



REPORT TO: MORAY INTEGRATION JOINT BOARD ON 25 NOVEMBER 2021

SUBJECT: CIVIL CONTINGENCY (SCOTLAND) ACT 2004 – INCLUSION OF INTEGRATION JOINT BOARDS AS CATEGORY 1 RESPONDERS

BY: CORPORATE MANAGER

1. REASON FOR REPORT

- 1.1. To provide an outline of the requirements for the Moray Integration Joint Board (MIJB) arising from the inclusion of Integration Joint Boards (IJBs) as Category 1 Responders under the Civil Contingencies (Scotland) Act 2004.

2. RECOMMENDATION

2.1. It is recommended that the MIJB:

- i) note the inclusion of IJB's as Category 1 Responders in terms of the Civil Contingencies Act 2004 (the 2004 Act); the requirements and the arrangements in place and planned to ensure that the IJB meets its requirements under the Act.**
- ii) instructs the Chief Officer, as its Accountable Officer, to carry out on its behalf, all necessary arrangements to discharge the duties on the MIJB under the 2004 Act.**
- iii) instructs the Chief Officer to report annually to the MIJB, providing assurance on the resilience arrangements in place to discharge the duties on the IJB under the 2004 Act.**
- iv) note the Strategic Risk Register includes a risk relating to the IJB's requirements under the 2004 Act.**

3. BACKGROUND

- 3.1. In September 2020, the Cabinet Secretary for Health and Sport wrote to confirm the intention of the Scottish Government to pass legislation to include Integration Joint Boards as Category 1 Responders under Schedule 2 of the Civil Contingencies Act, 2004 and invited responses to a consultation on any envisaged

impact or unintended consequences under the Equality Act 2020 including the Fairer Scotland Duty.

- 3.2. In January 2021, the Cabinet Secretary for Health and Sport wrote to confirm that the Scottish Government concluded that the results of the consultation showed that there were no clear equality, operational or strategic planning barriers to progressing the proposal and legislating for the inclusion of IJBs within the Civil Contingencies Act 2004 as Category 1 responders. The amendment was laid before the Scottish Parliament on Monday 18 January and approved, with legislation becoming effective from the 18th of March 2021.
- 3.3. Until the Chief Officer had been contributing to local emergency and resilience planning as part of the Chief Executive Team for NHS Grampian and Corporate Management team for Moray Council but without the appropriate reference to their accountable officer status within the Integration Joint Boards.
- 3.4. By including IJBs as Category 1 responders, it ensures that where there is a risk of an emergency which will impact functions delegated to the IJB there will be formal, co-ordinated and appropriate arrangements in place for emergency planning, information sharing, co-operation with other responders and joined up information sharing and advice for the public.

Civil Contingencies Act (Scotland) 2004

- 3.5. This change in legislation requires MIJB to meet specific statutory requirements. The Civil Contingencies Act 2004 (CCA), is supplemented by the Contingency Planning (Scotland) Regulations 2005 and “Preparing Scotland” Guidance. Taken together the law and guidance provides a consistent and resilient approach to emergency planning, response and recovery – which responders have used to develop good practice.
- 3.6. The Act placed new duties and responsibilities on organisations. It defines an emergency as:
 - an event or situation which threatens serious damage to human welfare;
 - an event or situation which threatens serious damage to the environment;
 - war, or terrorism, which threatens serious damage to the security of the UK.
- 3.7. The Act divides responders to an emergency into two categories, depending on the extent of their involvement in civil protection work.
- 3.8. IJBs are now Category 1 Responders. These are the organisations at the core of an emergency response:
 - Local authorities
 - Police (including British Transport Police)
 - Fire and Rescue Services
 - The Scottish Ambulance Service
 - National Health Boards
 - The Scottish Environmental Protection Agency (SEPA)
 - Maritime and Coastguard Agency
- 3.9. Category 2 responders have statutory duties to co-operate and to share information with Category 1 responders in the planning and response to major

emergencies. These are organisations which, although not ‘primary’ responders, could potentially have a significant role. They include:

- Utilities (Scottish Water, gas and electricity distributors and telecommunications companies)
- Transport (airport operators, railway operators, Network Rail, roads companies, Transport Scotland)
- Harbour authorities
- Health and Safety Executive
- NHS National Services Scotland

