



**REPORT TO:** HEALTH AND SOCIAL CARE INTEGRATION JOINT BOARD –  
21 APRIL 2021

**REPORT ON:** CIVIL CONTINGENCIES ACT 2004 - INTEGRATION JOINT BOARD  
STATUS AS CATEGORY ONE RESPONDERS

**REPORT BY:** CHIEF OFFICER

**REPORT NO:** DIJB14-2021

**1.0 PURPOSE OF REPORT**

1.1 The purpose of this report is to provide assurance to the Integration Joint Board regarding the arrangements in place to fulfill duties as Category 1 Responders under the Civil Contingencies Act 2004.

**2.0 RECOMMENDATIONS**

It is recommended that the Integration Joint Board (IJB):

- 2.1 Note the content of this report.
- 2.2 Note the amendment of the Civil Contingencies Act 2004 to include Integration Joint Boards as Category 1 responders (section 4.1) and the statutory duties of Category 1 responders (section 4.2).
- 2.3 Note the arrangements that are currently in place across the Dundee Health and Social Care Partnership to fulfill the duties of Category 1 responders (section 4.3) and identified areas for further development (section 4.4).
- 2.4 Instruct the Chief Officer to provide a further report on local arrangements for the effective implementation of duties by the IJB following the completion of forthcoming national workshops and publication of national guidance for IJBs (section 4.2.3).

**3.0 FINANCIAL IMPLICATIONS**

3.1 None.

**4.0 MAIN TEXT**

4.1 The Civil Contingencies Act 2004 (the Act) provides the legal basis for emergency preparedness and response across the UK, supplemented by the Civil Contingencies Act 2004 (Contingency Planning) (Scotland) Regulations 2005 that provide further detail to support the application of the Act in Scotland. The regulations contain details regarding the roles and duties of responders.

The Act pre-dates the creation of Integration Joint Boards. Following a consultation exercise in late 2020 (Article XII of the minute of the Dundee Integration Joint Board held on 27 October 2020 refers) the Scottish Government has now amended the Civil Contingencies Act 2004 to add Integration Joint Boards to the list of Category 1 responders (Part 2, Schedule 1). This amendment came into effect of 17 March 2021.

## 4.2 Category 1 Responders

4.2.1 The Act identifies two categories of responder. Category 1 responders are the emergency services, local authorities, NHS Health Boards and Integration Joint Boards. Category 2 responders include a range of utility and transport providers and NHS National Services Scotland. Prior to the recent amendment to the Act Integration Joint Boards had not previously been included in either category.

4.2.2 The Act (section 2) sets out the following list of duties for Category 1 responders:

- Assess the risk of emergencies occurring and use this to inform contingency planning.
- Put in place emergency plans.
- Put in place business continuity management arrangements.
- Put in place arrangements to 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.
- Share information with other local responders to enhance co-ordination.
- Co-operate with other local responders to enhance co-ordination and efficiency.

4.2.3 The duties listed in section 4.2.2 apply to the functions that have been delegated to the IJB under the Public Bodies (Joint Working) (Scotland) Act 2014, as well as to any other powers and duties placed on the IJB by other legislative instruments. The Scottish Government has advised that there is no obligation to include the duties of the Civil Contingencies Act in local health and social care integration schemes. National guidance to support Category 1 responders is being reviewed to reflect the recent inclusion of IJBs. In addition, the Scottish Government Resilience Division has advised that workshops for Chief Officers and their staff covering responsibilities of Category 1 responders and how these can effectively be carried are to be provided in late May 2021. Additional workshops are also being planned for IJB members.

## 4.3 Arrangements for Emergency Planning

4.3.1 Prior to the designation of IJBs as Category 1 responders, the Partnership, including the Chief Officer in their role as director of health and social care services within the Health Board and local authority, already made significant contributions to local arrangements for developing emergency and resilience plans alongside Dundee City Council, NHS Tayside and local emergency services representatives. The inclusion of IJBs within the list of Category 1 responders formalises the Chief Officer's contribution through their role as accountable officer within the IJB and the Partnership's wider contribution to the co-ordination of emergency planning and resilience arrangements across Dundee and Tayside. The Scottish Government states that this will *"...ensure that where there is a risk of an emergency which will impact functions delegated to the Integration Joint Board, there will be formal co-ordinated and appropriate arrangements in place for emergency planning; information sharing and co-operation with other responders; and joined up information sharing and Advice for the public."* (Scottish Government, Consultation Response, 2021).

### *Co-ordination and Co-operation*

4.3.2 Local arrangements for emergency preparedness and response are led by the Tayside Local Resilience Partnership (LRP). The LRP consists of all Category 1 and Category 2 responders across the region and is the primary forum through which responders work together to discharge their duties under the Act. The Chief Officer is a member of the Tayside LRP. The LRP is supported by a number of sub-groups, including a Tayside Care for People Sub-Group that is chaired by the Partnership's Head of Service for Health and Community Care. This sub-group focuses on ensuring that Tayside LRP partner agencies have common approaches and, where possible, common plans to support the implementation of the Tayside LRP Support and Care for People Framework and Supporting Communities in Recovery Plan. The work of the group covers the provision of emergency support rest centers, responses to vulnerable people, emergency accommodation, care home evacuation and psychosocial support.

- 4.3.3 Dundee City Council and NHS Tayside have within their structure dedicated Resilience Officer posts who take a lead role at an organisational level in co-ordinating resilience strategy and planning and establishing and maintaining resilience infrastructure and supports. The Partnership has worked in collaboration with these Resilience Officers to progress joint resilience tasks and benefits from their knowledge and expertise on an ongoing basis. There is no equivalent post within the Partnership.
- 4.3.4 The Partnership works closely with Dundee City Council to develop and implement plans for the establishment and operation of emergency rest centers where these are required in response to local incidents. This includes identification of appropriate sites for rest centers, training and development of staff and volunteers to support the operation of rest centers, provision of the required IT and administrative systems and supports and provision of social work and social care supports for vulnerable people impacted by emergency incidents. During the pandemic period work has been undertaken to refresh rest center plans to take account of infection prevention and control requirements.

