



PRINCIPLES – APPROACH – GOOD PRACTICE

# Preparing Scotland

SCOTTISH GUIDANCE ON RESILIENCE

PHILOSOPHY, PRINCIPLES, STRUCTURES AND REGULATORY  
DUTIES

## **MINISTERIAL FOREWORD**

Resilience is everyone's business. Individuals, communities, emergency services and the wider public sector including Scottish Government, as well as voluntary organisations and businesses all have their part to play in making Scotland safe and secure.

I am proud to be part of a Scottish Government that has overseen world class responses to various challenges and emergencies since 2007. However, there is no room for complacency. We continue to face many hazards and threats, from the vagaries of the Scottish weather, to disruptions arising from volcanoes or energy supply issues, and the ever present danger posed by terrorism. There is no cause for alarm in Scotland, but we need to remain alert and recognise the importance of anticipating and assessing the risks we face. Wherever possible taking appropriate preventative action, as well as planning for co-ordinated activity to manage and recover from emergencies when they do occur.

This revised Preparing Scotland guidance sets out the philosophy, principles and practices that act as the building blocks for resilience. It is based on the experience and expertise of the resilience community within Scotland. Resilience professionals will be the main readership of this guidance and, with the support of the Scottish Government, they are key to effective co-ordination of the five key activities of Integrated Emergency Management, namely assessment, prevention, preparation, response and recovery.

It is vital, however, that we all see Scotland's resilience as our responsibility to support the safety and well-being of our neighbours and communities across the country, from those in remote and rural locations to those in our towns and cities. This message, that resilience is everyone's business, needs to be echoed across Scotland and I would urge you all to take this message forward.

John Swinney  
**Deputy First Minister with responsibility for Resilience**  
June 2016

## **Scottish Guidance on Resilience**

Philosophy, principles, structures and regulatory duties

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# Section 1 - PHILOSOPHY AND STRUCTURES

## CHAPTER 1 - Introduction

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### Resilience

We live in a complex and increasingly interdependent society. Whilst this brings many benefits, it also leaves us, potentially, more vulnerable to a number of challenges. These challenges take many forms, both new and old. Our vulnerabilities around power supply and information technology are relatively new, whilst others, such as pandemic disease and severe weather incidents, have been with us for centuries.

Maintaining the continuity of our way of life or returning to relative normality after any emergency, major incident or large-scale planned event requires **resilience**. Resilience is defined as “the capacity of an individual, community or system to adapt in order to sustain an acceptable level of function, structure and identity”<sup>1</sup>.

In this context “system” includes the broader infrastructures, networks and processes which sustain society. The supply of fuel, for instance, relies on a complex web of relationships, including supply of raw material, transport infrastructure, availability of staff and the means of electronic payment. A failure in any one of these could affect supply as a whole.

“Community” refers not only to geographical communities (such as urban or coastal) but also communities of interest, where people are brought together through common interests and a shared sense of commitment. Communities of practitioners exist too, whereby those engaged in many aspects of public service or commercial activity are drawn together by the common goal of preparing for, responding to and recovering from emergencies.

“Individual” refers to the man or woman in the street, the people of Scotland, who also bear a responsibility to consider how best to prepare themselves for unforeseen or challenging events and how they might assist those around them during emergencies.

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<sup>1</sup> Charles Edwards; Resilient Nation; Demos; 2009

In all of this, a robust civil contingencies planning process is a key factor in establishing resilience.

### **Purpose of Guidance**

Preparing Scotland is not intended to be an operations manual, but is instead guidance to responders assisting them 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. It reflects a process which prepares for emergencies from the identification of a risk to the completion of the recovery process.

It is intended to be a flexible and responsive document, able to respond to new hazards and threats. The guidance is designed to be able to integrate new practices established through innovative thinking or the incorporation of lessons learned. It encourages training and development of those involved and lays out structures to assist in this. Whilst some development is in response to legislative duties, other programmes will be in response to stakeholder requirements.

### **Preparing Scotland - The “Hub and Spokes” Model**

Preparing Scotland (PS) guidance is set out as a “Hub and Spokes”, in which the Hub (this document) incorporates:

- the philosophy of resilience in Scotland
- the principles that underpin effective Integrated Emergency Management (IEM)
- regulatory guidance and recommended good practice
- clear signposting to the detailed “Spokes”.

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The spokes provide detailed guidance on specific matters, covering:

<b>Responding to emergencies</b>	<a href="#">Preparing Scotland: Responding to Emergencies in Scotland</a>
<b>Recovering from emergencies</b>	<a href="#">Preparing Scotland - Scottish Guidance on Preparing for Emergencies: Recovering from Emergencies in Scotland</a>
<b>Communicating and engaging with the public</b>	<a href="#">Warning and Informing Scotland: Communicating with the Public</a>
<b>Risk and Preparedness Assessment</b>	<a href="#">Guidance for Scotland's Regional Resilience Partnerships (RRPs) on Risk and Preparedness Assessments (RPAs)</a>
<b>Caring for people</b>	<a href="#">Preparing Scotland: Scottish Guidance on Preparing for Emergencies: Care for people affected by emergencies</a>
<b>Community Resilience</b>	<a href="#">Building Community Resilience: Scottish Guidance on Community Resilience</a>
<b>Psychosocial and Mental Health Needs</b>	<a href="#">Preparing Scotland: Responding to the Psychosocial and Mental Health Needs of People Affected by Emergencies</a>
<b>Having and Promoting Business Resilience</b>	<a href="#">Preparing Scotland: Having and Promoting Business Resilience</a>
<b>Secure &amp; Resilient (Critical National Infrastructure)</b>	<a href="#">Secure and Resilient A Strategic Framework for Critical National Infrastructure In Scotland</a>
<b>Fuel Disruption</b>	<a href="#">Preparing Scotland: Scottish Guidance on Preparing for Emergencies: Guidance for Fuel Disruption in Scotland - Summary</a>
<b>Mass fatalities</b>	<a href="#">Preparing Scotland: Scottish Guidance on Preparing for Emergencies: Guidance on Dealing with Mass Fatalities in Scotland</a>
<b>Scientific and technical advice</b>	<a href="#">Preparing Scotland: Scottish Guidance on Preparing for Emergencies: STAC Guidance</a>
<b>Exercise Guidance</b>	<a href="#">Preparing Scotland: Exercise Guidance</a>

As well as in the table above, hyperlinks to these documents are included at relevant points throughout the Hub. Additionally, the Hub provides references to further information for the benefit of the reader, generally via references to written material or hyperlinks.

As with all guidance, the Spokes (and the Hub) will be subject to periodic revision. A version control process is in place to ensure that only the most current guidance is available on-line. It is the responsibility of the user to ensure that they are using the current version, which can be found at [Ready Scotland: Preparing Scotland](#).

Any user of the guidance who wishes consideration to be given to changes is encouraged to contact [Julie Tabet](#).

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## “Hub and Spokes” Model



## **CHAPTER 2 - Legislation**

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Preparing Scotland is underpinned by the principal legislation involved, the Civil Contingencies Act 2004 (the Act) and the Civil Contingencies Act 2004 (Contingency Planning) (Scotland) Regulations 2005 (the Regulations), as amended in the Civil Contingencies Act 2004 (Contingency Planning)(Scotland) Amendment Regulations 2013.

This legislation outlines the key organisations responsible for ensuring the effective management of emergencies in Scotland. These are referred to in the legislation as follows:

### **Category 1 Responders**

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

### **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.

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 <sup>2</sup>.

## Regional Resilience Partnerships

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 are a number of Local Resilience Partnerships (LRPs) determined by the RRP themselves.

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.

## Legislative Duties

The Civil Contingencies Act places a number of legal duties upon Category 1 responders. These are:

1. Duty to **assess risk**
2. Duty to **maintain emergency plans**
3. Duty to **maintain business continuity plans**
4. Duty to **promote business continuity**<sup>3</sup>
5. Duty to **communicate with the public**
6. Duty to **share information**
7. Duty to **co-operate**.

The legal duties outlined by the 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.

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<sup>2</sup> In performing their duties under the Act, Category 1 responders must have regard to the activities of voluntary organisations of a certain type (Regulation 17)

<sup>3</sup> This duty refers to Local Authority Category 1 responders only

## **CHAPTER 3 – Integrated Emergency Management: Guidance and Principles**

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The development of resilience in Scotland is based on the principle of Integrated Emergency Management (IEM). The aim of IEM is to develop flexible and adaptable arrangements for dealing with emergencies, whether foreseen or unforeseen. It is based on a multi-agency approach and the effective co-ordination of those agencies. It involves Category 1 and Category 2 responders (as defined in the Act) and also the voluntary sector, commerce and a wide range of communities. Resilience goes far beyond organisations and communities alone, individual responsibility playing a vital part in the establishment of a resilient nation.

This wider approach to the concept of resilience will ensure that we make use of all talents and resources at our disposal and will play a central role in working towards the national outcome of having strong, resilient and supportive communities.

IEM is underpinned by five key activities, namely:

- Assessment
- Prevention
- Preparation
- Response
- Recovery.

These activities do not stand in isolation and each is inextricably linked to the others.

IEM should be integrated both within and amongst organisations. It should be an integral part of how an organisation functions as opposed to being a discrete function within that organisation.

Whilst an individual commitment to this process is important, experience shows that working together greatly increases effectiveness. All involved should therefore ensure that they have explored fully the benefits of collaborative working, training and exercising. In doing this they will gain the benefits of partnership working, maximise effectiveness and, in large part, meet their duty under the Act to co-operate.

A committed and inclusive approach to IEM will allow the skills and knowledge of a wide range of participants to play an active role in building resilience, locally, regionally and nationally. Resilient communities will be better able to prepare for, respond to and recover from a wide range of emergencies as part of a safer and stronger Scotland.

## Assessment

Risk assessment is both an integral component of risk management and a key activity in the emergency planning process.

The initial aspects of assessment are based around the concept of anticipation. The aim, at this stage, is for responders to systematically identify new or changing hazards and threats from both local and wider environments. This process, sometimes known as horizon-scanning, may include political, environmental, social, technological, economic and legal factors.

Having identified relevant hazards and threats, responders must assess the likelihood of such events taking place and the potential impact upon communities. This process allows responders and others to measure risk and to base planning priorities appropriately. It is important that responders have a realistic understanding of the hazards and/or threats<sup>4</sup> for which they should be prepared. As such, assessment is a key part of preparation.

Assessment plays a key role in preparation and response where, for example, a dynamic risk assessment process gives responders an ongoing appreciation of potential or actual risks during an emergency. In addition, assessment plays a role around the longer term issues associated with recovery, providing information for decision-makers around recovery options and the potential community impacts of those options. In this way, whilst assessment remains an important consideration, it generally functions as part of the other key activities.

RRPs in Scotland assess risks to their region and their level of preparedness to deal with the consequences of these risks. They follow guidance set out in the Preparing Scotland spoke: [Guidance for Scotland's Regional Resilience Partnerships \(RRPs\) on Risk and Preparedness Assessments \(RPAs\)](#).

There are four stages to the process:

1. Understanding the context in the region and identifying relevant risks
2. Assessing these risks, using the best available evidence
3. Assessing level of preparedness to deal with the consequences of these risks
4. Communicating with the public.

