UK Emergency Resilience and Preparedness: Background, Principles, Practices, Challenges

Author: Prof. Ben Anderson[1]

This briefing document provides an introduction to the current system of UK emergency planning after the 2004 Civil Contingencies Act, setting out the background (Section 1), key organisational principles (Section 2), important practices (Section 3), and main challenges (Section 4). It is intended to serve as a primer to inform interpretation of the evidence and subsequent recommendations emerging from Module 1 (Resilience and Preparedness) of the COVID-19 Public Inquiry[2].

Section 1. Background: From Nuclear War and Industrial Disputes to Multiple Events

1.1.   For the majority of the post-war period until the late 1990s, UK emergency planning was organised around preparation for two types of disruptive event: nuclear war and industrial action. Unlike today's preparedness and resilience, preparation was predominantly orientated to events caused by intentional human action.

1.2.   Building from civil defence activities in the Second World War and enabled by the Civil Defence Act (1948) and Civil Defence Act (Northern Ireland) 1950 and subsequent legislation[3], a range of public (police forces, fire brigades, employees of local authorities) and private sector organisations (public utilities) had duties to prepare for hostile state action, in particular the threat of nuclear war. Amongst other activities, this involved training, planning, and preparing with the aim of protecting life and ensuring the continuation of essential services. Post-war civil defence is the main precursor to current preparedness and resilience arrangements. Many of today's practices, such as scenario planning or exercises, have their origin in the challenges of 'thinking the unthinkable' in relation to nuclear war, as does the idea of preparedness.

1.3.   The other main precursor to current arrangements was the Emergency Powers Act 1920, designed to deal with industrial disruption and civil disorder, and

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[3] Including legislation which issued regulations such as the Civil Defence (General) regulations 1949 and Civil Defence (planning) regulations 1974.

issued in the midst of the tumult of large scale industrial conflict. The legislation allowed Her/His Majesty to proclaim a state of emergency and issue regulations to 'secure the essentials of life' (s. 2). Under the 1920s Emergency Powers Act, a state of emergency was declared 12 times. Each time was in relation to industrial action, including 5 times in the 1970s, with the last issued in 1973. From the 1970s, a series of societal changes and non-emergency planning legislation meant that other means were used to govern the disruptive impacts of industrial action[4].

1.4.   Revisions to UK emergency legislation resulting in the 2004 Civil Contingencies Act were catalysed by a range of disruptive events in the late 1990s and early 2000s, principally the 2001 foot and mouth disease outbreak, severe flooding in 1999 and 2000, terrorist incidents (including 9/11), and protests in 2000 by hauliers and others about the cost of fuel. Revisions were also undertaken in a context of inquiries into a range of disasters during the 1980s/1990s (e.g. Kings Cross fire of 1987, and rail crashes such as Ladbroke Grove in 1999). These revealed multiple inadequacies in the capacity of central and local government to respond to disruptive events.

1.5.   Whilst the aforementioned disruptive events had very different causes, they highlighted three things about modern societies. First, modern societies could be significantly disrupted by an expanded set of events and uncertainties beyond industrial disputes or the hostile action of states. Second, modern societies were dependent on complex interdependencies and circulations that exacerbated the impact of disruptive events e.g. 'just in time' supply networks. Third, and partly as a consequence of changes to the economy, disruptive effects or impacts could move rapidly in complex, difficult to predict ways between different sectors of the economy or local-national scales e.g. the 'slow burn' emergency over a wide area, or the 'cascading event' that moves between sectors. This diagnosis of the challenge governments face in responding to 'complex' events in a networked world is regularly repeated by emergency preparedness organisations almost twenty years later[5].

1.6.   The same trends - a shift in concern from nuclear war and industrial disputes to preparing for an expanded range of events in the context of an awareness of the interdependencies that are necessary for a modern society to function - happened across North American and Western European states, beginning in

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[4] For the definitive account of the use of emergency powers in relation to industrial disputes see: Keith J & Hennessy P (1983) *States of Emergency: British Governments and Strike Breaking Since 1919*. Law Book Co: London
[5] See, for example: Crisis Management & Resilience Planning Arrangements Changes (epcresilience.com)

the 1960s and intensifying in the aftermath of the Cold War[6]. The similarities are partly explained by: a) the shared set of changes to the organisation of the global economy that produced new vulnerabilities; b) the shift to a 'regulatory' state that governs through assessing and managing risk rather than centralised 'command and control'; c) the continuing expectation, despite other changes in the relation between the state and civilians since the mid 1970s, that the state should and will act to protect the population (or parts thereof) from the impacts of emergencies and disasters.

