

<p>Title: Categorisation of the Meteorological Office and the Coal Authority as Category 2 Responders under the Civil Contingencies Act (2004)</p> <p>IA No: CO2028</p> <p>RPC Reference No: N/A</p> <p>Lead department or agency: Cabinet Office</p> <p>Other departments or agencies: Department for Business, Energy and Industrial Strategy, the Meteorological Office & the Coal Authority</p>	
	De minimis assessment
	Date: 6/12/2022
	Stage: Final
	Source of intervention:
	Type of measure: Statutory Instrument
Contact for enquiries: Mandy Mackenzie	
Summary: Intervention and Options	RPC Opinion: N/A

What is the problem under consideration? Why is government action or intervention necessary?

The Meteorological Office and the Coal Authority perform important functions in the UK's resilience framework in preparing for, and responding to, risks associated with extreme weather events and coal mining legacy. Examples of these risks include flooding, heatwaves, subsidence and coal mine water pollution. The two organisations have significant expertise and technical knowledge in their respective fields, and provide critical support such as severe weather warnings, hazard assessments, training and response planning.

The Civil Contingencies Act 2004 (CCA), which establishes the framework for civil protection in the UK, does not identify them as categorised responders. Therefore, their provision of assistance and multi-agency cooperation occurs on an inconsistent basis across the UK.

Legislating to make these organisations Category 2 responders would fully integrate them into emergency preparedness and response structures and processes, facilitating their engagement with other categorised responders.

What are the policy objectives of the action or intervention and the intended effects?

The intention of this intervention is to improve the United Kingdom's civil protection framework by ensuring the sharing of information and data between responder organisations, and encourage consistency of multi-agency working in planning for emergencies.

The Coal Authority and the Meteorological Office would be able to share information and engage with local resilience forums across the UK¹ more easily, improving the preparedness of local partnerships to respond to incidents related to coal mining or severe weather and reduce issues caused by lack of multi-agency working.

Categorisation of these organisations ensures the CCA fulfils its objective of defining the organisations that should form part of the UK's resilience framework. This intervention brings the Meteorological Office and Coal Authority in line with the current list of Category 2 responders, and recognises the integral role of these organisations in contributing to multi-agency preparedness. This is particularly important as the risk landscape changes, especially in relation to additional weather and climate risks.

¹ including Local Resilience Forums in England and Wales, Regional Resilience Partnerships in Scotland and Emergency Preparedness Groups in Northern Ireland)

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)

Although the current arrangements are functional, to continue with no change to categorisation would undermine the Civil Contingencies framework which underpins resilience activities in the UK. One of the critical objectives of the CCA is to establish a consistent level of civil protection across the UK and identify the roles and responsibilities for local responders. The Meteorological Office and the Coal Authority are increasingly being called upon by Category 1 responders to provide information to aid in the planning for and response to emergencies. Their expertise and support of these organisations is likely to only become more important in the future with expected changes in the UK's weather and climate over the next three decades which will create additional weather and climate risks.

There would be an increased risk of missed intelligence or misunderstanding and the Meteorological Office and the Coal Authority would continue to face the current challenges of working on an informal basis. The current arrangements mean that the expertise and specific capabilities of these agencies are not consistently integrated into emergency preparedness in all local resilience forums across the UK. Where the agencies are not fully embedded in local structures there is a higher risk of worse outcomes or greater impacts from emergencies that these local communities face. It can also lead to delays in action to put in place measures to protect or support affected communities, putting more pressure on emergency services and partners who would benefit from the advice and expertise that these organisations hold.

Is this measure likely to impact on international trade and investment?		No	
Are any of these organisations in scope?		N/A	
What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent)		N/A	
<p>Will the policy be reviewed? There is a statutory requirement for the government to review the Civil Contingencies Act every 5 years, which includes which organisations are categorised under the Act. If applicable, set review date: The next statutory review of the legislation will be before April 2027.</p>			

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible: Lisa Jordan, Chief Economist Date: 7th October 2022

