

**Paper 03g: Long term Assurance Approach – Sean Ruth update**

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## **1. Introduction**

Following endorsement by LAP, on 18<sup>th</sup> April 2018, of the Sean Ruth review and recommended assurance framework, discussions have continued and I have been asked to lead on three assurance related workstreams, which are to develop:

- New Resilience Standards for London
- Options for an external and independent peer review process
- A reporting mechanism for the Leaders Committee to provide collective assurance for London Local Government

### **Recommendations**

**LAP are asked to:**

- **Agree the new standards will be entitled Resilience Standards for London**
- **Agree that the format for each standard will mirror that produced by the Cabinet Office, at least through the development stage. A final decision can be made following the consultation phase.**
- **Note the key assessment areas (themes) will emerge during the development phase.**
- **Agree the judgements used within the standards will be Developing, Established and Advanced.**
- **To provide direction on the role of elected Members through the development phase of the three assurance related workstreams.**

## **2. Considerations for LAP**

### **2a Resilience Standards for London**

The new resilience Standards for London will be focussed on outcomes and effectiveness and will have regard to the duties contained with the Civil Contingencies Act 2004. Three draft standards have been attached as Annexe A. The content for each standard will be developed over a number of months in conjunction with various stakeholders with periodic input and agreement from LAP IG and LAP and consulted upon before publishing. However, LAP members may wish to consider the content contained within these drafts as they are indicative of what is anticipated and have been taken from the content within my report, LGA guidance and other government guidance.

Following discussions with the London Resilience Group (LRG), it is recognised that the current Minimum Standards for London contains detail relating directly to them. It will be for the LRG to consider how they will provide assurance to LAP that they are fulfilling their obligations and delivering the required outcomes efficiently and effectively.

## **Title**

The accepted recommendation from my review determined the new standards would be titled 'Resilience Standards for London'. I am proceeding on this basis.

## **Format**

The format for each standard follows the format which has been used by the Cabinet Office in producing the National Resilience Standards for Local Resilience Forums. The same format is being used by the Scottish Government for their resilience guidance, 'Preparing Scotland, Scottish Guidance on Resilience'. Given that both documents will have gone through significant scrutiny and consultation, I believe the format is suitable and appropriate for London local government. It also provides an opportunity to complement the work being done within the LRFs and at national government level.

The headings in use are:

- Desired Outcome
- Mandatory requirements
- How to achieve good practice
- How to achieve leading practice
- Guidance and supporting documentation.

## **Themes/Key Assessment Areas (KAA)**

Each standard should fit within a theme or key assessment area. The assessment areas I believe are the most appropriate at this stage are taken from the duties under the Civil Contingencies Act (Assessment, Emergency plans, Business Continuity, Warn inform advise, Sharing information, Cooperation, Provide advice and assistance to business and voluntary sector) and the Integrated Emergency Management model (Anticipation, Assessment, Prevention, Preparedness, Response, Recovery).

Within the LLA ConOps document a different model is followed entitled the Emergency Management Cycle (Preparation, Response, Recovery, Mitigation). This appears to be a model favoured in countries overseas such as the USA and South Africa.

However, at this stage it is considered too early to determine what the KAA's should be as other themes may emerge through the development phase.

## **Judgements**

The Judgements or Descriptors provide a framework for each Borough to reach a view on its current level of performance, based on evidence. These are intended as food for thought, or to offer a judgement, and to promote an honest consideration of how developed a borough's approach is. The judgements suggested are Developing, Established and Advanced.

The judgements have not been included at this stage in the draft documents attached at Annexe A. A consideration is whether we set out a judgement/descriptor for each standard, each area of assessment or to have one judgment overall. This can be clarified once more work has taken place through the development phase.

An example of what a judgment/descriptor could look like is included in Table 1 below. It is envisaged this could feature in a theme related to 'Risk Assessment'.