1.7.   The problems that any state faces when dealing with emergencies are, then, threefold in this 21st century context, and differ markedly from the 20th century. First, how to anticipate and prepare for multiple threats with very different causes and conditions and uncertainties - including but not limited to weather events, trans-species epidemics, and hostile non-state actors. Second, how to balance preparing for emergencies with the need to ensure the continuation of the interdependencies and circulations that are necessary for modern life to function. Third, how to effectively coordinate the multiple public, quasi-public and private sector actors that today deal with emergencies, given the changes to the state over the 20th and into the 21st century. Most national systems of emergency planning attempt to deal with these challenges.

1.8.   Every change to UK emergency legislation over the 20th century was accompanied by concerns about the appropriate scope and limit of state power and, in particular, a concern with how to balance individual rights with the need and responsibility to protect the population. Sometimes intense debates focused on whether the often exceptional powers afforded to the state by emergency legislation and regulation were a) proportionate to the threat and b) whether they undermined various constitutional features. Contestation around how to deal with emergencies is not unique to the UK context, but a feature of any democracy as it grapples with how to deal with exceptional events that threaten disruption and harm.

Section 2. Principles: Networked Resilience and the development of 'Capabilities'

2.1.   Current UK emergency preparedness and resilience activities begin from an expanded, inclusive, definition of 'emergency' in the 2004 Civil Contingencies Act that centres the *consequences* of an event, rather than its type or cause. Part 1 of the 2004 Act defines an emergency as per below. Note the openness

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[6] For an account of these changes in the US see: Collier, S. & Lakoff, A. (2021) *The Government of Emergency: Vital Systems, Expertise, and the Politics of Security.* Princeton University Press: Princeton.

of the phrase 'event or situation' that formalises the shift away from a focus on nuclear attack and industrial disputes introduced above:

> "In this Part "emergency" means—
> (a)an event or situation which threatens serious damage to human welfare in a place in the United Kingdom,
> (b)an event or situation which threatens serious damage to the environment of a place in the United Kingdom, or
> (c)war, or terrorism, which threatens serious damage to the security of the United Kingdom[7]."

2.2. The key organisational objective is to improve societal 'resilience' in relation to the consequences of the expanded range of events[8]. Resilience is typically defined and understood as the capacity to handle and 'bounce back' from disruptive challenges. Originally emerging as a term across systems theory and ecology and now understood and defined in multiple often vague ways, since the mid 2000s 'resilience' has emerged as the dominant organisational principle for how Western states and other actors relate to a wide range of emergencies and disasters[9]. Developing resilience is the solution to dealing with emergencies in a complex, networked world, where a concern with preventing disruption coexists with an acceptance that events will happen.

2.3. In the UK context, resilience is enabled by an integrated set of actions that happen before, during, and after an event, and, together, constitute 'effective civil protection'. These include: anticipating, preventing, preparing, responding, recovering, and learning from events. This is known as the 'whole cycle' of emergency planning and response, or the 'whole resilience cycle'. It has resonances with the emphasis on preparation for nuclear war in Civil Defence, but is part of a trend across liberal democracies to govern via the identification and mitigation of risk[10].