Resilience Partnership Arrangements

- 3.10. In addition to formal statutory duties there is an increasing recognition that responders need to draw on the resources and abilities of their communities to help prepare for, respond to and recover from emergencies as effectively as possible. This is known as community resilience (and can be defined as “communities and individuals harnessing resources and expertise to help themselves prepare for, respond to and recover from emergencies, in a way that complements the work of the emergency responders”).
- 3.11. There are 3 Regional Resilience Partnerships (RRP) in Scotland (West, East and North). Moray is part of the North RRP which includes the Highland and Islands, Grampian, Perth and Kinross and Angus areas. They bring the organisations involved in dealing with emergencies together to plan for, and respond to, all kinds of emergencies. These multi-agency groups have robust plans in place to respond to all kinds of events, which are regularly tested in joint exercises and during real emergencies.
- 3.12. Within each RRP there are a number of Local Resilience Partnerships (LRP’s). determined by the RRP’s themselves. Moray is a member of the Grampian LRP which manages the structure for planning and response, including preparation of plans and management of risks within its geographic area. The Grampian Local Resilience Partnership has high level strategic aims when dealing with incidents, including the following:
- Maximise the safety and wellbeing of people, places and communities across Grampian
 - Ensure the effective co-ordination of emergency response
 - Ensure effective communication with the public and partners;
 - Minimise the risk to emergency workers and partners
- 3.13 Both NHS Grampian and Moray Council as Category 1 Responders have established governance arrangements in place to enable them to meet the duties required under the Act (the specific duties are detailed below), which allows them to respond through the Grampian LRP and the North RRP. By including Integration Joint Boards as Category 1 responders, it ensures that where there is a risk of an emergency which will impact functions delegated to the IJB, there will be formal coordinated and appropriate arrangements in place for: emergency planning; information sharing and cooperation with other responders; and joined up information sharing and advice for the public.

4. KEY MATTERS RELEVANT TO RECOMMENDATION

The specific requirements of Category 1 Responders, and how these will be operationalised in Health and Social Care Moray (HSCM) are as follows:

4.1 Assessing the risk of emergencies occurring and use this to inform contingency planning in the form of a Community Risk Register.

HSCM links into governance structures relating to risks in both NHSG and Moray Council. This includes being represented on NHS Grampian's Civil Contingencies Group, liaison with Civil contingencies leads within Moray Council.

Part of the risk assessment is done through membership of the Grampian Local Resilience Partnership (GLRP), which identifies risks which are likely to manifest. HSCM require to have controls in place to manage these risks, particularly the ability to respond to these in an emergency situation.

4.2 Put in place emergency plans.

As mentioned above HSCM is already a member of the GLRP which identifies risks which are likely to manifest in the area. HSCM requires to have governance structures and emergency plans to help mitigate these risks.

These include Senior Manager On Call governance documents and arrangements, and links into the equivalent structures in Moray Council and NHSG. During times of emergencies or significant disruptive incidents HSCM establishes an Incident Response Team which comprises appropriate officers from across the partnership. Following the change of status for IJB, Health and Social Care Partnerships are being asked to take a key role in the Care for People arrangements and this is therefore a key area for review to ensure arrangements are up to date.

The Moray Care for People Plan outlines that the Care for People Team will:

- provide of a focal point for information and assistance to families, friends and all those directly or indirectly affected by and involved in the incident;
- make arrangements that those affected receive appropriate information and assistance in a timely, coordinated manner;
- ensure that those affected get access to – and guidance on – the range of services from which people can make informed choices according to their needs;
- ensure that people are aware of, understand and can access the longer-term support which is available; and
- ensure that as far as possible, a seamless multi-agency approach to caring for people in emergencies is arranged.

The Moray Care For People Group is aligned to the Grampian LRP Care For People Sub Group.

4.3 Create business continuity plans to ensure that they can continue to exercise critical functions in the event of an emergency.

HSCM has a Civil Contingencies Group which comprises of representatives from across the Partnership. Within the remit of the Group is the requirement to monitor Business Continuity Plans across the Partnership, including an overarching HSCM Business Continuity Plan (BCP). HSCM Civil Contingencies Group's remit is to be revised to reflect the requirements of a Category 1 Responder and develop an action plan to monitor progress and action around these areas. The Group is aligned to the IJB's Risk, Audit and Performance Committee and regular updates are on progress.

4.4 Make information available to the public about civil protection matters, and maintain arrangements to warn, inform and advise the public in the event of an emergency.

HSCM web page and social media channels will carry relevant information, as soon as it becomes available for public dissemination, in order to inform the public and our staff in a timely manner of important development and updates. HSCM would also contribute to public information being released by our partner organisations, where appropriate. HSCM communications would be developed throughout the emergency with our public sector partners, including the police, fire and rescue, neighbouring local authorities, the Scottish Government and other partner organisations as appropriate. IJB members, senior elected members of Moray Council, and appropriate senior management members at the Moray Council and NHS Grampian would be kept informed in advance of information which was due to be released by HSCM into the public domain. A log would be kept of all information released internally and externally in order that an audit trail is maintained of all communications activity.

4.5 Share information with other local responders to enhance co-ordination and co-operate with other local responders to enhance coordination and efficiency.