Signed by the responsible MP:  Date: 30th November 2022

Evidence Base

Problem under consideration and rationale for intervention

Background

1. The Civil Contingencies Act 2004 (CCA or 'the Act') sets out a framework for emergency preparedness in the UK. It defines what an emergency is, creates the conditions for effective multi-agency working at the local level and provides emergency powers which allow the UK Government to react quickly to make temporary special legislation in the most serious of emergencies.
2. Emergency preparedness is essential to protect the UK from the hazards and threats that have the potential to cause harm to its inhabitants, property, businesses and environment. The CCA provides a basis for a spectrum of local responders in the UK to cooperate and jointly prepare for emergencies.
3. Part 1 of the Act focuses on local arrangements for civil protection, establishing a statutory framework of roles and responsibilities for local responders. It provides structure and consistency for emergency preparedness activities. It also defines two different categories of responder and the duties that they are required to perform; the details of those duties are described in the associated Civil Contingencies Act 2004 (Contingency Planning) Regulations 2005 ('the Regulations').
4. Those in Category 1 are organisations at the core of the response to most emergencies (e.g. the emergency services, local authorities, NHS bodies). Category 1 responders are subject to the full set of civil protection duties. They will be required to:
 - a. assess the risk of emergencies occurring and use this to inform contingency planning
 - b. put in place emergency plans
 - c. put in place business continuity management arrangements
 - d. 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
 - e. share information with other local responders to enhance coordination
 - f. cooperate with other local responders to enhance coordination and efficiency
 - g. provide advice and assistance to businesses and voluntary organisations about business continuity management (local authorities only)
5. Category 2 organisations (e.g. the Health and Safety Executive, transport and utility companies) are 'co-operating bodies'. They are less likely to be involved in the heart of planning work, but will be heavily involved in incidents that affect their own sector. Category 2 responders have a lesser set of duties - cooperating and sharing relevant information with other Category 1 and 2 responders.
6. Collectively, these duties facilitate emergency preparedness between these organisations at a local level by ensuring access to shared knowledge and plans, opening communication channels both between the organisations and with the public

and placing clear legal responsibility upon organisations to assess risk and plan for the outcomes of the risks that have been assessed.

Objectives of the Civil Contingencies Act (2004)

7. The CCA, Regulations and guidance underpinning the legislation are therefore designed to deliver a single framework supporting civil protection in the UK. The regulatory system establishes clear duties and tasks for responders in relation to emergencies and emergency planning. It intends to:
 - a. Establish a consistent level of civil protection activity across the UK;
 - b. Encourage consistency between category 1 and 2 responders in the way this is carried out;
 - c. Define the tasks that should be performed and establish that organisations should cooperate; and
 - d. Ensure local responders retain the ability to make decisions – in the light of local circumstances and priorities – about what planning arrangements are appropriate in their areas.
8. Putting the duties in one place, and applying them equally and consistently across all bodies, strengthens the spirit of partnership and collaboration which was a key original goal of the Act.

Consultation and Review of the Act

9. The UK Government has a legal obligation to review the CCA regulations every five years². The most recent Post-Implementation Review (PIR) concluded in March 2022³, it considered both the regulations and the Act as a whole. A significant evidence gathering exercise was carried out to support the production of this report and the recommendations it contained. This involved: a public call for evidence as part of the development of a Resilience Strategy as identified in the Integrated Review; bespoke extensive stakeholder engagement and drawing upon information gathered and lessons learned from previous emergencies and associated reports. The PIR concluded that the Act continues to achieve its stated objectives but also set out several recommendations aimed to strengthen the fulfilment of the Act's objectives.
10. One of the themes that the PIR considered was 'categorisation and duties on responder organisations'. Evidence gathered from local responders, during the Call for Evidence (CfE) for the Resilience Strategy⁴, indicated that there were gaps in the organisations listed under the Act. The CfE asked stakeholders whether they thought there were gaps in critical representation of responder organisations included in the CCA. 69% of respondents (out of the 214 responses who responded to the section of the CfE on the CCA) referenced gaps and this view was seen most strongly amongst English Local Resilience Forum responses and their membership.
11. As part of this engagement process, the Department for Levelling Up, Housing and Communities (DLUHC) led a series of in-depth workshops with representatives from Local Resilience Forums across England. This 'Big Resilience Conversation' aimed to give local responders the opportunity to directly contribute to the evidence base which supported decision making on the CCA Review, the development of the Resilience

² This is established by Regulation 59 of the Regulations.

³ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1076209/cca-pir-2022.pdf

⁴ <https://www.gov.uk/government/consultations/national-resilience-strategy-call-for-evidence>

Strategy and the Integrated Review commitment to consider strengthening the roles and responsibilities of LRFs.

12. This engagement included over 50 hours of discussions with LRFs and local resilience colleagues. There were also 11 detailed interviews with LRF chairs to understand more about the barriers to effective collaboration and senior leadership at the local level. Further engagement was also carried out with Category 2 responders and Local Government representatives.
13. As different types of emergencies evolve, so do the roles and involvement of organisations in emergencies. This has created a need for responders to work with organisations that are not currently categorised within the Act at all.
14. Following consultation with partners across the UK Government, Devolved Administrations (DAs) and LRFs in England, as well as further engagement with the agencies in question, the PIR recommended the inclusion of two additional agencies as Category 2 responders: the Meteorological Office and the Coal Authority.