*Assessment of Risk and Emergency / Contingency / Business Continuity Planning*

- 4.3.5 As part of the wider business support and continuity arrangements for the Partnership all services should have in place business continuity plans, including emergency contingency plans and emergency evacuation plans where appropriate (particularly relevant for residential/building based services and supports). Support is available from the Partnership's Finance, Business and Transformation Service and from corporate Health and Safety services within the Council and NHS to support individual services to develop and test plans. The COVID-19 pandemic has provided an opportunity to test plans in the most challenging of resilience response situations and to update them to incorporate lessons learned. Business continuity planning is linked to wider business support functions regarding risk assessment and management.
- 4.3.6 The COVID-19 pandemic has provided the opportunity for the partnership to develop, test and consolidate arrangements for business continuity management. A Partnership Silver Command Group has been established supported by a range of function specific Bronze Command Groups. This structure has been aligned with the corporate structures in NHS Tayside and Dundee City Council and onwards to the Tayside LRP. These arrangements will now be reflected in post-pandemic updates to resilience plans and form the basis of business continuity management response (at a proportionate scale to the emergency incident being experienced) in the future.
- 4.3.7 The Social Care Contracts Team has an important role in encouraging contracted providers to ensure that they have appropriate contingency and business continuity plans in place for the services that they provide. Contractual arrangements include a requirement on all providers to develop and maintain processes and procedures for business continuity, including undertaking regular risk assessments to identify any threats or risks to service provision. Providers are asked to submit copies of their business continuity plans for assurance purposes. Historically work has also been undertaken through provider forums that operate in some service sectors to raise provider awareness of emergency planning, resilience and business continuity through learning and development inputs. As with the Partnership itself, the COVID-19 pandemic has allowed providers to test and further strengthen contingency and business continuity plans.

*Public Communication*

- 4.3.8 As part of the Tayside LRP arrangements the DHSCP contributes to the development of public communication messages and materials regarding resilience and emergency planning matters. For example, the Partnership has worked closely with Dundee City Council throughout the pandemic period to provide public information regarding business continuity arrangements for delegated health and social care services and to promote public testing and vaccination programmes.

#### 4.4 Areas for Further Development

4.4.1 The Partnership's experience of the COVID-19 pandemic and reflection on requirements of Category 1 responders has highlighted the following areas as requiring further development over the next 12 months:

- Further work to review and confirm the formal representation of the IJB across the Tayside LRP structure (reflecting new status as Category 1 responders).
- Work across all Partnership services to fully update contingency and business continuity plans to reflect experience and learning from the pandemic period, including updating all supporting documentation. This work will also be extended across contracted providers to encourage a similar review at individual service level.
- Concluding work with Dundee City Council to refresh arrangements for establishing and staffing emergency rest centers.
- Agreeing appropriate management and governance arrangements for the effective oversight of resilience and emergency planning functions within the Partnership, alongside linked functions such as risk management and business continuity.

#### 5.0 POLICY IMPLICATIONS

5.1 This report has been screened for any policy implications in respect of Integrated Impact Assessment. There are no major issues.

#### 6.0 RISK ASSESSMENT

<b>Risk 1 Description</b>	Additional responsibilities associated with Category 1 responder status are not supported by additional resources from Scottish Government and existing resources are not sufficient to meet statutory duties.
<b>Risk Category</b>	Governance, Operational
<b>Inherent Risk Level</b>	Likelihood 3 x Impact 4 = Risk Scoring 12 (High Risk)
<b>Mitigating Actions</b> (including timescales and resources)	<ul style="list-style-type: none"><li>• The Chief Officer and other supporting staff have historically had close involvement in LRP activities and local resilience arrangements; this has minimized the additional resource burden of recent legislative changes.</li><li>• Close co-operation is already in place across the LRP and with the corporate bodies.</li><li>• Dedicated Resilience Officers are in place within NHS Tayside and Dundee City Council who are available to provide expert advice and guidance to the Chief Officer and the wider Partnership when required.</li><li>• Further work is to be carried out to revise internal management and governance arrangements for the effective oversight of resilience and emergency planning functions.</li></ul>
<b>Residual Risk Level</b>	Likelihood 2 x Impact 4 = Risk Scoring 8 (Moderate Risk)
<b>Planned Risk Level</b>	Likelihood 2 x Impact 3 = Risk Scoring 6 (Moderate Risk)
<b>Approval recommendation</b>	While the inherent risk level is high, the impact of planned actions reduces the risk and therefore the risk should be accepted.

## 7.0 CONSULTATIONS

7.1 The Chief Finance Officer, Head of Service, Health and Community Care and the Clerk have been consulted in the preparation of this report.

## 8.0 DIRECTIONS

8.1 The Integration Joint Board requires a mechanism to action its strategic commissioning plans and this is provided for in sections 26 to 28 of the Public Bodies (Joint Working) (Scotland) Act 2014. This mechanism takes the form of binding directions from the Integration Joint Board to one or both of Dundee City Council and NHS Tayside.

Directions Required to Dundee City Council, NHS Tayside or Both	Direction to:	
	1. No Direction Required	X
	2. Dundee City Council	
	3. NHS Tayside	
	4. Dundee City Council and NHS Tayside	

## 9.0 BACKGROUND PAPERS

9.1 None.

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DATE: 31 March 2021

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