As detailed above the HSCM is a member of various groups, including the GLRP, and groups established in Moray Council and NHSG. Through these groups the Partnership and IJB can share information and learning with other responders to enhance co-ordination and efficiency in responses.

Next Steps

4.6 In order to progress the above, discussions have taken place at HSCM Civil Contingencies Group and Senior Management Team to assist in the operationalisation of the Category 1 duties and to agree the amendments to the Group's Terms of Reference. Managers are participating in the appropriate forums and will be working closely with colleagues in the LRP, Moray Council and NHS Grampian to ensure that necessary communication channels and protocol are in place for response action and that plans are in place, and exercised collaboratively. Where any gaps in preparedness are identified they will be incorporated into the action plan.

4.7 Currently there is a review underway of the governance framework of GLRP and it is likely there will be a requirement for participation in an couple of groups to facilitate sharing understanding of risk, implications and mitigations and sharing of information. Once the review is finalised and the structure approved an update on the arrangements will be provide to Audit, Performance and Risk committee.

- 4.8 In terms of informing the members of the IJB it is proposed that an annual resilience report be submitted to the IJB to provide assurance on the resilience arrangements in place within HSCM/IJB in fulfilment of the IJB's duties as a Category 1 Responder under the Civil Contingencies Act 2004.
- 4.9 Finally, in terms of governance, the Chief Officer will be carrying out these duties and roles and will have a presence at the Local Resilience Partnership and it is proposed that the following be added to the Chief Officer's Moray Council delegated powers:
"With the inclusion of the Moray Integration Joint Board as a Category 1 Responder under the Civil Contingencies Act 2004, to direct and ensure that coordinated and appropriate arrangements are in place to discharge the requirements of that Act and other relevant legislation".
To that end, it is recommended that the IJB: Instructs the Chief Officer, as the Accountable Officer, to carry out on its behalf, all necessary arrangements to discharge the duties on the IJB under the Civil Contingencies Act 2004 (the 2004 Act) and, instruct the Chief Officer to bring a report, annually, providing assurance on the resilience arrangements in place to discharge the duties on the IJB under the 2004 Act.

5. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP)) and Moray Integration Joint Board Strategic Plan "Moray Partners in Care 2019 – 2029"

This report forms part of the governance arrangements of Moray Integration Joint Board; good governance arrangements will support the Board to fulfil its objectives.

(b) Policy and Legal

The Civil Contingencies Act 2004 outlines a single framework for civil protection in the UK. Part 1 of the Act established a clear set of roles and responsibilities for specified organisations involved in emergency preparedness and response at local level (known as Category 1 responders). Moray Council and NHS Grampian are Category 1 responder.

HSCM resilience and preparedness is the responsibility of the Chief Officer. The Corporate Manager is responsible for acting as the point of contact for Moray and for driving forward all matters relating to civil contingencies and resilience within Moray, supported by HSCM Civil Contingencies Group and Moray Resilience Group.

(c) Financial implications

There are no financial implications associated with this report.

(d) Risk Implications and Mitigation

HSCM Civil Contingencies Risk Register is routinely monitored by the HSCM Civil Contingencies Group with risks escalated to the senior management team as appropriate.

The continued impact of Covid-19 has placed additional pressures on many services. Critical functions are identified and prioritised and services continue to strive to deliver these. Any concurrent incident or emergency would place additional pressure on the whole system and support from partner organisations would be required. Staffing resilience and capacity could be quickly overwhelmed in such a scenario.

(e) Staffing Implications

There will be requirement for increased participation at GLRP meetings, the requirements for which will be confirmed once the structure review is completed.

(f) Property

There are no property implications arising from this report.

(g) Equalities/Socio Economic Impact

An Equality Impact Assessment is not needed as there is no change to policy or procedure.

(h) Consultations

Consultation on this report has taken place with the Chief Officer, Chief Financial Officer, and Moira Patrick, Democratic Services Manager, Moray Council, who are in agreement with the content of this report as regards their responsibilities.

6. CONCLUSION

6.1. This report provides MIJB with information about the inclusion of IJB's as Category 1 Responders in terms of the Civil Contingencies Act 2004 and an outline of the requirements that this involves.

Author of Report: Jeanette Netherwood, Corporate Manager
Background Papers: The Civil Contingencies Act 2004 (Contingency Planning)(Scotland) Regulations 2005
<https://www.legislation.gov.uk/ssi/2005/494/made/data.pdf>

Government Response to the Consultation to include Integration Joint Boards and Category 1 Responders under the Civil Contingencies Act 2004
<https://www.gov.scot/publications/consultation-amend-civil-contingencies-act-2004-include-integration-joint-boards-government-response/documents/>