Issue to be Addressed

15. The Meteorological Office and the Coal Authority are increasingly being called upon by emergency responders to provide support in preparing for and responding to major incidents despite the fact these organisations are not legally required to do so. This provision of assistance currently happens on an informal, inconsistent basis and depends on voluntary support from the Coal Authority and the Meteorological Office, as well as partner awareness of the expertise available within these organisations and the risks associated with severe weather and mining legacy.
16. Emergency planning aims, where possible, to prevent emergencies occurring, and when they do occur, good planning should reduce, control or mitigate the effects of the emergency. The current arrangements mean that the expertise and specific capabilities of these agencies are not consistently integrated into emergency preparedness in all local resilience forums across the UK. Where the agencies are not fully embedded in local structures there is a higher risk of worse outcomes or greater impacts from emergencies that these local communities face. It could also lead to delays in action to protect or support affected communities, putting more pressure on emergency services and partners who would benefit from the advice and expertise that these organisations hold.
17. An example of this is the Skewen flooding incident which occurred on the 21st January 2021. Mid and West Wales Fire and Rescue Service declared a major incident and strategic and tactical coordinating groups were activated. The Coal Authority worked with multi-agency partners during the incident and the Local Resilience Forum (LRF) Hot Debrief report identifies 'the involvement of the Coal Authority in the response was critical and should be recognised'. It goes on to recommend consideration is given to the Coal Authority being included in the LRF's planning and response work.

Role of the Meteorological Office and the Coal Authority during Emergencies

18. The Meteorological Office and the Coal Authority both hold significant information, expertise and experience in their respective fields. This makes them uniquely qualified to provide the specialist knowledge and services that are required to address risks in their portfolio and support preparedness activities.
19. The Meteorological Office provides dedicated forecasts and warnings to Category 1 responders. The weather can be the cause of an emergency and/or have a major

influence on its impact, such as in chemical releases, nuclear incidents, large fires or biological hazards, including Foot and Mouth Disease.

20. The Meteorological Office team of 18 Civil Contingencies Advisors supports all of the UK's local resilience forums. This support includes tailored advice in addition to the severe weather warnings to enable planning, response and recovery at both strategic and tactical levels. The Civil Contingencies Advisors also contribute substantially to the activities of these groups, often leading on local level risk assessment for weather-related risks, offering training on weather, climate change and other natural hazards, and taking part in exercises.
21. The Meteorological Office also provide a web-based platform, Hazard Manager, which serves to provide responders with access to weather information – observations, forecasts and warnings as well as various other specialist products such as the Flood Guidance Statements and the Natural Hazards Partnership's Daily Hazard Assessment.
22. The risks within the Coal Authority's remit include but are not limited to; sudden ground collapses, emissions of water or gas, land drainage related to mine subsidence, coal tip slips and incidents of spontaneous combustion on the coalfield.
23. As the UK's subject matter experts on coal mining, the information and expertise the Coal Authority has are key for Category 1 and 2 organisations when responding to mining-related incidents. 26 of the 42 LRFs across England and Wales and all 3 Regional Resilience Partnerships in Scotland are either on the coalfield or have notable metal mine risks. There are no sites in NI. The Coal Authority's Mining Information experts can interpret the data held in the National Archive to help partners accurately assess the likelihood and potential impact of a mining-related incident occurring. This supports the development of local risk registers and aid warning and informing activity.
24. The Coal Authority has robust emergency response plans which are regularly exercised and reviewed. The Emergency Response team can provide guidance to partner organisations when developing single or multi-agency response plans for a mining related incident or when a mining hazard could be a factor. They can assist with training and exercising events to promote awareness of mining legacy risks and collectively practice responses.

