

**REPORT TO: HEALTH AND SOCIAL CARE INTEGRATION JOINT BOARD –  
26 OCTOBER 2022**

**REPORT ON: CATEGORY 1 RESPONDER ACTION PLAN**

**REPORT BY: CHIEF OFFICER**

**REPORT NO: DIJB73-2022**

## **1.0 PURPOSE OF REPORT**

1.1 To provide an overview of recent key developments in the implementation of the Integration Joint Board's duties as a Category 1 Responder under the Civil Contingencies Act 2004, and submit for approval an IJB Category 1 Responder Action Plan.

## **2.0 RECOMMENDATIONS**

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

- 2.1 Note the content of this report., including progress made in developing arrangements to support the IJB to fulfil their duties as Category 1 Responders (section 4.2).
- 2.2 Approve the Dundee IJB Category 1 Responder Action Plan contained within appendix 1 to this report.
- 2.3 Instruct the Chief Finance Officer to update the IJB's Strategic Risk Register to reflect the current risk level and mitigating actions as set out in section 6 of this report.
- 2.4 Instruct the Chief Officer to submit the first IJB Category 1 Responder Assurance Report for 2022/23 to the IJB no later than 30 June 2023.

## **3.0 FINANCIAL IMPLICATIONS**

3.1 None.

## **4.0 MAIN TEXT**

### **4.1 BACKGROUND**

4.1.1 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.

4.1.2 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.

The duties listed 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. Immediately following the amendment that included IJBs as Category 1 Responders the Scottish Government indicated that revised national guidance would be made available to IJBs to support implementation of these duties; to date this has not been provided.

- 4.1.3 In April 2021, the IJB received a report providing assurance regarding the arrangements in place to fulfil duties as Category 1 Responders (Article VI of the minute of the Dundee Integration Joint Board held on 21 April 2021 refers). In summary this report described: the participation of the IJB Chief Officer in the Tayside Local Resilience Partnership and of other officers in associated sub-groups; partnership working with the dedicated Resilience Officers in Dundee City Council and NHS Tayside; arrangements for the provision of emergency rest centres; arrangements for the assessment of risk and emergency / contingency / business continuity planning; and, the Partnerships contribution to public communications. A small number of areas for further development were also identified, including concluding ongoing work to refresh arrangements for establishing and staffing emergency rest centres and consolidating learning from the pandemic within updated contingency and business continuity plans for Partnership services.
- 4.1.4 In July 2022, the Performance and Audit Committee considered an internal audit report focused on the IJB's arrangements as a Category 1 Responder, assessing whether or not appropriate arrangements are in place to meet the requirements of the legislation as applicable to the IJB in addition to the co-ordination of arrangements with partner bodies. The conclusion of the internal audit report notes that the IJB is still at a preliminary stage to introduce the necessary resilience arrangements and is dependent on the partner bodies to provide assurance that the required resilience components are in place and up to date. Furthermore, it is noted that national guidance for IJB's which will aid preparation has not been forthcoming as planned. The legislation was introduced during the COVID-19 pandemic which has seen the IJB and Health and Social Care Partnership fully deployed in responding to this significant civil emergency. However, given the stage of implementation of the formal arrangements, the audit opinion of the level of assurance that the IJB is discharging its Category 1 responder responsibilities is that only limited assurance can be provided.
- 4.1.5 A key action arising from the internal audit report was for an initial report to be produced, including delivery of a Category 1 Responder action plan, and submitted to the IJB by October 2022.

## **4.2 DEVELOPMENTS IN CATEGORY 1 RESPONDER ARRANGEMENTS**

- 4.2.1 Since the last report on emergency planning was submitted to the IJB in April 2021, the Partnership has continued to work with both the Resilience Officers in NHS Tayside and Dundee City Council and the Tayside Local Resilience Partnership to progress implementation of the IJB's Category 1 Responder duties.
- 4.2.2 In relation to assessment of risk, information sharing and co-operation, the Chief Officer and Head of Health and Community Care have continued to play an active role as members of the Tayside Local Resilience Partnership and associated sub-groups. This has included delivering a successful operational response as a partner to Operation Unicorn (the Scottish Plan) following the death of HRH Queen Elizabeth II, and the resettlement of Ukrainian Displaced People. The Partnership has also consolidated its internal structure for resilience matters, taking account of learning from the pandemic period. A Partnership resilience group continues to meet on fortnightly basis to both identify emerging risks and manage resilience responses.
- 4.2.3 Progress has been made with partners in revising arrangements for the provision of emergency rest centres. Associated procedures, tools and supporting resources are being finalised and a

programme of training for relevant staff is currently being progressed. Emergency rest centres have been successfully supported utilising the revised procedure in relation to a small number of incidents over the last year. Whilst the Partnership's operational services have continued to evolve their emergency and business continuity plans based on learning there is an outstanding need to formalise this work and confirm the status of plans across delegated services. The Social Care Contracts Team continues to oversee contractual arrangements that 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. Contracted providers submit their business continuity plans for assurance purposes.

4.2.4 The Partnership has continued to work alongside the Tayside Local Resilience Partnership and the Communications Teams within Dundee City Council and NHS Tayside to inform and support public communications with regarding the civil protection matters. This has included ongoing communications in relation to the COVID-19 pandemic, for example in relation to vaccination programmes, as well as in relation to Operation Unicorn. Steps have also been taken to review and consolidate arrangements for communication with external providers (contracted or otherwise). During the pandemic the Health and Social Care Partnership developed very successful arrangements for sharing key information with external providers and also receiving relevant information, notifications and submissions from them; this focused around the use of a single, consistent e-mail address, monitored robustly by Partnership staff. These arrangements evolved over the course of the pandemic based on feedback from external providers and have now been mainstreamed, meaning they will be available to support resilience communications (general and incident specific) moving forward.