2.4. Central to the current system (and affirmed in recent reviews) remains the 'principle of subsidiarity':

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[7] Civil Contingencies Act 2004 (legislation.gov.uk)
[8] See Resilience Framework (publishing.service.gov.uk)
[9] For accounts of the emergence of resilience as the dominant way of dealing with emergencies in an uncertain world across most western states see Coaffee, J. (2019) *Futureproof: How to Build Resilience in an Uncertain World.* Yale University Press: Yale; Grove, K. (2018) *Resilience.* Routledge: London
[10] There is now a vast body of research on this shift, much of it takes inspiration from Beck, U. (1992) *Risk Society: Towards a New Modernity.* Sage: London; Beck, U. (2013) *World at Risk.* Polity Press: MA

> "The United Kingdom's approach to civil contingencies is based on the principle of subsidiarity; the principle by which decisions should be taken at the lowest *appropriate* level with co-ordination at the highest *necessary* level." (italics emphasis added)[11]

> The consequence is that many civil contingencies planning duties fall on local responders. At central UK government level, the UK uses a 'Lead Government Department' model to specify who 'owns' a risk, and therefore holds responsibility for the 'whole cycle' of resilience.

2.5. Civil contingency protection is achieved 'at the lowest appropriate level' by bringing together a wide range of private and public actors, designated as 'Category 1' and 'Category 2' responders in the 2004 CCA. The UK has witnessed a movement away from dealing with emergencies through the declaration (or proclamation) of a state of emergency by Her/His Majesty and centralised 'command and control' governance, to the ongoing management through the 'cycle of emergency planning' of a wide range of risks by an expanded range of local private and public actors. The 2004 CCA confers duties on Category 1 and Category 2 responders in line with the 'cycle' of emergency planning[12]. Category 1 responders are local actors in four categories: local authorities in England, Wales and Scotland. In Wales these are defined as county councils and county borough councils; emergency services (police forces, fire authorities, health authorities); the environmental agency; and the Maritime and Coastguard agency. Category 2 responders are 'cooperating bodies' who have duties to cooperate with and provide information to Category 1 responders. They are organisations that either operate a risk source, or play a role in responding to emergencies. They include: utilities, transport providers, and health bodies.

2.6. Emergency preparedness and resilience is, as a consequence, achieved through a network of State and non-state actors who all have individual duties, but also duties under the 2004 CCA to 'coordinate' and 'share information'. Over the past twenty years, new organisational forms designed to enable cooperation have been developed and become embedded in routine preparedness work at different scales. Most notable are multi-agency 'Local Resilience Forums' (LRFs) that bring together organisations within a given area who have a duty to co-operate under the 2004 CCA. LRFs are supplemented by multi-forum groupings of different kinds, recognising that emergencies happen across geographical boundaries e.g. LRF Chair Forums or Civil Protection Forums. For example, in Wales, these coordinating bodies include the Welsh Resilience Forum (supported by the Welsh Resilience

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[11] Chapter-16-final-post-consultCCS_amends_16042012.pdf (publishing.service.gov.uk)
[12] For details on the duties, see Civil Contingencies Act 2004 - Explanatory Notes (legislation.gov.uk)

Partnership Team), The Joint Emergency Services Group, and multi-agency Local Resilience Forums (LRFs), organised around police force areas (South Wales LRF, North Wales LRF, Gwent LRF, Dyfed Powys LRF). There are a range of other organisational forms designed to aid inter-agency working during or after emergencies e.g. Strategic Coordinating Groups and Recovery Coordinating Groups.

2.7.   Alongside these new inter-agency organisational forms have been numerous procedures and protocols developed by the UK government to guide and improve inter-agency working. These include doctrine, best practice guidance, common standards, and protocols. See, for example, the UK Government's 'expectations and indicators of good practice'[13] for emergency responders. In addition to statutory duties, these 'soft' governance measures are designed to enable some degree of coherence in a system designed around the principle of subsidiarity. They are also important for ensuring effective coordination between different organisations.

2.8.   Whilst emergency planning identifies and attempts to mitigate specific risks, it also serves to develop a set of generic 'capabilities' at different scales and across different kinds of organisations (for example, through the UK Government's 'Resilience Capabilities Programme'). The principle is that all disruptive events have a number of common consequences, regardless of the cause or type of event. Preparing for emergencies involves developing a set of generic 'capabilities' that will be called upon, deployed, and combined in distinct ways for any specific emergency. Generic, functional capabilities include: warning and informing the public, dealing with mass fatalities, mass casualties, site clearance, assessments of risks and consequences, mass evacuation. There are also a set of essential service capabilities, which are focused on ensuring continued provision 'in the event of a catastrophic incident' - health services, environment, transport, utilities, financial services. The centrality of 'capabilities' to UK emergency planning is similar to other systems, with the term 'capability' emerging from its use in military planning e.g. 'all hazards' emergency planning in the USA.