The UK National Risk Assessment informs much of our work on risk assessment. A Scottish Risk Assessment is being developed to provide a Scottish-focussed tool for emergency planners to use when assessing risks.

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<sup>4</sup> The term "hazards" refers to non-malicious risks (natural disasters and accidents). The term "threats" refers to malicious attacks.

## Prevention

Preparing Scotland guidance is concerned primarily with developing resilience and dealing with consequences rather than causes. In adopting an all-risks approach to developing our response to emergencies, matters of prevention are not addressed in great detail. However, prevention should be viewed as a central element of Integrated Emergency Management to wherever possible 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.

Building the resilience of our critical infrastructure is vital if we are to reduce the vulnerabilities to malicious attack and natural hazards and create a Scotland where our essential services, systems and networks are resilient to all threats and hazards.

A suite of guidance documents is being developed to assist the stakeholder groups of Government, Critical Infrastructure operators and Responders. The primary focus of this guidance is to aid 'Anticipation', 'Assessment' and 'Prevention' work in this area, to improve the resilience of critical infrastructure and the essential services provided. This guidance will be integrated into Preparing Scotland as a spoke when published.

Similar themed guidance has been produced by UK Government and includes the Cabinet Office's *Keeping the Country Running: Natural Hazards and Infrastructure* (see: <http://www.cabinetoffice.gov.uk/infrastructure-resilience>). The Scottish Government contributed to this guidance.

## Preparation

Preparation is a duty under the terms of the Act and a key aspect of responders' efforts to protect the public. It encompasses planning, training and exercising activities.

A robust risk assessment process ensures that any subsequent planning is based on a sound foundation. Plans can be specific or generic in nature as well as being either single or multi-agency. Wherever possible, plans should be simple and should offer flexibility and adaptability. They should include business continuity considerations to ensure that the critical functions of an organisation can be maintained during the emergency.

To ensure their effectiveness, plans should be tested by being regularly and robustly exercised. Thereafter, an effective process should be put into place to ensure that lessons identified from exercises are incorporated into the next generation of plans. Lessons identified from incidents should be identified through a robust debriefing process and similarly incorporated<sup>5</sup>.

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<sup>5</sup> The Scottish Government's Resilience Division coordinates a lessons process to share lessons across the Resilience community and support the learning and application of those lessons.

Plans are put into action by people. People should be clear about their role in an emergency and, where necessary, given training to undertake that role. Good communication and a meaningful training programme are key means of ensuring the engagement and support of the people who will respond during emergencies. Participating in exercises builds confidence and tests arrangements. Voluntary sector organisations which are expected to play a part in coping with emergencies should be included in Training and Exercising programmes. Further guidance on Training & Exercising is available at: [Preparing Scotland: Exercise Guidance](#).

Preparation is not an activity confined solely to responders. Individuals, communities and organisations of every type should consider how best to prepare themselves for emergencies. Responders can play an important role in promoting community resilience, engaging with community groups to help them prepare to play their role responding to emergencies. See [Preparing Scotland: Building Community Resilience](#). The Ready Scotland website ([ReadyScotland](#)) provides a wealth of information and guidance for individuals, for example practical suggestions on preparing for adverse weather or developing a personal emergency plan. Similarly, Ready Scotland provides advice for community groups: [ReadyScotland - My Community](#).

### **Response and Recovery**

Response and recovery can encompass a wide range of diverse activities, often moving at different paces and frequently overlapping. It is usually unhelpful and/or impractical to try and be too precise in distinguishing between them. Recovery considerations should be an integral part of the combined response from the beginning of an incident to ensure an effective overall outcome.

### **Response**

An effective response will, in large part, reflect the preparedness of an organisation prior to an emergency. An organisation which has committed itself to a programme of preparation is much more likely to respond in an effective manner.

Whilst the initial emergency response is normally led by the emergency services, experience has shown that emergencies, even on a relatively small scale, involve a number of organisations. Whilst each agency is likely to have different roles and responsibilities, they will each contribute towards a successful outcome. Irrespective of how effective a single organisation is, operational success will be enhanced by an integrated approach from responding agencies and this is achieved largely through effective coordination.

Generic guidance on responding to emergencies is found at [Preparing Scotland: Responding to Emergencies in Scotland](#).

More specific guidance on a range of response options is available within the wider Preparing Scotland suite of documents.

## Recovery

Experience of emergencies in Scotland has demonstrated the importance of involving the community in its own recovery. Effective communication and support for self-help activities are important considerations for responders. Those coordinating recovery should remain aware that various communities within an area may be affected differently and that new communities of circumstance may be created by the emergency itself. See: [Preparing Scotland: Recovery Guidance](#).

Recovery addresses the human, physical, environmental and economic impact of emergencies. Recovery should be an integral part of the combined response as actions taken at all times can influence the longer term outcomes for communities. It should also include effective responses to the psychosocial and mental health needs of people who are affected by emergencies, including responders and volunteers. See: [Preparing Scotland: Responding to the Psychosocial and Mental Health Needs of People Affected by Emergencies](#)

## **INTEGRATED EMERGENCY MANAGEMENT PRINCIPLES**

The following guidance underpins the principles of IEM and can apply, to greater or lesser degree, to all aspects of preparation, response and recovery.

### **Consequences not Causes**

Whilst emergencies can be caused by a wide range of factors, the effects will often share identical or similar consequences. For instance, care for people issues can arise from a wide range of incidents which share few other characteristics. A flood, a terrorist attack or an industrial incident can all lead to similar requirements for shelter and support to a local community. As a result, many aspects of preparation can be generic in nature, focussing on mitigating the consequences of an emergency whilst, from a planning perspective, paying relatively little attention to the cause of the disruption.

This all-risks approach, concentrating on consequences rather than causes, allows a process of generic planning which can be adapted readily to fit to a wide range of issues around response and recovery.

### **Adaptability**

Whilst the all-risks approach is effective, it should be noted also that each emergency will have unique aspects, some of which may be unforeseen. In this context, the ability to be flexible and adaptable is a crucial quality.

Emergencies cannot always be accurately predicted and responders must always be ready to adapt plans to suit a situation unfolding in an unforeseen way. This flexibility will ensure that incidents are handled in a manner appropriate to the circumstances rather than rigidly following a plan to the detriment of the response.

Responders should be aware, however, that veering substantially from agreed plans does carry some risk around potential gaps in the training and knowledge of personnel. Clear guidance to staff will minimise these risks.

In a similar manner, partner agencies are likely to have expectations based around previously agreed plans. If these plans are not being followed then communication with partner agencies, important in all incidents, becomes vital.

### **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. Establishing a resilient emergency response is not simply the domain of emergency planners but should be seen as an integral part of corporate governance and business planning at all levels.

When an emergency occurs, those responsible for managing the response phase can face conflicting demands and pressures. Many organisations may be involved,

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often with specific roles and responsibilities. Whilst it is essential for managers to establish clear aims and objectives for the response, this should be done in conjunction with the aims of other partner agencies to avoid silo-based working and maximise the benefits of an integrated multi-agency approach.

As the immediate objectives of the response phase are achieved, the wider objectives of the recovery phase will assume greater importance. Whilst this process may involve a shift in leadership, typically from Police Scotland to Local Authority, this too needs an equally clear sense of direction to achieve its aims.

Clear audit processes around cost and decision-making will be important for all agencies involved, especially in the context of cost recovery.

A robust debrief process supports the identification of potential improvements in performance. This is generally referred to as “lessons identified” and provision should be made to incorporate such lessons into future planning.

The decisions made by those giving direction are likely to be the subject of scrutiny in the post-incident phase. Records or logging of these decisions and, where appropriate, the rationale behind them may be the subject of investigation during any subsequent inquiry. Accurate record-keeping in this regard will assist those involved.

Records may be subject to the legislative provisions of, for instance, the Freedom of Information (Scotland) Act 2002 and the Data Protection Act 1998.

### **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.

The majority of incidents are dealt with at the local level with little or no regional or government involvement. This approach has proven to be robust in Scotland.

However, in the event of an emergency (as defined by the Act), arrangements should be made to inform the Scottish Government as soon as it is reasonable to do so. As the emergency develops, Scottish Ministers will need detailed and up to date information about the effective progress of the response.

### **Continuity**

It is important that organisations develop individuals with expertise in the context of resilience. These personnel will ensure that a professional ethos underpins an organisation’s approach to matters of resilience.

Resilience does not however depend on a large establishment of civil contingencies experts. What individuals do in their day to day roles should form the basis of their role in an emergency.



Planning should therefore ensure that, wherever possible, individuals, organisations and groups of organisations use the skills they already have to meet the urgent needs of communities at times of crisis.

Whilst the concept of continuity is sound, people may require additional training to meet the demands of some emergencies. This training requirement will be guided by the experience and knowledge within responder organisations and will generally be mediated through the cadre of resilience experts. The multi-agency nature of resilience should be a consideration in the development of such training.

Personnel should be fully aware of their role in an emergency. It is pointless making preparations if people are unaware of their respective roles and/or are not trained to perform effectively. 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.

### **Responsibility**

Category 1 and, to a lesser extent, Category 2 responders have legal obligations under the terms of the Act and other legislation. However, responsibility for developing resilience is not confined to those organisations.

Faced by challenging emergencies, responders may be forced to prioritise resources, thereby offering less immediate support to some individuals or communities. This is not an admission of failure but an acknowledgement of the reality of emergency situations.

Given this reality, businesses, communities and individuals must also bear a responsibility for their own resilience. The two key strands in this area are those of business continuity and community resilience. Whilst Local Authorities have a legal responsibility regarding the promotion of business resilience, other Category 1 responders should assist where possible.

All responders should support the development of community resilience and associated activity, applying and encouraging an innovative approach throughout. Guidance on many aspects of personal and community resilience can be found at [ReadyScotland](#).

### **Integration**

Experience has shown that emergencies, irrespective of scale, will involve a number of 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.

Multi-agency groups which come together to co-ordinate emergency response are referred to as Resilience Partnerships and organisations should ensure representation is appropriate to best manage the response. It is not necessary for all organisations to be represented at the same level or rank but all participants in a multi-agency meeting should be empowered to take decisions and if necessary

commit resources on behalf of their organisation. It is expected that the Resilience Partnerships, at whatever level, should consist of those individuals who are best placed to deliver the required outcomes **and the most effective response**.

Clear direction during preparation should ensure that emergency management structures and procedures are agreed in advance and supported by training and exercising. Consistency in the structures established by each Resilience Partnership will facilitate closer working across boundaries and within Scottish Government.

During the response phase these structures will assist responders to manage the multi-agency nature of the response, make joint decisions and act in a unified manner.

During the recovery process, the joint nature of the arrangements becomes no less important, especially given the likely involvement of a wide range of people from within the affected communities.

All of the foregoing depend on relationships marked by mutual trust and understanding. An open, inclusive and positive approach to resilience is essential to a successful outcome. This will be enhanced by close co-operation in preparation, training and exercising of the arrangements for co-ordination. The LRPs have a key role in ensuring local arrangements are in place and promoting wider awareness of the roles and responsibilities of their members.

### **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.

During preparation, clear communication within and between all partner agencies will allow them to give expert advice pertinent to their role, outline their concerns and contribute to the planning process in general.

