



CabinetOffice

**Government Response to the Public
Consultation on the Revised Guidance on**

**Support and Challenge under the Civil
Contingencies Act 2004**

Introduction

1. *Emergency Preparedness* is the statutory guidance relating to Part I of the Civil Contingencies Act 2004 and its supporting regulations. As part of the Civil Contingencies Act Enhancement Programme (CCAEP) the guidance is being updated to introduce greater clarity and to reflect new practices and arrangements. These changes are aimed at better supporting responders to fulfil their duties under the Act.
2. Chapter 13 of *Emergency Preparedness* (Support and Challenge) has been re-drafted and merged with some elements of the former chapter 16 (The role of the Minister). The new chapter 13 provides clarity about responsibilities, whilst promoting local accountability. It focuses on responders supporting and challenging one another to gain assurance that their arrangements and plans are robust and that they fulfil their duties under the Act. It also provides guidance on how Local Resilience Forums and the DCLG RED team can assist responders by acting as 'critical friends', fostering bi-lateral arrangements and challenging organisations when things go wrong.
3. The revised chapter also sets out the means by which the national and sub-national tier is held accountable and the means by which this tier of government is assessed and monitored.
4. The self-assessment sheets incorporated in the original chapter have been removed. These have been superseded by the various performance assessment tools referenced in the revised chapter.
5. The consultation, which ran from Monday 31 October 2011 to Friday 23 December 2011, was announced on the CCS Gateway and made available on the Cabinet Office UK resilience website and the National Resilience Extranet. 16 of the 27 respondents who responded to the consultation expressed an opinion on this chapter.

Table 1: Responses to the consultation by CCA category

CCA Category	Class	Number
Category 1 responders	Environment Agency	0
	Other	1
	Maritime and Coastguard Agency	0
	Fire and Rescue Services	3
	Local Authority	7

CCA Category	Class	Number
	NHS	0
	Police Forces	2
Category 2 responders	Transport organisations	1
Other	Associations	2
	Voluntary organisations	0
	Individual	0
	Regulators	0
	Local Resilience Forums	0

The detailed list of respondents is shown at Annex A.

Table 2: Responses to the Consultation

No.	Question	Content %	Not content %	No opinion/Don't Know %
1	Does the merger of the two chapters work effectively?	75.0	12.5	12.5
2	Does the revised CCA statutory guidance adequately explain the type and purpose of assessment tools used?	62.5	31.3	6.3
3	Does the revised chapter adequately explain peer challenge?	75.0	18.8	6.3
4	Does the revised text adequately reflect the formal action that may be taken by members of the LRF?	43.8	50.0	6.3
5	Is the reference to the role of the Department for Communities and Local Government Resilience and Emergencies Division (DCLG RED), with regard to risk assessment and emergency planning, useful?	81.3	12.5	6.3
6	Does the revised guidance adequately detail the role of regulators and inspectorates?	68.8	12.5	18.8
7	Is the inclusion of the text setting out the role of the national tier, helpful?	81.3	6.3	12.5
8	Is there any further information you would like to see included in this chapter?	6.3	68.8	25.0

Summary

There were mixed views on the changes that have been made to the chapter. From the qualitative responses given it could be inferred that dissatisfaction was often linked to a desire for legislative or procedural changes that would fall outside the scope of this revision of the guidance. Many of the comments received expressed respondents' desire for closer monitoring and regulation from the centre and greater powers to take legal action. This would run counter to government policy on local accountability and reduced regulation.

Detailed responses

Does the merger of the two chapters work effectively?

- 75 per cent of respondents answered positively and 12 per cent did not think the merger was effective. One respondent was unhappy that elements of the former Chapter 13 now appeared in three separate chapters.

Does the revised chapter adequately explain the type and purpose of assessment tools available?

- Slightly less than a third of respondents (31 per cent) wanted further explanation of these tools.
- One respondent who commented suggested that the DCLG RED team should have a greater role in monitoring performance. Other respondents wanted more detail about how assessment tools operated in practice. Responders will be invited to share information on their use of performance assessment tools on the NRE linked discussion forum.

Does the amended chapter adequately explain peer challenge?

- 75 per cent of respondents agreed that the amended chapter adequately explained peer challenge; 6 per cent did not know or had no opinion. Again, respondents indicated that they would welcome case studies. Responders will be invited to share information on their experience of peer challenge on the NRE linked discussion forum.

Does the revised text adequately reflect the formal action that may be taken by members of the LRF?

- Opinion was split: 50 per cent of respondents indicated that they did not think the revised text adequately explained the formal action that may be taken by members of the LRF; however just under half of the respondents to this question (44 per cent) had the opposite view and responded yes to this question and the remaining 6 per cent had no opinion.

- Comments from respondents suggested that a principal concern was linked to the non-statutory nature of the LRF rather than the lack of detail in the text itself.
- In the event of a responder needing to take formal action, they should liaise with the Department for Communities and Local Government Resilience and Emergencies Division and/or Civil Contingencies Secretariat as appropriate.

Is the reference to the role of the Department for Communities and Local Government Resilience and Emergencies Division (DCLG RED), with regard to risk assessment and emergency planning, useful?

- An overwhelming 81 per cent of respondents, responded positively to this question, 13 responded negatively and 6 had no opinion.
- Most respondents who wrote qualitative responses to this question, had concerns about the agreed policy regarding the DCLG RED role, rather than about the usefulness of the text.

Does the revised guidance adequately detail the role of regulators and inspectorates?

- The majority of respondents (69 per cent) indicated that the revised guidance did adequately detail the role of regulators and inspectorates. 19 per cent of respondents were neutral and 13 per cent were critical. Most respondents who gave qualitative responses to this question, commented on recent changes to the role of the regulators and inspectorates, rather than on the usefulness of the text.

Is the inclusion of the text setting out the role of the national tier, helpful?

- A greater number of those that responded (81 per cent) reported that the inclusion of the text setting out the role of the national tier was helpful; six per cent did not agree that this was helpful and 13 per cent had no opinion. Some respondents suggested that plainer English could have been used. Changes have been made accordingly.

Is there any further information you would like to see included in this chapter?

- 69 per cent of respondents indicated that they required no further information within this chapter; 6 per cent responded 'yes' and 25 per cent had no opinion.
- No qualitative information was provided.

Please use the box below to provide any further comments you may have.

Six respondents provided comments. Some of these referred to drafting points and changes have been made accordingly. Others comments focused on dissatisfaction with the policy on monitoring. One respondent asked for more information on performance measures. Responders will be invited to post comments on the NRE linked discussion forum.

ANNEX A

List of Respondents

Merseyside Fire & Rescue Service

South Yorkshire Police

Transport for London

Gateshead Council

Lancashire County Council

North Yorkshire County Council and on behalf of City of York Council

Newcastle City Council

East Sussex Fire & Rescue Service

North Wales Fire and Rescue Service

Emergency Planning Society - West Midlands Branch

Central Bedfordshire Council

Cleveland Emergency Planning Unit and LRF Manager (Employing Authority - Hartlepool)

Institute of Civil Protection and Emergency Management (ICPEM)

East Staffordshire Borough Council

Cumbria Constabulary

Other Category 1 Responder