Section 3. Practices: Preparing for Emergencies

The objective of enhancing resilience is achieved through a range of activities undertaken by the organisations designated as Category 1 and Category 2 responders, alone or in coordination with one another. Many of these practices are common to risk management across the private and public sectors, including in relation to Health and Safety and public protection. Given the focus of this document

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[13] Expectation_and_Indicators_of_Good_Practice_Set_for_category_1_2_Responders.pdf (publishing.service.gov.uk)

on preparing for emergencies, I do not discuss the multi-agency work of responding to or recovering from emergencies.

3.1. **Assessing.** Risk assessment is the driver of emergency planning. It occurs at all the scales that emergency planning happens. Risk assessment is a generic procedure that crosses between emergency planning and other areas of public protection and health and safety, typically involving the following steps for hazards and threats: contextualising the hazard/threat (specifying the characteristics of the area of responsibility); identifying hazards and threats that pose significant risks and specifying their outcomes; assessing their likelihood and impact; determining risk (normally by plotting likelihood and impact). The likelihood and potential impact of risks affecting the area or function an organisation is responsible for are summarised in 'risk registers'. For example, the UK Government produces a risk register for emergencies with a major impact on all, or significant parts, of the UK. Risk registers normally focus on the most significant risks, identify risks over a specified time frame, and typically involve categorisation of types of event. For example, the UK's national risk register identifies the risks over a five year time horizon, and categorises them as natural events, major accidents, and malicious attacks. LRFs identify the risks specific to their local area, informed by the National Risk Register and the National Resilience Planning Assumptions - a set of common consequences of the risks in the National Risk Register.

3.2. **Planning.** Category 1 organisations have a statutory duty to develop plans for identified risks. As well as planning for specific risks, emergency planning tends to encourage plans orientated to different common consequences, with the intention that the plan offers a flexible resource for responding to and mitigating consequences, irrespective of their cause. For example, a plan might focus on evacuation from/within a specified geographic area, knowing that many different kinds of emergencies might necessitate the movement of people. Plans are scripts for possible action in the event of an emergency. Even if the situation is fast moving and riven with uncertainty, a plan means that response has a degree of predictability. Any specific emergency is a unique occurrence that requires some degree of improvisation in response. A good plan offers a range of resources and a set of possibilities for action to be adapted to the specifics of the actual emergency as it unfolds.

3.3. **Exercising.** Exercising, as well as training more broadly, is a vital part of the 'cycle of emergency preparedness'. Exercises take different forms - from live, large-scale rehearsals across multiple sites, to 'table top' walk throughs of plans. All exercises work by participants acting 'as if' a future event is happening, with various techniques for producing some degree of realism e.g. the simulation of stress and pressure, or the use of pretend casualties. The

formal function of exercises is to develop, test, and validate plans, protocols or procedures. But exercises also have a wide variety of informal but important functions within UK emergency planning, many of which are about ensuring that the network of actors involved in response work coordinate effectively. These include: developing and testing organisational forms and routines, developing the capacities to act effectively in emergency situations, familiarization with other organisations and their personnel.

Section 4. Challenges: How to prepare for complex emergencies in a networked world?

The following is a non-exhaustive list of the common challenges within the post 2004 CCA system of UK emergency planning. Many of these issues follow from the difficulties all modern democratic states face in attempting to anticipate, plan and prepare for complex events with multiple uncertainties in a networked world.

4.1. **Assessing risk**. The current system begins with effectively identifying and assessing risk, and thereafter prioritising preparation and response activities around those risks, as well as developing a set of 'generic' capabilities. There are four persistent issues with how risks are identified and assessed. First, ensuring risk assessments are up to date. Second, ensuring the data used to identify and calculate risks is accurate, especially in today's data rich context. Third, ensuring that risk assessment does not focus on the last emergency or only common, recognised events, but identifies and anticipates novel events. Fourth, ensuring any calculation of the potential impacts of an event takes into account the unique social-economic dynamics of the place (local, regional or national) the event will affect.