Establishing effective communication structures in the preparation phase will greatly facilitate the initial stages of an emergency response. Training and exercising in these structures is therefore vitally important. This training should address internal and external communications as well as the critical links within the multi-agency framework.

Accurate and timely information is always at a premium during emergencies. The nature of emergencies and the demands of emergency response place significant pressures on communication. Clarity and brevity are therefore key qualities of effective communication and responders should strive toward this in preparation and response.

Any emergency, actual or potential, will result in public and media interest. Large numbers of requests for information and social media traffic can overwhelm an organisation. Responders should have arrangements in place to ensure that the public is regularly informed of essential facts throughout the emergency. This

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should, where possible, include relevant contact details. It is vital that responding agencies consult and co-operate through Public Communication Groups (PCGs) representatives in the dissemination of public information as consistent and clear messages will assist in achieving public re-assurance.

In the recovery phase, clear communication lines with the public will ensure that they feel involved as participants in the recovery process.

The Scottish Government plays an important role in public communication. As well as local responders and many other organisations, government is well placed to provide advice and information about emergencies. In support of this, a strong communication process between responders and the Scottish Government helps ensure clarity and the effective provision of advice and information both to the public and to the media. In the event of an emergency, the public will often turn to the Scottish Government and to responders for information and reassurance about the emergency and the response to it. Those involved in this should engage early and effectively to ensure that messages are consistent and of maximum help to the public.

Guidance on communications and engagement with the public is available at:  
[Warning and Informing Scotland: Communicating with the Public](#)

## CHAPTER 4 – Management Structures

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Response to every emergency requires to be tailored to the particular circumstances prevailing. These circumstances will dictate the appropriate level of management required. The key principle is having ***the right people in the right place at the right time***.

Resilience Partnerships or individual organisations may find it helpful to structure the management of emergency response based upon a framework of three ascending levels, namely **Operational, Tactical** and **Strategic**. Operational, Tactical and Strategic are sometimes referred to as Bronze, Silver and Gold. However, to ensure an effective response, it is expected that membership of the Resilience Partnerships, at whatever level, should consist of those individuals who are best placed to deliver the required outcomes and the most effective response.

It is important to note that not all tiers, single or multi-agency, will necessarily be convened for all emergencies. The principle of subsidiarity should apply; that is the control of the emergency should be exercised at the lowest practical level with coordination at the highest level necessary.

The framework is based around the concepts of command, control and co-ordination and communication. The meaning of these terms is as follows:

- **Command** is the authority for a responder to direct the actions of its own personnel and equipment
- **Control** is application of command to direct operations in order to complete an assigned function
- **Co-ordination** is the organisation of the activity of responders to enable effective joint working in response to and recovery from an emergency.
- **Communication** is the passage of clear unambiguous and timely information relevant to an emergency situation to achieve shared situational awareness.

Operational, Tactical and Strategic tiers are based upon levels of decision not status. Membership of Resilience Partnerships is based on the right people from each organisation coming together at the right time to make the appropriate decisions and ensure an effective and coordinated multi-agency response.

The procedures for mobilising Resilience Partnerships will be flexible and adapted to the circumstances. In some emergencies the process will be sequential, reflecting decisions taken during the response. In others, the structures may be put in place simultaneously at different levels, reflecting the nature of the emergency.

## **Operational**

Operational is the level at which the management of immediate “hands-on” work is undertaken at the site(s) of the emergency or other affected areas. First responders will act on delegated responsibility from their parent organisation until higher levels of management are established.

Personnel first on the scene will take immediate steps to assess the nature and extent of the problem. Operational commanders will concentrate their effort and resources on the specific tasks within their areas of responsibility, for example, the police may concentrate on establishing cordons, traffic control and evidence gathering whilst ambulance personnel may undertake immediate triage and treatment of the injured. In most, but not all, instances, the police will co-ordinate the operational response at an identifiable scene and each agency must strive to ensure an integrated effort.

Under some circumstances the temporary transfer of one organisation’s personnel or assets to the control of another organisation may be appropriate. In these circumstances, individual agencies retain command over their own resources and personnel deployed at the scene.

Having control carries with it the responsibility for the co-ordination of the required health and safety arrangements.

These arrangements will usually be adequate to deal with most events or situations. If, however, events demand greater planning, co-ordination or resources, an additional tier of management or coordination may be necessary. A key function of an operational manager or commander will be to consider whether circumstances warrant an additional level of management and to advise accordingly.

If additional management or coordination is required, operational managers become responsible for implementing the tactical plan within their geographical and/or functional area of responsibility. To discharge this successfully, operational managers need to have a clear understanding of the tactical manager/commander’s intent and plan, their tasks, and any restrictions on their freedom of action, on which they in turn can brief their staff.

## **Tactical**

The purpose of tactical management is to ensure that actions taken at the operational level are co-ordinated, coherent and integrated in order to maximise effectiveness and efficiency.

Where the responding agencies involved appoint tactical commanders or managers, consideration must be given to how they and their personnel will communicate and co-ordinate with each other.

When an emergency requires a tactical level of management, a Resilience Partnership (RP) should be established. The RP is the forum at which the tactical plan is agreed and implemented, with an agreed common aim and objectives.

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The RP is likely to be based at a site remote from the emergency, for instance an emergency control centre or similar. This should be at the most appropriate location to carry out the function required of the RP, allowing where possible the convenient attendance or dial-in of all appropriate responder representatives. The multi-agency response is often located at a Multi-Agency Command Centre (MACC) within a Police Scotland building although this is not always the case.

In the event that co-location of the Resilience Partnership is not possible, appropriate communications or representation to ensure a co-ordinated response at the tactical level is essential. For example it may be desirable or necessary to hold Resilience Partnership meetings via teleconference or video conference.

When an emergency occurs without a specific scene (e.g. disruption to the fuel supply or an overseas emergency with domestic effects), a Resilience Partnership may still be required to deliver effective multi-agency co-ordination.

Working in co-ordination, the Resilience Partnership will:

- determine priorities for allocating available resources
- plan and co-ordinate how and when tasks will be undertaken
- obtain additional resources if required
- assess significant risks and use this to inform tasking of operational commanders
- mitigate risks to the health and safety of the public and personnel.

Although each of the most senior officers at the tactical level will have specific service or agency responsibilities, together they must deliver jointly the overall (or tactical if a strategic group is also set up) multi-agency management of the incident and ensure that operational commanders have the means, direction and co-ordination required to deliver successful outcomes. Unless there is an obvious and urgent need for intervention, they should not become directly involved in the detailed operational tasks being discharged by the operational level.

The chair of the RP must create time for regular briefing, consultation and tasking meetings with counterparts and key liaison officers. To support the chair and other members in these functions responders may consider the creation of a support group to assist with administration.

The tactical level response can be complex and involve a wide range of agencies including national agencies. Most emergencies can be managed successfully by this level of support without the need for recourse to a strategic level of management.

Resilience Partnerships can be used to co-ordinate the work of other groups, such as the Care for People Group and/or the Public Communications Group. This is a matter for responders to decide.

Resilience Partnerships will adopt a generic strategy based upon the following:

- protect human life
- protect property and the environment
- minimise the harmful effects of the emergency
- support the local community and its part in the response and/or recovery
- promote a swift return to normality or a state as close to normality as is practicable.

In those cases where it becomes clear that the complexity or scale of an emergency requires resources, expertise or co-ordination beyond the capacity of the tactical level (e.g. where there is more than one scene or incident), it may be necessary to invoke the strategic level of management to take overall command and set the strategic direction. Once this occurs, tactical commanders will direct operations within the context of any direction or parameters set by the strategic group.

### **Strategic**

In very large scale emergencies or where there are substantial resource or reputational issues it may be necessary for Resilience Partnerships to consider decisions at a strategic level. The purpose of the strategic level is:

- to consider the emergency in its wider context
- determine longer-term and wider impacts and risks with strategic implications
- define and communicate the overarching strategy and objectives for the emergency response
- establish the framework, policy and parameters for lower level tiers
- monitor risks, impacts and progress towards defined objectives.

RP meetings at the strategic level must comprise representatives of appropriate seniority and authority who are empowered to make executive decisions in respect of their organisation's resources. In a long-running emergency, the need for personnel to hand over to colleagues will undoubtedly arise. This underlines the necessity for each organisation to select, train and exercise sufficient senior individuals who are capable of fulfilling this role.

Lessons identified from emergencies show that establishing the strategic level at an early stage on a precautionary basis can be helpful in ensuring local responders are ready if a situation suddenly worsens. Precautionary strategic management need not physically convene at the outset but can instead use other appropriate means to share and assess information on the extent of the emergency.

Emergencies can place considerable demands on the resources of responding agencies and can pose significant challenges in terms of business continuity management. Furthermore, they may have long-term implications for communities, economies and the environment. These require the attention of top level management.

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The Resilience Partnership will take overall responsibility for the multi-agency coordination of the emergency and to establish the policy and strategic framework within which lower tier command and co-ordinating groups will work. It will:

- determine and promulgate a clear strategic aim and objectives and review them regularly
- establish any parameters within which any tactical groups are to operate in the management of the event or situation
- prioritise the requirements of the tactical tier and allocate personnel and resources accordingly
- formulate and implement media-handling and public communication plans, potentially delegating this to one responding agency
- assess the need to adjust normal business priorities in the light of competing resource demands created by the emergency
- direct planning and operations beyond the immediate response in order to facilitate the recovery process.

The requirement for strategic management may not apply to all responding agencies owing to differing levels of demand. This may also vary at different stages of the response and/or recovery. However, emergencies almost always require multi-agency co-ordination and rarely remain entirely within the ambit of a single agency. It may, therefore, be appropriate for an agency not involved at a strategic level to send liaison officers to meetings of the group. Should it become apparent that strategic involvement is required of an agency, representatives empowered to make executive decisions for their organisations will need to replace liaison officers.

Strategic meetings of RPs should be based at an appropriate location away from the scene.

### **Counter Terrorism Structures**

In an incident involving terrorism there is likely to be an ongoing counter-terrorism operation alongside the consequence management/recovery issues pertaining to the incident. The counter-terrorist operation will require a strategic level of command, aspects of which will run alongside consequence management/recovery issues.

Care must be taken to ensure that decisions made in one aspect do not adversely affect the other and there should be clarity around spans of responsibility and associated decision-making. In such circumstances protocols may be required regarding the sharing of information, delineation of responsibilities and a process by which any issues involving both groups can be resolved.



# **CHAPTER 5 – Resilience Governance Arrangements in Scotland**

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This chapter sets out resilience governance structures in Scotland. It is broken into two parts: the 'preparation' stage and the 'response/recovery' stage, highlighting the bodies involved and their respective roles.

## **Preparation**

### **Cabinet Sub-Committee: Scottish Government Resilience CSC (SGoR)**

In preparation, 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 taking forward of new legislation.

### **The Scottish Resilience Partnership (SRP)**

The Scottish Resilience Partnership (SRP) 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 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.

## **Response/Recovery**

### **Scottish Government Resilience (Ministerial): SGoR(M)**

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 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 about precisely what elements need to be activated. An essential element of a national response will be

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the activation of the Scottish Government Resilience Room (SGoRR). Resilience Partnerships will be advised of the activation of SGoRR as soon as is practicable.

