other readers about the duties set out in the 2004 Act and associated Regulations. This includes recommendations concerning:

- The ability of Category 1 organisations to continue to be able to perform their functions in the event of emergencies
- The provision, by local authorities, of advice and assistance to businesses and other organisations about the continuance of their activities.

Forecasts and Internal Assessments

162. The *2018 Scottish Risk Assessment* [KT/0018 – INQ000102940] included risk assessments for Pandemic Influenza and Emerging Infectious Disease.

163. Prior to the SRA 2018, SG made use of the National Risk Assessments produced and shared by UK Government.

UK Wide Initiatives and Activities

164. Scottish Government officials have attended several international conferences on issues relating to disaster management and civil emergencies. Scottish Government has also commissioned research on good practice in the international resilience landscape.

Scottish Organisations for Simulation Exercises

165. The Emergency Planning College is operated for, and on behalf of the UK Government, delivering crisis management, resilience training and allied services.

166. The Scottish Resilience Development Service is a team within Scottish Government's Resilience Division. It exists to enhance knowledge, skills and behaviours amongst Civil

Contingency Responders in Scotland, to ensure effective resilience planning, response and recovery.

167. The role of the Scottish Multi-Agency Resilience Training and Exercise Unit (SMARTEU) is to provide a fully integrated and coordinated tri-service Training and Exercise Unit to meet the demands and requirements of the three Scottish 'blue light' emergency services.

168. 'Exercise Guidance' in Scotland advises that all exercises should be properly commissioned by an exercise sponsor. This commissioning process includes considerations around who will be involved in the exercise, and this can include a range of public and private sector bodies. This will be determined by the purpose of the exercise. The *Preparing Scotland Exercise Guidance* is one of the detailed spokes which sets out the factors involved in the exercise process and incorporates a set of templates that can be used across the diverse area of civil contingencies, from individual agency internal exercises to multi-agency live play exercises. The purpose of the guidance is to provide a practical tool to assist in the planning, delivery and evaluation of exercises. The *Preparing Scotland Exercise Guidance* is provided [KT/0047 – INQ000102968].

169. The *National Debriefing and Lessons Identified Protocol* is an agreement across the Regional Resilience Partnerships on how to effectively identify and progress lessons following from incidents and exercises. It offers advice on when a debrief is required and provides guidance on the process. This is produced [KT/0048-INQ000102969].

170. The delivery of training and exercising across Scotland in a resilience context is made up of several layers:

- a. ScoRDS ((Scottish Government Resilience Development Service) oversee the PDA courses and e-learning – refer to ScoRDS for further detail
- b. SMARTEU (Scottish Multiagency Resilience Training and Exercising Unit) Blue Lights Tri-Service that occasionally includes wider
- c. Regional Learning & Development Coordinators from each of the three RRP teams

- d. Various private sector suppliers (such as Foresee), that will also, on occasion, open UK wide to include UKG, Cabinet Office and the Emergency Planning College
- e. Each agency, whether 'Blue Lights', Local Authorities, NHS, Utilities etc. will conduct both internal training and exercises that on occasion will be open to wider partners
- f. There is also regulated exercises carried out as part of the REPPIR (Radiation and Emergency Preparedness and Public Information Regulation) & COMAH (Control of Major Accident Hazards).

Key legislation

171. The 2004 Act applies to the UK and seeks to minimise disruption in the event of an emergency and to ensure that the UK is better prepared to deal with a range of emergencies. The 2004 Act applies to the whole of the UK, reflects the various devolution settlements and is separated into two substantive parts:

- Part 1: focuses on local arrangements for civil protection, establishing a statutory framework of roles and responsibilities for local responders
- Part 2: focuses on emergency powers, establishing a framework for the use of special legislative measures that may be required to deal with exceptionally serious emergencies. In Scotland, the Civil Contingencies Act 2004 (Contingency Planning) (Scotland) Regulations 2005 as amended in the Civil Contingencies Act 2004 (Contingency Planning) (Scotland) Amendment Regulations 2013 sets out further detail on the application of the 2004 Act in Scotland, with regard to the duties and roles of responders. The Civil Contingencies Act 2004 (Amendment of List of Responders) (Scotland) Order 2021 also amended the list of category 1 responders.

172. *Preparing Scotland* is a set of national guidance documents to assist Scotland in planning, responding and recovering from emergencies. It is made up of a 'Hub' which sets out the philosophy, principles and good practice for emergency response in Scotland, and 'Spokes' that provide detailed guidance on specific matters. *Preparing Scotland Regional Resilience Partnership Risk Preparedness Assessment Guidance* may be of particular interest [KT/0025 – INQ000102947].