Rationale for government intervention

25. Although local responders work to a common framework, they have the agency to make their own decisions (under the principle of subsidiarity) in light of local circumstances, risk profiles and priorities about the appropriate planning arrangements for their areas. This allows for significant flexibility and autonomy for local arrangements. However, without Part 1 of the CCA, collaboration between local responders would be optional and highly inconsistent. Through the categorisation of responders, and the duties placed upon them, clear lines of responsibility are placed on organisations to collectively prepare for the consequences of emergencies, and wherever possible keep impacts to a minimum.
26. Two key objectives of the CCA are to encourage consistency between category 1 and 2 responders in the way civil protection is carried out across the UK and to define the tasks that should be performed and establish that organisations should cooperate. It is therefore important that the necessary and appropriate organisations are categorised under the Act.
27. It is also important to achieve a balance between having critical organisations involved in local resilience planning and preparation, with the need for an efficient operational structure. Widening the cast list too broadly to organisations with limited contributions could lend itself to a number of unintended consequences regarding efficiency for local

responders. The Act and associated guidance provides a framework for responders to foster good working relationships and encourages stakeholder engagement wider than that of Category 1 and 2 where risk appropriate - meaning that not all organisations need to be categorised to contribute to emergency preparedness.

28. Following an assessment of the available evidence the UK Government has taken the judgement that given the significant and numerous risks directly or indirectly related to the work of these organisations and the importance of their operational capabilities to support local emergency preparedness activities, that they should be included formally as Category 2 responders and subject to the duties and regulations associated with this status.
29. The benefits from improved preparedness are challenging to quantify due to the uncertainty and uniqueness of different incidents and emergencies. However, with improved integration of the capabilities of these two agencies into local planning it could reduce: the time members of the public and responders are exposed to the hazards; impacts on businesses and public services; and remediation costs.

The Meteorological Office

30. Categorisation would give clear recognition of the Meteorological Office's authoritative status to deliver critical services to responders. Formal integration into emergency preparedness structures will allow for a more streamlined response to better serve Government, Industry and UK Citizens; particularly as the UK is expected to see an increase in weather related risks and impacts due to climate change.
31. When comparing the UK with other developed nations, it is an anomaly for a national meteorological service not to have official recognition of its mandate for services in support of national resilience; categorisation would bring the Meteorological Office in line with other national meteorological services.
32. A recent major study of responder engagement with the Meteorological Office's warnings/civil contingencies services revealed that there is a 'confidence gap' amongst some responder groups (more prevalent in Category 2 responders than Category 1). Although the Meteorological Office and its services are highly trusted, in some cases, responders lacked confidence in taking action on the information and data available. Areas for development included limited awareness, knowledge and uptake of the Meteorological Office's full range of services, which would be aided by categorisation and enhanced recognition.
33. The Meteorological Office also see categorisation as strengthening the case for further enhancement of some services, notably their online responder training, and services to help inform resilience planning into longer term, climate-change timescales.
34. Identification of the Meteorological Office – the UK's national meteorological service - is essential to delivery of consistent, quality advice to the resilience community as a whole. This is particularly important at times where the safety of citizens and the effective operation of critical national infrastructure is at stake.

The Coal Authority

35. Being classified as a Category 2 organisation would enable the Coal Authority to formally engage with other CCA bodies and share/access information on risk more effectively. Categorisation would also allow the Coal Authority to more effectively engage with Welsh, English and Scottish partners through local resilience forums. Better engagement would improve category 1 and 2 organisation's awareness of mining related risks, ensure

that multi-agency response plans take into account mining hazards to both communities and responders and ensure that the Authority's expertise are used to effectively plan, respond and recover from mining related incidents. These benefits could potentially be measured by the number of incidents reported to the Coal Authority and the time elapsed between a Category 1 or 2 organisation identifying a mining hazard and reporting it to the Coal Authority.

Intended outcomes & organisations impacted

36. The intention of this intervention is to improve the civil protection framework in the United Kingdom ultimately in order to increase the levels of preparedness of relevant organisations to collectively respond to emergencies.
37. This intervention would make the Meteorological Office and the Coal Authority Category 2 responders under the Act, the result of this would mean that:
- The Meteorological Office and the Coal Authority have a duty to cooperate and share information with Category 1 and other Category 2 responders
 - Category 1 and other Category 2 responders would have a duty to cooperate and share information with the Meteorological Office and the Coal Authority
 - The Meteorological Office and the Coal Authority would attend local resilience forum meetings across the UK as required
 - The Meteorological Office and the Coal Authority would have to comply with a request to disclose information from Cat 1 and other Cat 2 responders, and vice versa
38. Categorising these agencies would have a targeted effect on a limited number of stakeholders within the resilience community. The change would primarily impact the Meteorological Office and the Coal Authority who would be subject to the statutory duties for Category 2 responders and associated CCA regulations. Both agencies are supportive of their inclusion as Category 2 responders.
39. In consultation with the Meteorological Office and the Coal Authority, both agencies have confirmed that these new statutory duties would not have an impact on their budgets, provided categorisation does not result in significant additional demand. Both agencies already conduct resilience activities and have resourced teams, within their current budget, which focus on cooperating with other agencies and local responders. We judge the possible additional resource burden in practice to be relatively small, mainly comprising additional staff to participate in the activities of Resilience Partnerships. Should increased demand from other responders and agencies, and/or greater frequency of extreme weather events, or other incidents requiring support from the Meteorological Office, necessitate expansion of the team, budget implications may arise in the future. Any increase in budget would need to be secured as part of the UK Government's Spending Review process.
40. This intervention would enable the Meteorological Office and the Coal Authority to more effectively share information and engage with partners within local resilience forums across the UK, to better prepare for emergencies. It would also ensure better consistency of engagement between local resilience forums across the United Kingdom and the Meteorological Office and Coal Authority. Categorisation of these organisations would increase responder understanding of climate change and mining-related risks and better inform work to prevent, prepare, respond and recover, thereby improving resilience and reducing impacts.