### **Scottish Government Resilience (Officials): SGoR(O)**

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.), plus external members on occasion. It will:

- analyse information received by the SG 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)
- ensure co-ordination of Scottish Government activity.

### **Scottish Government Resilience Room (SGoRR)**

When the scale or complexity of an emergency is such that some degree of central government co-ordination or support becomes necessary, 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:

- provide strategic direction for Scotland
- co-ordinate and support the activity of SG Directorates
- collate and maintain a strategic picture of the emergency response with a particular focus on response and recovery issues
- brief Ministers
- ensure effective communication between local, Scottish and UK levels, including the co-ordination of reports on the response and recovery effort
- support response and recovery efforts as appropriate, including the allocation of scarce Scottish resources
- determine the Scottish Government's public communication strategy and co-ordinate national public messages in consultation with Resilience Partnerships and other key stakeholders
- disseminate national advice and information for the public, through the media
- if appropriate, liaise and work in partnership with the UK Government.

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.

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.

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It will gather and process information from external responders, either directly or via Resilience Partnerships and disseminate it to SGoR(O).

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

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.

### **Scottish Government Communications Team**

The designated communications team will support Ministers in dealing with the media. Its leader will usually be located in SGoRR.

### **Scottish Government Liaison Officers (SGLO)**

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.

### **UK Arrangements**

When the particular circumstances of an emergency require co-ordination and support from the UK Government, the Cabinet Office will consider mobilising UK Government plans. If the decision is to mobilise those plans, links will be established with the Scottish Government's corporate arrangements.

Where required, the Cabinet Office will appoint the most appropriate lead department to handle the emergency.

Further details of the UK Government's emergency response can be found at <https://www.gov.uk/guidance/emergency-response-and-recovery#central-government-arrangements>

### **The Cabinet Office Briefing Room (COBR)**

The UK Government maintains dedicated crisis management facilities within COBR. These facilities provide a venue for collective decision-making and communication during emergencies. Officials in COBR will identify options and prepare advice on the issues on which UK Ministers will need to focus.

COBR is fully activated in the case of emergencies with wide or prolonged impacts requiring sustained support from a number of UK departments and/or the Scottish Government. For example, this would apply to emergencies such as a significant

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terrorist attack, a serious outbreak of animal disease or emergencies affecting large numbers of British citizens overseas.

For emergencies affecting Scotland, links would be established with the Scottish Government. Scottish Ministers and officials would attend COBR and the Scottish Cabinet will inform, advise and take account of the decisions made by UK Ministers.

In response to the most serious emergencies affecting the UK the Home Secretary or Prime Minister would chair meetings of COBR.

In the exceptional case of a state of emergency being invoked under the emergency powers provisions of the Civil Contingencies Act, the function of the UK Government may change from consultation and co-ordination to empowered direction. A Scottish Emergency Co-ordinator would be formally appointed with powers to lead and direct a response.

### **Liaison between the UK Government and the Scottish response**

In certain emergencies, a UK Government Liaison Team (GLT) may be despatched to liaise with the appropriate responder agency. The GLT will be a multidisciplinary team led by a UK Government Liaison Officer (GLO).

## **CHAPTER 6 – Emergency Powers**

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Emergency powers, which are reserved, allow the UK Government to make special temporary legislation (emergency regulations) as a last resort in the most serious of emergencies where existing legislation is insufficient to ensure a properly effective response. Emergency regulations may make provision of any kind that could be made by an Act of Parliament or by exercise of the Royal Prerogative, so long as such action is needed urgently and is both necessary and proportionate in the circumstances.

The regulations may extend to the whole of the UK or to any one or more of the English regions and/or Scotland, Wales and Northern Ireland. In Scotland a Scottish Emergency Co-ordinator will be appointed to co-ordinate the handling of the emergency. Emergency Co-ordinators may be appointed for Wales and Northern Ireland and, in the English regions, Regional Nominated Co-ordinators will be appointed.

Emergency powers ensure the Government can respond quickly in emergency situations where new powers are needed and there is not sufficient time to legislate in the usual way. They ensure the Government can act legally and accountably in situations where temporary new legal provision is required without the time for Parliament to provide it beforehand.

Emergency powers are not a substitute for effective planning and investment; they are a last resort safety net for when existing powers prove insufficient. Their use cannot be guaranteed in any given situation and there are clear limits on what they may do.

### **When emergency powers may be used**

The Act states that emergency powers can only be used if an event or situation threatens:

- serious damage to human welfare in the UK, a devolved territory or English region
- serious damage to the environment of the UK, a devolved territory or English region
- war or terrorism, which seriously threatens the security of the UK.

They can be used if such a situation is occurring, has occurred or is about to occur. They can therefore be used pre-emptively to attempt to prevent or limit an expected emergency, to address an emergency while it is taking place and/or to deal with its aftermath and facilitate the return to normality.

If the situation or event is so serious as to warrant consideration of use of the powers then the decisive factor will be whether existing powers that could be used to deal with it are insufficient or ineffective. If these powers are sufficient, emergency powers cannot be used, no matter how serious the emergency.

The decision to use, or not use, emergency powers, is a matter for the UK Government.

## **How emergency powers are invoked**

Emergency regulations are made by Her Majesty by Order in Council on the advice of her ministers. If, for whatever reason, this is not possible without serious delay, a senior minister of the Crown may make the regulations by order. The regulations must then be laid before the UK Parliament as soon as is reasonably practicable. If approved by Parliament, the regulations may stay in force for up to 30 days beginning on the day on which they are made, but can be renewed for a further 30 days at any point during or after, this period if emergency powers remain necessary.

## **What they will do**

What emergency regulations will contain will depend on the circumstances of the emergency. The types of provision which may be made are set out at section 22 of the Civil Contingencies Act. The person making the regulations must consider their provisions to be appropriate for the purpose of preventing, controlling or mitigating an aspect of the emergency at which they are aimed; so not all of the powers in section 22 will be apposite in every case.

Any decision to make regulations and the content of the regulations, will be entirely dependent upon the unique circumstances of a particular emergency.

## **Requesting the use of emergency powers**

The decision to use emergency powers and the content of emergency regulations, are matters for the UK Government. It will assess any requests made for their use. Any such requests will have to clarify:

- what powers are requested and who should exercise them
- why existing powers and alternative approaches (such as a voluntary approach) will be insufficiently effective
- how the powers will be used and why this is necessary
- the implications of not having such powers on response efforts
- who will be affected by the powers, how they will be affected and any human rights issues raised
- what safeguards should be included to ensure the powers are proportionate to the emergency.

The Government will assess requests based upon its overall response strategy and the safeguards laid out in the Civil Contingencies Act. It should be borne in mind

that emergency powers are a last-resort option for dealing with only the most serious of emergencies with wide scale effects. The presumption is against their use.

## **Emergency Co-ordinators**

If emergency powers are used, emergency regulations must require a senior Minister of the Crown to appoint a Scottish Emergency Co-ordinator. In practice, the appointment will be made in consultation with the First Minister or an appropriate deputy. The post-holder will facilitate co-ordination of activities under the emergency regulations. Similar posts may be appointed elsewhere as described above.

The role and functions of the Co-ordinator will depend on the nature of the emergency and the response strategy adopted. The role may be very hands-off – overall strategic co-ordination and a public face for the media – or more hands-on, with the emergency regulations granting the Co-ordinator specific powers.

The Co-ordinator will act under the direction of the senior UK minister of the Crown who will be responsible to the UK Parliament for their actions. The Co-ordinator will act within the parameters set by the emergency regulations, by their terms of appointment and by the senior minister of the Crown. Once appointed the Scottish Emergency Co-ordinator will be supported by SGoRR and, if needed, resources allocated by the Scottish Government. They will chair meetings of SGoRR.

## **Section 2 - Mandatory Requirements and Recommended Good Practice**

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### **Introduction and purpose**

This section sets out:

- the mandatory requirements, as described in the Act and the Regulations (see below), for Category 1 and Category 2 responders
- a range of issues and recommended good practices that responders, and occasionally others, should consider as they work to fulfil their duties and wider resilience objectives
- some suggested indicators of good practice, supporting assessment of performance and effective, ongoing realisation of regulatory obligations.

This guidance is aimed first and foremost at those bodies that have duties under civil contingencies legislation. Whilst the guidance aims to cover the full range of duties and associated good practices, it should not be considered exhaustive or as a substitute for each organisation having a thorough understanding of legislation in relationship to its role and obligations, both on an individual and collective basis.

### **The Civil Contingencies Act 2004**

The Civil Contingencies Act 2004 (“the Act”<sup>6</sup>), 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 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.

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<sup>6</sup> [http://www.opsi.gov.uk/acts/acts2004/pdf/ukpga\\_20040036\\_en.pdf](http://www.opsi.gov.uk/acts/acts2004/pdf/ukpga_20040036_en.pdf)



## **The Civil Contingencies Act 2004 (Contingency Planning) (Scotland) Regulations 2005**

In Scotland, the Civil Contingencies Act 2004 (Contingency Planning)(Scotland) Regulations 2005 (“the Regulations” <sup>7</sup>) as amended in the Civil Contingencies Act 2004 (Contingency Planning)(Scotland) Amendment Regulations 2013 sets out further detail on the application of the Act in Scotland, with particular regard to the duties and roles of responders.

Whilst responsibility for most resilience and civil contingencies matters is devolved, some key issues, such as national security, counter-terrorism and energy policy, are reserved to the UK. In 2006 the UK and Scottish governments agreed a concordat to ensure effective cooperation on civil contingencies issues and consistent application of the Act across the UK. Whilst this is not a legally binding document, there is a strong expectation that both governments will continue to observe its terms.

### **Definition of emergency**

The Act’s concern is how to deal with the consequences of emergencies, which it defines as events or situations that threaten serious damage to:

- **human welfare.** For example, loss of life, injury, illness or homelessness; disruption to food, money or energy supplies; disruption to communication systems, transport systems or health services
- **the environment.** For example, contamination of land, water or air with biological, chemical or radioactive matter or the destruction of animal or plant life
- **the security of the UK.** For example acts of war or terrorism.

There is no further definition of serious damage in the Act, however, Category 1 responders shall apply their duties if an emergency would be likely seriously to obstruct a responder in the performance of its functions, or it is likely that the responder would consider it necessary or desirable to take action to prevent the emergency, to reduce, control or mitigate its effects or otherwise in connection with it, and the responder would be unable to take that action without changing the deployment of resources or acquiring additional resources. See Section 2 (1) (2) of the Act.

An emergency inside or outwith the UK is covered by the Act and the Regulations, provided it has consequences in the UK.

### **Responders**

The Act imposes specific duties on two categories of responders:

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<sup>7</sup> [http://www.opsi.gov.uk/legislation/scotland/ssi2005/ssi\\_20050494\\_en.pdf](http://www.opsi.gov.uk/legislation/scotland/ssi2005/ssi_20050494_en.pdf)

- **Category 1 responders** are defined as the police, ambulance, fire and rescue services, local authorities, NHS Health Boards, the Scottish Environment Protection Agency and the Maritime and Coastguard Agency. Whilst the majority of Category 1 responders operate exclusively within Scotland, some have a broader range. For example the responsibilities of the Maritime & Coastguard Agency extend to the entire UK.
- **Category 2 responders** are defined as gas and electricity companies, rail and air transport operators, harbour authorities, telecommunications providers, Scottish Water, the Health and Safety Executive and NHS National Services Scotland.