4.2. **Responsibilities for risks**. The current system of emergency preparedness and resilience rests on the 'ownership' of a risk within an administrative area (such as that covered by a police force), or by a lead government department. Some events don't fit this system. In particular, a persistent challenge is who leads on preparing for complex, large-scale events that cross geographic boundaries and sectors of the economy and life. In other words, there is a potential mismatch between the boundary-crossing nature of some events - such as a pandemic - and a system that primarily attributes responsibility by either administrative boundary or department function.

4.3. **Who should prepare for emergencies?** UK emergency planning is based on a network of organisations. However, this leads to questions about whether the right set of actors are involved in the 'cycle' of emergency planning, given ongoing changes to modern societies. Consider, for example, the centrality of logistics companies to the contemporary economy, or the importance of

social media platforms for the circulation of information. As society changes, are the right set of organisations involved in preparing and planning for emergencies?

4.4.   Institutional prioritisation and resourcing. Emergency planning is an area of local, regional, central government activity that competes with other important areas of activity for institutional attention and resource. Because it involves work for future events that may never happen, it risks being marginalised or deprioritised, despite the statutory duties conferred on responders by the 2004 CCA. A persistent challenge is how to ensure institutions mainstream preparing for emergencies, particularly in contexts where resources are reduced or stretched.

4.5.   Coordination between central government and local organisations The principle of subsidiarity has been affirmed in the most recent review of the CCA, alongside the planning assumption that all emergencies are local in impact[14]. However, assuring effective cooperation and coordination between local organisations and central government remains a key challenge, just as it was during the Civil Defence era. Specifically, the challenge is how to prepare for emergencies in a way that ensures effective coordination between the different scales of government.

4.6.   Effective inter-agency coordination. In addition to 'vertical' coordination between central and local government, UK preparedness and resilience rests on effective 'horizontal' coordination between legally separate entities. Each of those organisations has different practices, procedures and protocols, systems, and cultures. The consequence is that effective coordination between organisations is a reoccurring challenge in preparing for and responding to emergencies, despite now well-established attempts to improve inter-agency working through protocols (for example, around communications or scene management), and regular inter-agency exercising/training.

4.7.   Developing plans. The development and refinement of plans is at the heart of emergency planning as a dynamic, ongoing process of preparing for disruptive events. But the existence of a plan does not, in itself, mean an organisation is prepared. Plans may be produced to meet a statutory duty or regulation and then swiftly be forgotten. Even when plans are embedded in the life of an organisation, they may be unstructured, too detailed, not detailed enough, or out of date[15]. A key challenge is, therefore, how to make plans useful tools that can be effective in guiding response.

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[14] See cca-pir-2022.pdf (publishing.service.gov.uk)

[15] On the challenges of developing plans and best practice recommendations see Alexander, D. (2016) *How to Write an Emergency Plan*. Dunedin Academic Press: London

4.8. **Learning from exercises and events.** All exercises reveal ways in which preparation and response can be improved. That is, in many respects, their informal purpose. However, a reoccurring challenge is how to capture learning from exercising, and build that learning into effective improvements in emergency preparedness. The same challenge relates to multi-agency after-incident debriefs - i.e. learning from the actual response to an event - and to inquiries.

Author

Professor Ben Anderson

ben.anderson@durham.ac.uk

Ben is a Professor of Human Geography in the Department of Geography, Durham University, where he is currently Director of Education. He has over fifteen years experience researching how modern states anticipate, plan and prepare for, and respond to disruptive events. Previous research projects include 'Staging and Performing Emergencies: Exercises in UK Civil Contingencies' (ESRC), that worked with emergency planners to explore how exercises were designed, conducted, experienced, and learnt from. He also led the Leverhulme Trust funded 'Governing Emergencies' international network that compared how emergencies and other disruptive events were governed across six countries. Underpinning these specific projects is a longstanding research interest in the implications of changing economic and political conditions since the mid 1970s for how societies are affected by, govern, and experience emergencies and disasters.