

Ensuring the Legislative Basis for Civil Contingency Planning Remains Fit for Purpose

Cabinet Office

RPC rating: fit for purpose

Quality of submission

This report fulfils the department's commitment in March 2017 to update the RPC following a more detailed review of the 'Civil Contingencies Act (2004) (Contingency Planning) Regulations 2005.'

In particular, the report: i) presents the most up-to-date survey data gathered on the impact of resilience activity under the Civil Contingencies Act on business, and ii) provides an update on the development of consistent resilience standards for local authorities and first responders.

The report's key findings are that:

- The results of the Resilience Capabilities Survey (RCS) of England and Wales 2017 indicate that most respondents to the survey do not believe that the impact of emergency planning legislation on business is burdensome.
- In fact, 75% of category 2 responders went above and beyond the minimum regulatory requirements. Category 2 responders are defined as organisations which are responsible for critical infrastructure, including transport companies, utility companies, the Health and Safety Executive and other agencies.
- 18% of category 2 respondents acknowledged that there were unintended consequences of the legislation.
- Almost all respondents recognise the importance of consistency in civil protection across the UK. The Department notes in this context that consistency is hard to quantify and that there was no consensus on proposals to address this.

The update report also references the 2015 Strategic Defence and Security Review's (SDSR's) commitment to produce a new set of resilience standards. The department states that this work provides a platform through which any issues with the existing set of standards can be addressed, without the need for legislative changes. It argues that the revised standards will define a shared understanding of good practice, and are being developed in collaboration with a wide range of stakeholders including local emergency responders, Department for Communities and Local

Government, a number of government departments and agencies, the Devolved Administrations and professional institutions.

On this basis, the Department argues that the Regulations should be retained, and that any necessary changes should be implemented through the development of revised resilience standards.

The RPC is satisfied that the department has adequately reviewed the existing legislation and provided appropriate evidence in support of its decision to retain the legislation.

The RPC notes that the update report could have explained more clearly:

- i) what proportion of the category 2 responders, whose responses are referenced in assessment and analysis of the RCS, are businesses;
- ii) how the Department intends to address the concerns of the significant minority of category 2 responders, whose survey responses confirmed that the legislation has unintended consequences.

Departmental recommendation	Retain
-----------------------------	--------

RPC assessment

Is the evidence in the update report sufficiently robust to support the departmental recommendation?	Yes
--	-----



Anthony Browne, Chairman