The Act refers to the roles and duties of Category 1 responders as “functions” (Section 2(1) (c) & (d)). Functions are described as “any power or duty whether conferred by virtue of an enactment or otherwise” (Section 18(1)). This includes statutory duties and discretionary powers, as well as common law powers that relate to the business of the responder.

Whilst the Act places specific duties on these two categories of responders, it states also that other organisations, such as the voluntary and private sectors, can have an important role to play in consolidating our overall resilience and contributing to effective preparation for, response to and recovery from an emergency incident.

Whilst responsibility rests first and foremost with the responders that have statutory duties under the Act, there may be instances where the scale or nature of the event means that the Scottish Government (or, possibly, the UK government) is best placed to coordinate the emergency. Examples of this may include incidents that affect a wide geographical area, possibly escalating to national and/or transnational<sup>8</sup> scale or that put very intense pressures on local responders.

### **The seven duties of the Civil Contingencies Act**

There are seven main duties under Part 1 of the Act, aimed at ensuring effective arrangements are in place for planning for emergencies, responding to emergencies and the continued delivery of services.

The following tables set out:

- mandatory requirements under the Act and the Regulations
- issues to consider and recommended good practice
- suggested indicators of effectiveness.

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<sup>8</sup> Transnational: meaning other UK and/or international nations.

The tables cover the Act's seven duties:

1. Duty to **assess risk**
2. Duty to **maintain emergency plans**
3. Duty to **maintain business continuity plans**
4. Duty to **promote business continuity**
5. Duty to **communicate with the public**
6. Duty to **share information**
7. Duty to **co-operate**.

### **Other Legislation**

Other legislation exists which shares the characteristics and practices of civil contingencies legislation, notably:

- Control of Major Accident Hazards Regulations 2015 (COMAH)
- Pipelines Safety Regulations 1996 (PSR)
- Radiation (Emergency Preparedness and Public Information) Regulations 2001 (REPPIR).

Duties imposed by the Act or the Regulations need not be performed in relation to an emergency within the meaning of the above legislation (Regulation 9). However, whilst there are specific legislative demands posed by COMAH, PSR and REPPIR, there is much within civil contingencies activity which will be relevant to this other legislation.

Preparation, response and recovery processes developed by responders in the context of the Act and the Regulations will, in large part, be applicable to the demands of COMAH, PSR and REPPIR and the potential hazards associated with this legislation. There is no requirement to duplicate planning and preparation required by both sets of legislation.

i) DUTY TO ASSESS RISK

**Mandatory requirements: Category 1 Responders must:**

1. From time to time assess the risk of an emergency occurring - *Section 2(1)(a)*<sup>9</sup> - **but** need only perform this duty in relation to an emergency which affects or may affect the area in which the organisation exercises its functions - *Regulation 10*<sup>10</sup>.

2. From time to time assess the risk of an emergency making it necessary or expedient for the organisation to perform any of its functions - *Section 2(1)(b)*.

3. Consider whether a risk assessment is necessary in relation to an emergency or type of emergency. A risk assessment is necessary if:

- the emergency would be likely to seriously obstruct the performance of your functions - *Section 2(2)(a)*
- **the organisation considers it necessary or desirable to take action to prevent the emergency, to reduce, control or mitigate its effects or take other action in connection with the emergency**
- **the organisation would be unable to act without changing the deployment of resources or acquiring additional resources - *Section 2(2)(b)*.**

4. Take into account any guidance and adopt any assessment issued by Scottish Ministers in relation to:

- the likelihood of a particular emergency or emergency of a particular kind occurring
- the extent to which such an emergency would or might cause damage to human welfare or the environment in Scotland or the security of the UK - *Regulation 11*.

5. Co-operate with other Category 1 responders operating in your Regional Resilience Partnership (RRP) area to maintain a Community Risk Register (CRR) - *Regulation 12 (1)*. This involves:

- from time-to-time sharing your individual risk assessments, where possible, with the other Category 1 responders in your RRP area - *Regulation 12(2)*;
- having regard to the CRR when producing your own risk assessments - *Regulation 12(4)*.

<sup>9</sup> References to "Sections" relate to the Civil Contingencies Act 2004

<sup>10</sup> References to "Regulations" relate to the Civil Contingencies Act 2004 (Contingency Planning) (Scotland) Regulations

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6. Arrange for the publication of any risk assessments made where publication is necessary or desirable to:

- prevent an emergency
- reduce, control or mitigate the effects of an emergency
- enable another action to be taken in connection with an emergency - *Section 2(1)(f)*.

### Issues to consider and recommended good practice (duty to assess risk):

7. Adopting a systematic risk assessment process for threats and hazards<sup>11</sup> in the local area. This process should cover:

- the context within which risks exists. This includes:
  - area-specific health, social, economic, and environmental factors
  - the wider risk context, drawing on government guidance (Scottish and UK, as appropriate)
- the likelihood of occurrence
- possible impacts
- capabilities that exist to prepare for, respond to and recover from emergencies caused by the identified threats and hazards
- the identification of potential capability and capacity gaps
- the sharing of information amongst all relevant bodies.

The risk assessment process should be monitored and reviewed on a regular basis and in accordance with guidance below.

For further information see [Guidance for Scotland's Regional Resilience Partnerships \(RRPs\) on Risk and Preparedness Assessments \(RPAs\)](#)

8. Reviewing the Risk and Preparedness Assessments and the public-facing Community Risk Register (CRR) and individual risk assessments as often as is necessary to ensure that you are in a reasonable position to maintain and update your emergency and business continuity plans and comply with your CCA duties.

9. Setting up a regional multi-agency group to co-operate in the risk assessment process for the area and to develop and maintain the Risk and Preparedness Assessment and the public facing Community Risk Register (CRR).

10. Being aware of potential security considerations around some risk related matters - notably but not exclusively relating to threats - and ensure information is handled appropriately.

11. Within the constraints of information security, consulting widely (internally and externally) during the risk assessment process.

<sup>11</sup> 'Threats' relate to malicious risks; 'hazards' relate to natural or non-malicious risks.

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12. Consultation could include (but is not restricted to):

- key officers responsible for delivering your organisation's functions in an emergency
- Category 1 and 2 responders
- Scientific/subject matter experts – both from national agencies and academia
- the voluntary sector or parts of the wider community
- Scottish Government policy officials.

13. Taking account of “out of area” hazards (including across RRP boundaries, national or transnational <sup>12</sup>) which could affect your organisation and its locality.

14. Sharing the area's RPA with neighbouring Category 1 responders in contiguous resilience/RRP areas and publishing your CRR.

15. Considering sharing your RPA, or sections of it, with other non-neighbouring resilience areas.

16. Ensuring that the Scottish Government is kept properly apprised of risk assessment in your area and by your organisation and are sent a completed Regional RPA annually.

### Indicators of good practice (duty to assess risk):

17. Collectively, being able to demonstrate that responders in the area work together effectively, maximising the use of relevant expertise and avoiding duplication of effort.

18. Being able to provide documentary evidence of a regular process for monitoring, reviewing and updating risk assessments. This should include:

- audit trails recording any updates made
- version control
- a list of contributors
- reference and list sources used (including government guidance).

19. Being able to demonstrate that your risk assessment – as an organisation and collectively within the area – is based on a rigorous analysis of threats and hazards within the organisational and local context.

20. Being able to show how your risk assessment – as an organisation and collectively within the area – aligns with national risk assessments (Scottish and UK, as appropriate) and more generally with relevant government guidance.

<sup>12</sup> Transnational: meaning other UK and/or international nations.

ii) DUTY TO MAINTAIN EMERGENCY PLANS

**Mandatory requirements: Category 1 Responders must:**

1. Maintain plans for the purpose of ensuring that, if an emergency occurs or is likely to occur, the organisation is able to continue to perform its functions so far as is necessary or desirable for the purpose of:

- preventing the emergency
- reducing, controlling or mitigating its effects
- taking other action to be taken in connection with it - *Section 2(1)(d)*.

2. Maintain plans which relate to more than one emergency or particular kind of emergency and *may* maintain plans relating to a particular emergency or kind of emergency – *Regulation 15*.

3. Consider whether it would be appropriate to plan by way of a multi-agency plan – *Regulation 16*.

4. In planning for emergencies, have regard to the activities of the relevant voluntary organisations – *Regulation 17(1)*.

5. Include a procedure for determining whether emergency or business continuity plans require to be implemented, and must identify the person or persons responsible for taking that decision – *Regulation 18*.

6. Include arrangements for the carrying out of exercises to ensure the plan is effective – *Regulation 19(a)*.

7. Provide training to an appropriate number of staff considered necessary to carry out plans effectively – *Regulation 19(b)*.

8. Consider whether plans should be modified in the light of guidance and/or assessment made by Scottish Ministers under Regulation 11 – *Regulation 20*.

9. Have regard to the importance of not alarming the public unnecessarily when undertaking its duty to publish plans – *Regulation 21*.

**Issues to consider and recommended good practice (duty to maintain emergency plans):**

10. Ensuring that plans:

- are concise and easy to use. (Plans will need to be read and understood in challenging situations. They should introduce the reader to the topic in logical steps)
- use consistent unambiguous terminology – avoid jargon, especially any which is unique to an organisation
- include references to other sources of information and supporting documentation
- allocate ownership for key tasks
- contain realistic planning assumptions
- have a review process and version control.

11. Including information on:

- **Why the plan is needed** – plan description, its purpose and, where appropriate, some reference to the risk assessment on which the plan is based
- **How the plan works** – the main elements of the plan in hierarchy of importance, how activities will be coordinated, main facilities, equipment, locations and communications, how additional resources may be obtained if required
- **Who has responsibility in the plan (by title)** – the main emergency teams (from both within and outside the organisation), their roles and responsibilities
- **When the plan will be activated** – procedures for alerting, placing on standby and activating teams and a procedure for determining when an emergency has occurred
- **What will be done and by whom** – specific actions to be taken and how these contribute to the overall response, check-lists or aide memoirs
- **include a communications strategy** - i.e. a communication plan, including contact details and how to communicate with stakeholders
- **How to support staff** – training, exercising, briefings
- **A measure or standard** against which performance can be assessed
- Crisis management from **response through to recovery**.

12. Whether to produce generic plans which relate to more than one emergency, specific plans which relate to a particular emergency or type of emergency or a mixture of both.

13. Considering the extent to which particular types of emergencies will place demands on your resources and capacity.

14. Giving vulnerable people (people who are less able to help themselves in the circumstances of an emergency) special consideration when producing plans. [Preparing Scotland: Scottish Guidance on Preparing for Emergencies: Care for people affected by emergencies](#) provides further guidance.

15. Giving those affected by emergencies, including survivors and families and friends of those directly affected by emergencies, special consideration when producing plans.



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16. Developing the plan with the full engagement and cooperation of the main parties who have a role in the plan and securing their agreement to its content.

17. Treating emergency planning as a systematic and continuous process, and having a procedure for updating and maintaining plans to ensure that they reflect:

- any changes in risk assessments (see the section on risk assessment)
- lessons identified - and learned - from exercises and emergencies
- restructuring and changes in organisations, their procedures and technical systems identified in the plan
- changes in key personnel.