41. In practical terms, categorising these organisations may lead to some increase in meetings, visits, phone calls, correspondence, e-mails and exercises organised to strengthen each Category 1 organisation's risk assessment, plan-making, business continuity arrangements and warning and informing procedures. This extensive engagement of Category 1 responders with the Coal Authority and the Meteorological Office will lead to better understanding at a local level of the risks they face from coal mining, severe weather and weather impacts and better assessment of these risks.
42. The United Kingdom's approach to civil contingencies is based on the principle of subsidiarity where decisions are taken at the lowest appropriate level (individual, community, locality, or national) and coordination is at the highest necessary level. Local resilience forums are the principal mechanism for multi-agency collaboration and coordination. Categorisation of the Meteorological Office and the Coal Authority brings them into the framework but does not dictate how they meet their responsibilities. Local resilience partner organisations are free to design new and flexible approaches to working together collaboratively, as best suits their risks and needs.

Mechanism for implementation

43. The inclusion of the Meteorological Office and the Coal Authority as 'Category 2' responders will be implemented via secondary legislative changes. The power used to make this change to the legislation should be section 13(1) of the CCA, which allows a Minister of the Crown to amend the list of categorised responders. Accordingly, the SI must be made using the affirmative procedure. These arrangements would come into effect after 21 days have elapsed between the making and coming into force of the affirmative instrument, as per Parliamentary convention. No transitional arrangements are required.

Impact in Devolved Administrations

44. The SI would apply to the United Kingdom. We have received agreement from officials in each Devolved Administration for the UK Government to make the legislative changes that categorises these organisations for the entirety of the UK on the basis that their functions, accountability and governance is largely reserved. The understanding is that the organisation will be listed under "Part 3 Category 2 Responders: General" under the Act. We will also be exchanging ministerial letters with the devolved administrations on this SI which can be published if requested.
45. The Coal Authority and the Meteorological Office are arms-length bodies of the Department for Business, Energy and Industrial Strategy (BEIS) and thereby report to the Secretary of State for BEIS.
46. The Meteorological Office is primarily funded through contracts sponsored by BEIS and the majority of these budgets are handled at a UK level as much of the relevant policy is reserved. Its governance is coordinated centrally by BEIS, with Devolved Administrations represented on the Public Weather Service Customer Group.
47. The Coal Authority's remit covers Britain only, as historically there was very limited coal mining in Northern Ireland and none below ground. Therefore, as the Coal Authority does not operate in Northern Ireland, its categorisation as a responder would have no practical effect there. The Coal Authority is funded through Grant In Aid, they perform some functions on behalf of devolved administrations and work with the Welsh Government on their duties concerning coal extraction licensing, however it has been assessed that these will not be directly relevant to resilience activities and therefore UKG categorising the agency should not cause complications.

Do Nothing Option

48. Although the current arrangements are functional, to continue with no change to categorisation (do nothing) would mean preparedness activities conducted by local resilience forums would be less robust and less effective. There would be an increased risk of leading to missed intelligence or misunderstanding and these organisations would continue to face the current challenges of working on an informal basis.
49. For example, reports of mining related incidents would likely continue to be delayed and inconsistent. This could lead to the public and partner organisations' staff being exposed to risks for longer and greater remediation costs as the hazards would not be addressed at the earliest opportunity.
50. As one of the objectives of the Civil Contingencies Act (2004) is to define the organisations that need to cooperate it is right that the Coal Authority and the Meteorological Office should be categorised given the important role they play in preparedness.
51. Given the clear findings from multiple calls for evidence, it would also be a reputational risk for the UK Government to act against this advice.