The legislative framework for Regional and Local Government in Scotland

173. Local Government in Scotland is primarily underpinned by the *Local Government (Scotland) Act 1973 (Chapter 65)*. This Act was partially amended by the *Local Government etc. (Scotland) Act 1994 (Chapter 39)*. There are multiple other Acts that concentrate on specific issues, but they require to be looked at on a policy-by-policy basis. The Inquiry has previously been informed that the requests about Scottish Local Government Resilience Entities as noted in the Rule 9 Request to the Scottish Government are best directed to local authorities and/or SOLACE (The Society of Local Authority Chief Executives and Senior Managers). Likewise, the Inquiry has previously been informed that the requests about how the organisational structure of the Scottish Local Government Resilience Entities developed over the course of the proposed date range as noted in the Rule 9 Request are best directed to the Local Authority Resilience Group (which is chaired by COSLA/SOLACE) or COSLA.

The structure of regional and local government in Scotland

174. There are thirty two independent local authorities (more commonly known as councils) in Scotland, namely:

Aberdeen City Council
Aberdeenshire Council
Angus Council
Argyll and Bute Council
City of Edinburgh Council
Clackmannanshire Council
Comhairle nan Eilean Siar
Dumfries and Galloway Council
Dundee City Council
East Ayrshire Council
East Dunbartonshire Council
East Lothian Council
East Renfrewshire Council
Falkirk Council

Fife Council
Glasgow City Council
Inverclyde Council
Midlothian Council
North Ayrshire Council
North Lanarkshire Council
Orkney Islands Council
Perth and Kinross Council
Renfrewshire Council
Scottish Borders Council
Shetland Islands Council
South Ayrshire Council
South Lanarkshire Council
Stirling Council
The Highland Council
The Moray Council
West Dunbartonshire Council
West Lothian Council.

Financing of local Government in Scotland

175. The 32 local authorities in Scotland are funded from a variety of sources. The Scottish Government provides both general and specific grant funding (both revenue and capital). Local authorities also collect local taxes from their constituents (council tax) plus their businesses (non-domestic rate income). In addition to this, local authorities also collect income from local fees and charges for various services they provide. The level of the non-domestic rates income is set by the Scottish Government, but it is collected and retained by the individual local authorities. Unlike other parts of the UK, as part of the Local Government Settlement, the Scottish Government guarantees the combined General Revenue Grant (from the Scottish Government) plus the level of income generated by non-domestic rate (collected locally). This ensures that should Non-Domestic Rates income outturn relating to any year be lower than was anticipated at the start of the financial year, councils are allocated additional General Revenue Grant to compensate for the shortfall. The opposite is also true and any excess income results in a subsequent negative adjustment to General

Revenue Grant. In the context of Covid-19 as well as being compensated in full for any reduced income as a consequence of Covid-19 reliefs, the guarantee ensured that Councils in Scotland were essentially protected from any broader reduction in Non-Domestic Rates income resulting from the pandemic itself.

176. Local authorities in Scotland provide public services, including education, social care, waste management, libraries and planning. They operate independently of central government and are accountable to their electorates for the services they provide.

The Convention of Scottish Local Authorities (COSLA)

177. The Scottish Government is committed to working closely with local government and their representative body COSLA to deliver shared priorities. This requires effective engagement between the Scottish Government and Local Government at both political and official levels in the development and delivery of policies and initiatives, and in working together to address any key issues.

178. COSLA can generally be described as being the voice of Local Government in Scotland. COSLA was established in 1975 and is a councillor-led, cross-party organisation that champions councils' vital work to secure the resources and powers they need. COSLA work on councils' behalf to focus on the challenges and opportunities they face, and to engage positively with governments and others on policy, funding and legislation. Every day people rely on the services that Local Government in Scotland delivers. Together, local authorities in Scotland spend over £19 billion a year, and employ over 240,000 people (almost 10% of all jobs in Scotland).

179. As a champion for councils COSLA

- Engages in key financial, legislative and policy developments to ensure they have the best possible impact
- Develops partnerships with Scottish, UK and international governments, parliaments, and the third and private sectors
- Campaigns on the issues that matter to members, and promote the image and reputation of local government

- Champions the role of local government in the governance of Scotland, and lobbies for stronger local democracy and community empowerment
- Leads reforms that improve public services and save money effectively
- Negotiates fair and affordable pay and workforce conditions on behalf of all councils; support councils to work together
- Delivers shared services that increase their capacity.

180. COSLA is also responsible for providing national services to councils and their partners through the “myjobscotland” recruitment portal, Trading Standards Scotland, and Business Gateway National Unit.

Statement of Truth

I believe that the facts stated in this witness statement are true. I understand that proceedings may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief of its truth.

Signed: _____

Personal Data

Dated: ____18 April 2023 _____