18. Considering how to publish your plans – see the section on communicating with the public.

19. Considering whether it is appropriate to produce, maintain and update an emergency plan in relation to a particular emergency or type of emergency in collaboration with other Category 1 responders, i.e. a multi-agency plan – Regulation 22. It is essential that any such plans contain arrangements for co-operation and coordination at management level.

### Indicators of good practice (duty to maintain emergency plans):

20. Being able to demonstrate that plans are regularly and systematically updated, based on sound assumptions. This can be achieved by filing associated documentation including:

- a record of key decisions made and agreed
- in some circumstances, a record of options considered but rejected, and why
- a record of changes and modifications
- a programme and schedule for future updates.

21. Asking your peers to review and comment on your plans.

22. Using identified good practice examples to develop emergency plans.

23. Adopting flexible plans which allow for the unexpected and can be scaled up or down to cope with varying scales of emergency.

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24. Being able to demonstrate that lessons identified from exercises and emergencies have been taken forward<sup>13</sup>.

25. Being able to demonstrate that the people responsible for carrying out the roles in the plan are aware of those roles.

26. Developing and documenting a training and briefing programme for staff and key stakeholders (including elected members and responders from the private and voluntary sectors, if applicable).

27. Referring to the National Occupation Standards for Civil Contingencies ([www.skillsforjustice.com](http://www.skillsforjustice.com)) and the [Emergency Planning Society](http://www.emergencyplanning.org.uk) when identifying training needs. Further information is also available from the Scottish Resilience Development Service (ScoRDS: [www.scords.gov.uk](http://www.scords.gov.uk))

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<sup>13</sup> The Scottish Government has developed a coordinated lessons process to establish a record of lessons identified, promulgate those lessons across the resilience community and oversee and support the learning and application of those lessons.

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### iii) DUTY TO MAINTAIN BUSINESS CONTINUITY (BC) PLANS

#### **Mandatory requirements: Category 1 Responders must:**

1. Maintain plans for the purpose of ensuring, so far as is reasonably practicable, that if an emergency occurs the person or body is able to continue to perform his/her or its functions – *Section 2(1)(c)*.

2. Consider whether a risk assessment makes it necessary or expedient for the person or body to add to or modify a business continuity plan – *Section 2(1)(e)*.

3. Have regard to the relevant risk assessments when carrying out duties to maintain business continuity – *Regulation 13*.

4. Maintain plans which relate to more than one emergency, or particular kind of emergency, and *may* maintain plans relating to a particular emergency or kind of emergency – *Regulation 15*.

5. Include a procedure for determining whether emergency or business continuity plans require to be implemented, and identify the person or persons responsible for taking that decision – *Regulation 18*.

6. Have regard to the activities of the relevant voluntary sector when planning for emergencies – *Regulation 17*.

7. Test the effectiveness of plans and include arrangements for carrying out exercises – *Regulation 19(a)*.

8. Provide training to an appropriate number of staff considered necessary to carry out plans effectively – *Regulation 19(b)*.

9. Consider whether plans should be modified in the light of guidance and/or assessment issued by Scottish Ministers under Regulation 11 – *Regulation 20*.

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### Issues to consider and recommended good practice (duty to maintain business continuity plans):

10. Ensuring that the structures that support Business Continuity Management include and engage with other Category 1 responders, other partner agencies and external suppliers. This may in part be facilitated by the collective support of the RRP.

11. Having provision for the carrying out of regular exercises specifically designed to validate and test BCM arrangements to ensure effectiveness.

12. Giving consideration to the type of plans you produce, e.g. generic plans, which relate to more than one type of emergency, or specific plans which relate to a particular emergency type, or a mixture of both (Regulation 15). The nature of the plans should be based on the risk assessments you have carried out and the critical functions of the organisation (Regulation 13).

13. Having in place a documented BCM strategy and operational business continuity plans that set out how your organisation will reduce risks to its key functions and to continue to perform these at the time of an emergency or in the face of disruption.

14. Having procedures in place to determine whether an event has occurred which is likely to seriously obstruct your organisation in performing its day-to-day functions, including who should make this determination and what actions will follow from this.

15. Being able to demonstrate that a systematic approach is being taken to developing and maintaining business continuity management in your organisation.

16. Having an identified BCM coordinator with the necessary skill set and experience to champion BCM and work with managers to deliver your organisation's BCM strategy and related plans.

17. Being able to demonstrate in that any internal risks (as opposed to the risk due to an external emergency) are addressed in your BCM arrangements

18. Being able to demonstrate that process for monitoring, reviewing and updating Business Continuity Plans, involves the necessary range of stakeholders and remains directly relevant to the delivery of a practical BC capability.

19. Being able to demonstrate that recovery time objectives (RTOs) and acceptable level of service have been agreed for critical functions.

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20. Being able to demonstrate that all dependencies which underpin critical functions have been identified.

21. Being able to demonstrate that all risks to critical functions have been identified, assessed and mitigated.

22. Being able to demonstrate that the organisation's supply networks and external subcontractors have been considered as a source of risk and that mitigation of any such risks is in place.

23. Being able to demonstrate that, in the event of their loss, realistic plans are in place to recover critical functions within their RTOs.

24. Being able to demonstrate that staff, and both external and internal stakeholders, are aware of the BCM strategy and that it is fully embedded in the organisational culture. A comprehensive programme of awareness raising, education and skill specific training is recommended.

25. Being able to demonstrate that sufficient staff with the correct skill mix have been trained and are available to ensure BCPs are effective – Regulation 19(b). Training should include the contents of the plan, roles and responsibilities and the skills and knowledge required.

**Indicators of good practice: (duty to maintain BC plans):**

26. An agreed and documented corporate Business Continuity policy is in place and is:

- led at strategic level
- part of mainstreamed management processes
- part of the corporate governance structures
- appropriately resourced.

27. Business Continuity Plans are updated and maintained, through a documented process, both at regular intervals and in response to :

- updates to your risk assessments (see the risk assessment section above)
- lessons identified from incidents, training or exercising.
- organisational and structural changes
- changes in your organisation's objectives, functions and processes
- changes in supplier and contractual arrangements
- significant changes to staff, equipment or premises.

28. Emergencies and impacts in your risk assessments are addressed in your BCM arrangements especially critical functions and resource requirements for:

- emergency response and
- continuation of critical day-to-day functions at the time of an emergency.

29. Critical functions of your organisation have been identified. Functions might be critical because they:

- are an essential part of the response to external emergencies
- help to prevent emergencies and/or reduce and mitigate the risk of them occurring
- impact immediately on human welfare or the environment
- have immediate and significant security, legal or financial implications
- have significant implications for your organisation's reputation.

30. Your organisation's BCM arrangements are consistent with recognised standards. Consider benchmarking your BCM arrangements against such standards or gaining accreditation to the standard.

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### iv) DUTY TO PROMOTE BUSINESS RESILIENCE

#### **Mandatory requirements - Local Authorities, as defined at Schedule 1 Part 2 (13), must:**

1. Provide advice and assistance to the public in connection with the making of arrangements for the continuance of commercial activities by the public, in the event of an emergency – *Section 4 (1)*.
2. Provide advice and assistance for the continuance of the activities of bodies (other than public or local authorities) whose activities are not carried out for profit, in the event of an emergency – *Section 4 (1)*.
3. Advise and assist the business community at large, insofar as these are businesses which carry out commercial activity in the area in which the functions of the relevant responder are exercisable – *Regulation 33 (2) and 33 (3)(a)*.
4. Consider whether to provide advice to individual business as well as to the business community as a whole – *Regulation 33(3)(b)*.
5. Advise and assist appropriate voluntary sector organisations, which operate in the area in which the responder functions, on making arrangements for the continuance of their activities in the event of an emergency – *Regulation 34*.
6. Consider whether to provide advice to the voluntary community at large or provide advice to individual organisations separately – *Regulation 34(3)*.
7. Consider whether to provide advice and assistance to voluntary organisations or to businesses in connection with identifying an appropriate “business continuity consultant” – *Regulation 33(3) (c) and Regulation 34 (3) (c)*.
8. Consider whether it is necessary to charge for any business continuity advice that you provide on request under section 4(1) of the CCA. The charge must not exceed the direct costs of providing the advice or assistance and a reasonable share of any costs indirectly related to the provision of the advice or assistance – *Regulation 38*.
9. Cooperate with other Local Authorities in your resilience area (i.e. RRP area) in carrying out the duty. Other responders in the area must cooperate with local authorities in carrying out the duty – *Regulation 35*.
10. Consider whether the advice or assistance given by other responders to businesses or the voluntary sector in the area would be duplicated by the local authority carrying out this duty – *Regulation 37*.

**Issues to consider and recommended good practice (duty to promote business continuity):**

11. Considering who within your organisation is responsible for BC promotion. A collaborative effort between staff involved in emergency planning and staff involved in economic development or voluntary sector support functions may be required.

12. Ensuring that your own business continuity advice (both to businesses and voluntary organisations) dovetails with that being undertaken by other local responders.

13. Providing advice and assistance which will allow organisations (business and voluntary) to make judgements on:

- the risks associated with emergencies
- their ability to positively affect their position in the event of an emergency.

Information likely to help the organisation make these judgements includes information on:

- the kind of disruptions which might occur as a result of the occurrence of emergencies
- the likely implications of arrangements in place to deal with these emergencies (including risk assessment, planning, recovery) for their organisation
- the steps they can take to prepare for or mitigate the effects of an emergency (e.g. implement BCM)
- sources of warnings, information and advice in the event of an emergency.

14. Considering whether generic or specific BC advice is most appropriate.

15. When a targeted approach is adopted, considering whether the materials used are appropriate to the needs of the businesses targeted. For small and medium scale businesses (SMEs) research has shown that terminology is often confusing and they benefit most from common sense, tailored and practical solutions preferably face to face and a joined up approach where the same or similar advice is coming from different sources. A number of practical suggestions can be found at: [Ready Scotland - Ready Business](#).

16. In co-operating with other local authorities ensuring that:

- the message given out is consistent
- the means of delivery are co-ordinated where appropriate
- external partners are not unduly burdened
- lessons are identified **and** learned and best practice is shared.



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17. Avoiding definitive recommendations when referring organisations to a third party for advice or assistance. Instead Local Authorities should (a) direct firms/bodies to organisations who could provide assistance and (b) suggest criteria for selecting a service provider. This might include professional qualifications, membership of professional organisations, and experience in relevant aspects of BCM, track record and adequate professional indemnity insurance. The Business Continuity Institute (BCI) <http://www.thebci.org> provides a certification scheme for business continuity professionals. It publishes a list of consultants it deems to be qualified and competent. The Continuity Forum <http://www.continuityforum.org> provides a similar service.

18. Considering the merit of adopting formal cooperation, including via the RRP, to ensure coordinated BCM advice and assistance activity and the buy-in of all Local Authorities in your area. Cooperation may take the form of:

- regular discussion at working-level liaison groups
- establishing a RRP subgroup
- discussions at RRP meetings.

19. Considering the merits of engaging with other partners as well as Local Authorities in the process of providing BC advice and assistance. Some or all of this might be done via the RRP. Other partners could include:

- representative groups
- individual businesses
- Business Continuity Institute
- commercial BCM providers
- agenda groups
- professional bodies
- public sector partners.