### 4.3 CATEGORY 1 RESPONDER ACTION PLAN

4.3.1 In-line with the recommendations of the internal audit report (see section 4.1.15) a Category 1 Responder Action Plan has been developed for Dundee IJB and is attached as appendix 1. This plan addresses the findings of the internal audit report, as well as other identified gaps in existing arrangements. It does not reflect the ongoing arrangements already in place within the IJB, Health and Social Care Partnership and other partner bodies that support the discharge of Category 1 Responder duties (as set out in April 2021 and section 4.2 of this report). The plan will be reviewed and, if necessary, update when the Scottish Government publish their revised guidance for Category 1 Responders reflecting the inclusion of IJBs.

### 5.0 POLICY IMPLICATIONS

5.1 This report has been subject to the Pre-IIA Screening Tool and does not make any recommendations for change to strategy, policy, procedures, services or funding and so has not been subject to an Integrated Impact Assessment. An appropriate senior manager has reviewed and agreed with this assessment.

### 6.0 RISK ASSESSMENT

<b>Risk 1 Description</b>	Failure to fully comply with the Category 1 Responder duties.
<b>Risk Category</b>	Governance, Legal
<b>Inherent Risk Level</b>	Likelihood 3 x Impact 4 = Risk scoring 12 (which is a high risk level)
<b>Mitigating Actions</b> (including timescales and resources)	<ul style="list-style-type: none"> <li>• Close co-operation is already in place across the LRP and with the corporate bodies. IJB membership of LRP and sub-groups agreed.</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>• Internal resilience structure within Dundee Health and Social Care Partnership in place.</li> <li>• Arrangements in place to seek assurance from contracted providers regarding emergency plans and business continuity plans.</li> <li>• Category 1 Responder Action Plan developed, identifying areas for action and timescales.</li> </ul>
<b>Residual Risk Level</b>	Likelihood 3 x Impact 3 = Risk scoring 9 (which is a high risk level)
<b>Planned Risk Level</b>	Likelihood 2 x Impact 3 = Risk scoring 6 (which is a moderate risk level)
<b>Approval recommendation</b>	It is recommended that the existing risk within the IJB's Strategic Risk Register is updated to reflect the current position, including risk mitigation and scoring.

## 7.0 CONSULTATIONS

7.1 The Chief Finance Officer, Heads of Service - Health and Community Care and the Clerk were 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.

Direction 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.

Vicky Irons  
Chief Officer

DATE: 29 September 2022

Diane McCulloch  
Head of Health and Community Care

Kathryn Sharp  
Service Manager, Strategy and Performance

## Appendix 1

### Dundee IJB Category 1 Responder Action Plan

ACTION		LEAD	TIMESCALE
<b>Assessing the risk of an emergency, information sharing and co-operation</b>			
1.1	Provide an annual assurance report to the IJB detailing arrangements for fulfilling Category 1 Responder duties and activity throughout the year.	Head of Service, Health and Community Care	Annually, following the end of each financial year. First report to be submitted no later than 30 June 2023.
1.2	Confirm arrangements with the Tayside Local Resilience Partnership, Dundee City Council and NHS Tayside for provision of relevant information and assurances as part of the annual assurance report to the IJB.	Chief Finance Officer / Chief Officer / Head of Health and Community Care	31 March 2023
1.3	Update the standing orders of the IJB and the PAC, as well as the Scheme of Delegation to reflect duties and supporting arrangements.	Chief Finance Officer	Following final approval of the Dundee Health and Social Care Integration Scheme, current delivery date estimated to be by 31 December 2022.
1.4	Revise arrangements within Dundee Health and Social Care Partnership Clinical, Care and Professional Governance Group to include resilience matters (revision of agenda and report templates).	Head of Service, Health and Community Care	31 December 2022
<b>Emergency plans and business continuity arrangements</b>			
2.1	Provide an annual assurance report to the IJB detailing arrangements for fulfilling Category 1 Responder duties and activity throughout the year.	Head of Service, Health and Community Care	Annually, following the end of each financial year. First report to be submitted no later than 30 June 2023.

ACTION		LEAD	TIMESCALE
2.2	Confirm arrangements with the Tayside Local Resilience Partnership, Dundee City Council and NHS Tayside for provision of relevant information and assurances as part of the annual assurance report to the IJB.	Chief Finance Officer / Chief Officer / Head of Health and Community Care	31 March 2023
2.3	Complete an audit of Dundee Health and Social Care Partnership managed services to confirm current status of emergency plans and business continuity plans.	Dundee Health and Social Care Partnership Resilience Group	31 December 2022
2.4	Develop a timetable for addressing gaps in emergency and business continuity planning identified by the audit and support services to implement this.	Service Manager, Strategy and Performance	Timetable in place by 31 December 2022, with target date to be set for completion of all plans at that time.
<b>Public communications</b>			
3.1	Provide an annual assurance report to the IJB detailing arrangements for fulfilling Category 1 Responder duties and activity throughout the year.	Head of Service, Health and Community Care	Annually, following the end of each financial year. First report to be submitted no later than 30 June 2023.
3.2	Confirm arrangements with the Tayside Local Resilience Partnership, Dundee City Council and NHS Tayside for provision of relevant information and assurances as part of the annual assurance report to the IJB.	Chief Finance Officer / Chief Officer / Head of Health and Community Care	31 March 2023
3.3	Review structure and content of Dundee Health and Social Care Partnership website to identify any further opportunities for inclusion of resilience information	Service Manager, Strategy and Performance	31 December 2022