For example, the Federation of Small Businesses host annual workshops and other events as well as having case study banks available. Other resources and advice are available from the BCI (<http://www.thebci.org>) and the Continuity Forum (<http://www.continuityforum.org>).

20. Considering which voluntary sector organisations are appropriate recipients of advice and assistance. To decide this you must consider:

- whether the organisation carries out functions in the area in which you operate as a responder
- whether their activities would contribute to the prevention of an emergency; the reduction, control or mitigation of its effects; otherwise taking action in relation to the emergency; or social welfare
- the number of staff employed by the organisation
- the turnover of the organisation
- the nature of the organisation – in particular whether advice and assistance is likely to improve the organisations ability to continue its activities in the event of an emergency.

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21. Considering the impact of charging on the take-up of your advice and assistance.

### Indicators of good practice (duty to promote BC):

22. Having a clear policy for dealing with requests for detailed BC advice.

23. Making best use of staff with existing experience and responsibilities in liaising with local businesses and voluntary organisations.

24. Having a BC network or forums and regular meetings and engagement with key stakeholders.

25. Identifying any lessons by consulting a full range of stakeholders and taking these forward, reviewing and updating BC promotion arrangements if appropriate.

26. Making best use of relevant promotional materials, such as those provided at national Scottish or UK level, for example [Ready Scotland - Ready Business](#) and [Preparing Scotland: Guidance on Business Continuity Management: It's Your Business](#).

27. Being able to demonstrate that you consulted businesses and voluntary organisations to assess BC understanding and uptake and thus the level of advice required.

28. Being able to demonstrate that you have assessed the profile and role of commercial and voluntary organisations in your area of responsibility and have targeted BC promotion work appropriately.

29. Being able to demonstrate that you have targeted your BC promotion to the specific needs of the organisations being advised.

(v) DUTY TO COMMUNICATE WITH THE PUBLIC

**Mandatory requirements - Category 1 Responders must:**

1. Arrange for the publication of all or part of the assessments made and plans maintained, if publication is necessary or desirable for the purpose of: preventing an emergency; reducing, controlling or mitigating its effects; or enabling other action to be taken in connection with an emergency – Section 2(1)(f).

2. Maintain arrangements to warn the public, and to provide information and advice to the public, if an emergency is likely to occur or has occurred – Section 2(1)(g).

3. In maintaining plans under Section 2(1)(d), (the duty to maintain plans to ensure a body is able to maintain its functions), have regard for the duty to warn and inform the public if an emergency is likely to or has occurred – Regulation 14.

4. When maintaining arrangements to warn and inform the public, have regard to plans made under the Section 2(1)(d) duty - Regulation 22.

5. Ensure that in publishing plans and assessments you do not alarm the public unnecessarily - Regulation 21.

6. Ensure that in maintaining arrangements to warn and inform you do not alarm the public unnecessarily – Regulation 24.

7. In performing the duty under Section 2(1)(g), note that you may make arrangements which relate to specific and/or generic types of emergency – Regulation 23.

8. When making arrangements made to warn and inform the public you must:

- carry out exercises to ensure the arrangements are effective – Regulation 25(a)
- train an appropriate number of your staff, and other persons considered necessary, to ensure the arrangements can be carried out effectively – Regulation 25(b).

9. If more than one Category 1 responder has a function in response to an emergency, those responders must co-operate with each other for the purpose of identifying which has lead responsibility for warning and informing the public – Regulation 26.

10. Have regard to the warning and informing arrangements maintained by:

- other Category 1 responders
- Category 2 responders
- The Met Office

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- Scottish Ministers
- The Secretary of State
- Food Standards Agency

but need not maintain arrangements which would unnecessarily duplicate these other organisations' arrangements – Regulation 29.

11. Except where required to do so under the Regulations, not publish or disclose any **sensitive information**, unless adequate permission has been granted to do so – Regulation 45.

Regulation 39 defines sensitive information as information that:

- would, or would be likely to if disclosed to the public, adversely affect national security (evidence supplied by intelligence services may fall into this category). A certificate signed by a member of the Scottish Government is conclusive evidence of this fact (Regulation 40)
- would, or would be likely to if disclosed to the public, adversely affect public safety
- would, or would be likely to if disclosed to the public, prejudice the commercial interests of any person
- is personal data within the meaning of the Data Protection Act 1998, and disclosure of it to the public would contravene that Act.

Adequate permission for the publication of sensitive information means (Regulation 45):

- **For information relating to national security or public safety** – consent from the originator of the information or (if different) a member of the Scottish Government.
- **For information relating to business or affairs of a person or organisation where disclosure would harm the legitimate commercial interests of that person or organisation** – consent from the person or organisation to whom the information relates.
- **For personal data** – consent from the person to whom the information relates.

Consent for sensitive information to be published may include conditions which must be adhered to – Regulation 45(4)(c).

Plans and assessments that contain some sensitive information should still be published as long as the sensitive sections are removed or appropriate consent (see above) is acquired.

### Issues to consider and recommended good practice (duty to communicate with the public):

12. Having regard for guidance in [Warning and Informing Scotland: Communicating with the Public](#)

13. Liaising and sharing relevant information with the Scottish Government. The Scottish Government has a key role explaining overall national resilience efforts and, during emergencies, informing and reassuring the public.

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14. Considering who is the target audience for each published communication and what particular sections of the public need to know. This should include considering the needs of:

- **survivors** – those in the immediate vicinity and directly affected, possibly as wounded casualties; focus on what they need to do or know immediately. Procedures should include some form of audit trail for tracking who has and has not been contacted.
- **those who might be affected by the emergency** – those nearby who may need to take action to avoid further harm. Possible victims will need to know why the advice is being given. The media may be used to reinforce these safety messages.
- **local people** – those in the area who may be disrupted by the consequences of the emergency and clean-up process; utilising the local media to provide general information about the emergency, information on how the public can help and advice on disruption to the area.
- **relatives and friends** – those who are not directly affected but know or are related to those who might be and are therefore emotionally connected to the event.
- **the general public** – those who are not affected but are concerned or alarmed about the wider implications will also require reassurance.

15. Considering whether risk assessments and plans contain sensitive information which prevents publication. However, the mere fact that risk assessments and plans contain some sensitive information should not be used as an excuse to avoid disclosure of all of the assessment or plans. Those aspects of the assessment or plans which do not contain sensitive information should still be published.

16. Identifying groups requiring special consideration and considering how best to meet their specific needs. These “harder-to-reach” groups might include children, people with disabilities, older people, non-English speakers, those living in isolated communities, homeless people and Gypsies/Travellers. Establishing a list of target audiences will help to identify these groups.

17. Warning the public by using all appropriate means to alert members of the community whose immediate safety is at risk (at the time of emergency or when one is likely).

18. Informing and advising the public by providing relevant timely information about the nature of the unfolding event (immediate and long term post-event) and about:

- any immediate actions to be taken by responders to minimise risk to human health, animal welfare, the environment or property
- actions the public can take
- how further information can be obtained
- the end of an emergency and the return to normal arrangements.

19. Identifying what information would normally be made public in your organisation’s Freedom of Information Publication Scheme. For more information see: [www.itspublicknowledge.info/ScottishPublicAuthorities](http://www.itspublicknowledge.info/ScottishPublicAuthorities).

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20. Considering what methods of communication should be used and who will deliver it. Although downloadable material is effective in terms of cost and delivery, not all members of the public have access to computers and alternative arrangements should be considered in addition to e-publication.

21. Including a public communications dimension in local exercises.

22. Being familiar with the media organisations in your resilience area and develop good working relations with them.

23. Considering the undernoted as essential elements of communications planning:

- liaising with other Category 1 and 2 responders and organisations not captured by the Act and media/public liaison teams
- identifying potential sites in the area where the communications team might be based
- providing media training for potential spokespeople
- providing suitable communications equipment for press office staff to work away from their main office base
- in actual or potential transnational incidents, providing for liaison with cross border communication offices and for calling upon mutual aid
- establishing a media liaison point at or near the scene of an emergency and a media liaison centre close to the strategic coordinating group/overall commander
- establish a plan regarding VIP and ministerial visits to the scene of an emergency.

24. Being aware of the wider information environment, particularly social networking, and have the means to monitor social networks and to utilise those networks to disseminate public information.

25. Considering how you might handle a large volume of public enquiries during an emergency, and what arrangements might be needed to filter these.

26. Considering how to make best use of existing resources, such as helplines, in the event of an emergency, and have established protocols in place outlining the arrangements. Ensure that helpline staff are appropriately trained.

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27. Being aware of and use, where appropriate, guidance and information issued by government, other responders and relevant groups. The undernoted are examples and are not an exhaustive list.

For general preparedness: [ReadyScotland](#)

For winter preparedness: [Ready Scotland Ready for Winter](#)

For business continuity: [Ready Scotland Ready Business](#)

For weather advice: <http://www.metoffice.gov.uk/weather/uk/advice/>

For weather warnings: <http://www.metoffice.gov.uk/weather/ukforecastwarnings>

For flood warnings and flood advice: <http://www.sepa.org.uk/flooding.aspx> and <http://www.scottishfloodforum.org/category/news/>

For public transport advice: <http://www.travelinescotland.com>

For roads advice: <http://trafficscotland.org/>

For foreign travel advice: <http://www.fco.gov.uk/en/>

For first aid training and advice: <http://www.firstaid.org.uk/> and <http://www.redcross.org.uk/What-we-do/First-aid>

For advice to disaster survivors and the bereaved: <http://www.disasteraction.org.uk/>

For consistent use of resilience terminology: [Cabinet Office UK Resilience Lexicon](#)

### Indicators of good Practice (duty to communicate with the public):

28. Being able to show that you have considered which audience you are targeting or addressing by way of any published information.

29. Communicating with the public to encourage and empower the community to harness local resources and expertise. This will help the community to help itself in the event of an emergency in a way which complements the activities of responders. This is especially important among vulnerable groups.

30. Using identified good practice examples and research into the effectiveness of information campaigns run by other organisations (including those overseas) to develop warning and informing activities.

31. Using the lessons process, identifying and learning lessons from previous information campaigns to inform the development of future campaigns.

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32. Setting up protocols with the media for warning and informing the public.

33. Having an agreed media strategy which identifies and trains key staff in dealing with the media.

34. Having a multi-agency warning and informing system which links to information sources, stores information and generates messages. To be effective this system should be:

- **secure and foolproof** – with limits on who can access, update and send information in order to avoid false messages being sent
- **expandable** – so that it is able to adapt and expand as required
- **reliable** – 24 hour back-up so that messages can be sent and information uploaded when required. The system should also be regularly tested and properly supported by the technical provider
- **capable of coping with different types of data and information**– including pre-written generic messages, media sources and numeric data in a number of different formats
- **linked to a variety of communication channels**
- **auditable**
- **quick and simple to operate and update.**

35. Being able to demonstrate that publication of plans and assessments is part of a joined-up communications strategy and part of your work to warn and inform the community and to encourage community resilience.



vi) DUTY TO SHARE INFORMATION

**Mandatory requirements – Category 1 and Category 2 Responders must:**

1. Comply with a request for information from another responder in respect of a duty or other function relating to an emergency – *Regulation 43(1) & 41.*

*(There are limitations to this duty, set out in the Regulations and highlighted at No 3).*

2. Comply with a request for information within a reasonable timescale, at a reasonable place and to the address specified by the requesting responder – *Regulation 44.*

3. Not comply with a request for information if the receiving responder is satisfied that the request for information relates to sensitive information, i.e.:

- information the disclosure of which to the public would, or would be likely to, adversely affect national security or public safety – *Regulation 39(1)(a) & (b)*
- information, disclosure of which to the public would, or would be likely to, prejudice the commercial interests of the person to whom that information relates – *Regulation 39(1)(c)*
- information which is personal data, within the meaning of the Data Protection Act 1998 and would contravene any of the data protection principles or would be likely to cause damage or distress – *Regulation 39(1)(d)*
- disclosure to the requesting responder would, or would be likely to, adversely affect national security or the confidentiality of the information – *Regulation 43(2)(a) & (b).*

4. Give reasons for not complying with a request for information, as above and, if necessary, obtain consent for disclosure from a body which deals with security matters – *Regulation 43(4).*

5. When making a request for information from another responder, the requesting responder must be satisfied that:

- it reasonably requires the information in connection with the performance of a duty under Section 2(1)(a) to (d) or section 4(1), or in connection with the performance of another function which relates to an emergency
- it (the requesting responder) does not hold the information already
- the information cannot be reasonably accessed by other means (e.g. informal means or by means established under other legislation) – *Regulation 41(2) & (3).*

6. When making a request for information from another responder, the requesting responder must send a legible written request, which may be electronic, for the information required. The written request must state the name of your organisation, an address for correspondence, describe the information requested, explain why it is required and be capable of being used for subsequent reference – *Regulation 42.*

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7. Only use sensitive information for the purpose of performing the function for which the information was requested – *Regulation 46(1)*.

8. If a responder wishes to use sensitive information for any other purpose from that relating to the original request then consent must be obtained from the relevant person or organisation. This person/organisation is:

- in the case of information as specified in Regulation 39(1)(a) or (b) – the originator or a member of the Scottish Government
- in the case of information as specified in Regulation 39(1)(c) or (d) – the person to whom the information relates – *Regulation 46(2)*

In this regulation, “use” does not include publication or disclosure.

9. Have arrangements in place for ensuring the confidentiality of sensitive information. This includes ensuring that:

- sensitive information is clearly identified as such
- only persons involved in the performance of a duty or function relating to an emergency, and who need to have access to the information, are able to have access to it
- sensitive information is stored in a secure manner
- sensitive information is transferred (including by electronic transfer) in a secure manner – *Regulation 47*.

### Issues to consider and recommended best practice (duty to share information):

10. Working closely with Scottish Government colleagues, sharing information in support of the national resilience effort.

11. Considering whether the information you want to request is available by other means (e.g. through other legislative arrangements, through normal business arrangements or on the internet).

12. Data protection does not prohibit the collection and sharing of personal data.

13. Considering as a starting point the risks and potential harm that may arise if they do not share information.

14. Balancing the potential damage to the individual against the public interest in sharing information.

15. In emergencies, the public interest consideration will generally be more significant than during day to day business.

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16. Always checking whether the objective can still be achieved by passing less personal data.

17. Category 1 and 2 responders should be robust in asserting their power to share personal data lawfully in emergency planning, response and recovery situation.

18. The consent of the data subject is not always a necessary pre-condition to lawful data-sharing.

19. Seeking advice when in doubt, though prepare on the basis that decisions may be necessary without formal advice during an emergency.

20. When communicating with the public or sharing information with other organisations, it is important that terminology is clear and consistent. The Cabinet Office's Resilience Lexicon, to which the Scottish Government has contributed, is a helpful reference tool: <http://www.cabinetoffice.gov.uk/sites/default/files/resources/cp-lexicon2.0.1-18012011.xls>.

### Indicators of good practice:

21. Where possible, channelling formal information requests through as small as possible a number of known routes, to avoid confusion and duplication.

22. Having a systematic process for tracking information flows and logging information requests and being able to deal with multiple requests for information as part of your normal business processes.

23. Collectively developing an information sharing protocol within your RRP.

vii) DUTY TO CO-OPERATE
<b>Mandatory requirements – Category 1 Responders must:</b>
1. Co-operate with each other in connection with the performance of their duties under Section 2(1). This refers to all such responders which exercise functions in an RRP area - <i>Regulation 3(1)</i> .
2. Co-operate via a single group, the Regional Resilience Partnership (RRP) <ul style="list-style-type: none"> <li>– <i>Regulation 3(2)(b)</i></li> </ul> and <u>may</u> co-operate with one or more other category 1 responder(s) <ul style="list-style-type: none"> <li>– <i>Regulation 3(2)(a)</i>.</li> </ul>
3. Make arrangements to meet at least once every 6 months and must, as far as is reasonably practicable, attend or be effectively represented at such meetings – <i>Regulation 3(4)</i> .
4. Inform relevant Category 2 responders of the location, time and agenda of RRP meetings – <i>Regulation 3(7)(a)</i> .
5. Make arrangements for Category 2 responders to attend when they wish to do so – <i>Regulation 3(7)(b)</i> .
6. Consider whether it is appropriate to invite all or selected Category 2 responders to each meeting – <i>Regulation 3(7)(c)</i> .
<b>Category 1 Responders may:</b>
7. Make arrangements to jointly perform a duty under Section 2(1) with another responder – <i>Regulation 5(a)</i> .
8. Make arrangements with another responder to perform such a duty on its behalf – <i>Regulation 5(b)</i> .
9. Co-operate with other Category 1 responders who share particular duties under Section 2(1)(a)-(f) and identify a Category 1 responder with lead responsibility for performing a duty – <i>Regulation 6</i> .
<b><u><i>If a lead Category 1 responder is identified, the following applies:</i></u></b>

**Lead Category 1 Responders must:**

10. In relation to that particular duty:

- take the lead responsibility for its performance
- ensure non-lead Category 1 responders are consulted and informed
- co-operate with non-lead Category 1 responders and ensure, so far as is reasonably practicable, that they approve of how that duty is being performed – *Regulation 7.*

**Non-lead Category 1 Responders must:**

11. In relation to that particular duty:

- co-operate with the lead responder
- provide any non-sensitive information to the lead responder which will assist that responder
- assist in any exercises/training the lead responder wishes to carry out in connection with that duty
- note that it need not unnecessarily duplicate work undertaken by the lead responder – *Regulation 8.*

**Mandatory requirements – Category 2 Responders must:**

12. Cooperate with Category 1 responders in the same RRP area to help them perform their duties under the CCA – *Regulation 3(5).*

13. So far as is reasonably practicable, attend or be represented effectively at RRP meetings if asked to do so by the other RRP members – *Regulation 3(6)(a).*

14. Where not specifically asked, still consider whether it is appropriate to attend or be represented at such meetings – *Regulation 3(6)(b).*

**Issues to consider and recommended best practice (duty to co-operate):**

15. Ensuring effective representation for responder organisations. To be effectively represented:

- representatives must be of the most senior status, those people on whom ultimate responsibility for meeting an organisation's responsibilities falls
- if representing more than one Category 1 responder, representatives should fully represent all relevant responders for whom they have responsibility
- all responders should have authorised this representative
- representatives should be able to explain current structures, policies, priorities and events in the relevant area and be willing to take forward the issues of and provide feedback to those whom they represent.

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16. Collectively agreeing to set up sub-groups or working groups which operate at the tactical level and which report to the RRP. Possible useful sub-groups include:

- a general working group
- risk assessment groups
- telecoms sub-groups
- capabilities groups
- area groups
- responder groups by sector
- specialist groups
- existing standing groups; and/or
- project groups

Sub-groups should only be established with the approval of strategic members. They should have a clear purpose and numbers of such groups should be kept to a reasonable level.

17. In organising RRP meetings, members should have regard for those members who are likely to participate in more than one RRP.

18. Collectively agreeing a RRP chair. The chair should be able to:

- undertake the role on a permanent basis
- speak with authority about the RRP area
- be able to commit sufficient time to prepare fully for RRP meetings
- act as a lead contact for information cascaded from the regional and national levels.

19. Collectively agreeing to have an RRP secretariat which is responsible for:

- fixing meeting dates
- agreeing agendas
- organising the production and circulation of any papers
- briefing the chair
- taking minutes
- following up matters arising and action points
- ensuring RRP sub-group meetings are effectively organised and recorded and do not clash with other subgroup meetings or the RRP meeting
- ensuring relevant matters from these subgroups are raised in the RRP meeting.

The secretariat should be able to:

- take on the job on a permanent basis
- be of a level of seniority to support the chair
- have a back-up administration team
- be competent to organise or support officers from other organisations.

20. Considering whether co-operation with other responders in any particular case is best achieved directly with fellow Category 1 and Category 2 responders in your local resilience

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area or under the framework of the RRP.

21. Considering whether to set up protocols with other responders (both within and outside your RRP area as appropriate) to support plans and to ensure a more reliable delivery of needed resources in the context of an emergency.

22. Forms of direct and bilateral cooperation between two or more Category 1 and Category 2 responders may include:

- risk assessment
- development of a plan for one responder
- development and agreement of a multi-agency plan
- exercising a single responder/a multi-agency plan and sharing lessons learned
- warning and informing arrangements, including publicity in relation to plans.

23. Considering whether to make an arrangement with another responder for them to perform a duty (on your behalf or vice versa) or for one responder to take the lead on performing the duty.

### Indicators of good practice (duty to co-operate):

24. Engaging with responders, other organisations involved in civil protection (e.g. voluntary organisations and the military) as part of normal business practice.

25. Using the RRP to consider policy initiatives set at the regional, Scottish or UK levels.

26. Making proper use of the lessons process. Identifying and learning lessons from your own experience and from innovative thinking within your own organisation and using the RRP to share them with colleagues.

27. Identifying lessons learned from collaboration with other responders and drawing these to the attention of the RRP.

28. Having a list of contacts among both Category 1 and 2 responders within the RRP area.

29. Organising stakeholder satisfaction surveys to measure how well you are working with them.

30. Engaging with responders, other organisations involved in civil protection (e.g. voluntary organisations and the military) and RRP as part of normal business practice.

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31. Engaging with responders and other organisations involved in civil protection outwith the RRP area.

32. Through direct and bilateral collaboration, requesting that other Category 1 and 2 responders take part in your exercises.



Other Legislation – Existing Emergency Planning Duties

**Category 1 Responders need not:**

Perform a duty under Section 2(1) of the Act in relation to any emergency which is:

- A major accident, within the meaning of regulation 2(1) of the Control of Major Accident Hazards Regulations 2015
- A major accident within the meaning of regulation 2 of the Pipelines Safety Regulations 1996
- A radiation emergency within the meaning of regulation 2 of the Radiation (Emergency Preparedness and Public Information) Regulations 2001 – *Reg 9*.

**Issues to consider and recommended best practice**

Ensuring that a 'silo-based' (i.e. narrow, insular and/or compartmentalised) approach is avoided and that risks under COMAH, PSR and REPIR are managed in a manner complementary to the Civil Contingencies Act and the Regulations.