Judgements/Descriptors		
Developing	Established	Advanced
<p>The Borough is developing risk analysis processes to become more effective.</p> <p>The Borough is building up knowledge and understanding of its community and priorities.</p>	<p>A risk analysis process is in place and the Borough is well aware of the different risk groups representing the diversity within the local area. The Borough has regard to statutory responsibilities and national guidance but does not extend its process to reflect local circumstances. Leaders understand the nature of community risk.</p>	<p>A well informed and developed risk analysis process exists and the Borough is very aware of the diversity in the local area and takes active steps to inform itself about the distinctive needs and opportunities and engages in discussion with the local community about community risk. Statutory guidance is fully implemented and is extended in a coherent way to reflect local circumstances.</p>

Table 1

**Qualitative and Quantitative approach**

Currently, the way the standard is set out invites a narrative (qualitative) response. Feedback on the interim standards from LAP IG and the MSL working group suggests that the inclusion of a suite of metrics (quantitative) is desired. This could be achieved in a number of ways by having the metrics:

- Attached to each standard
- Attached to each area of assessment to which they apply
- Regardless of what area they apply to, at the start or end of the document
- In a separate document such as an aide memoire or question set.

This will be discussed with stakeholders through the development stage and the most appropriate and user friendly approach can be agreed following the consultation phase.

**Stakeholder Groups**

I have put together two groups to assist with the development of standards. One group primarily consists of external bodies and includes representatives from the Civil Contingencies Secretariat, Emergency Planning College, MHCLG, Fire, Resilience and Emergencies Directorate, Local Government Association, the Care Quality Commission and the Resilience Advisors Network.

The other stakeholder group consists primarily of those within the London local government family with representatives from the London Resilience Forum, Borough resilience forums and emergency planning practitioners. Director leads, across a range of Service areas, will be engaged through their professional networks, the sub-regional groups and on a 1-2-1 basis.

Chief Executives will have oversight through LAP and CELC as required, however more detailed and frequent engagement as determined by LAP would be welcomed.

The initial role of the stakeholder groups will be to:

- Assess learning from the interim approach
- Develop the content for the key assessment areas
- Determine the process for external and independent peer review.

### **Elected Members**

LAP are asked to provide direction on the role of elected Members through the development stage of this work.

From my perspective and given that governance and the role of elected Members is such an important element of the assurance process, it would be advantageous to have access to a small number of senior Members from across London and who preferably represent different political parties. The role of Members in this context would be to act as a sounding board to establish whether the areas of enquiry would be welcomed, would offer them assurance of their borough's performance and whether they would be comfortable discussing the issues in a public forum. They would also advise on how they would be assured of London's collective arrangements.

### **Consultation Phase**

Further details of the consultation phase will be set out for discussion at future LAP meetings.

## **2b Options for an external and independent peer review process**

Recommendation 13 of my review was set out as follows:

**Recommendation 13** – *The means by which London local government, comprising the thirty-two boroughs and the City of London Corporation, can individually and collectively assure their organisations preparedness, particularly their capacity and capability, through a credible, transparent, efficient and cost-effective approach should be independent external peer review. The peer review process should be one element of a broader framework and support a blended approach to assurance. Peer review should also be supported by a self-assessment against the revised and rebranded Resilience Standards for London.*

During the review, the Cabinet Office indicated a willingness to assist in the process for external and independent peer review and I have re-opened discussions with them. They have also agreed to engage in the stakeholder group. There are other organisations, such as the LGA, who conduct peer reviews and they have also agreed to engage in this work.



## **2c A reporting mechanism for the Leaders Committee to provide collective assurance for London Local Government**

I have had a preliminary meeting with Doug Flight from London Councils to discuss this issue; further discussion will need to take place. It is anticipated that the level of detail required for LAP and the level of detail required for Leaders is likely to be different. It maybe that Leaders do not want to see a set of indicators to support collective assurance and would prefer a narrative that sets out the evidence to support collective assurance and those broad issues that require improvement. Leaders may be reticent to discuss problem issues in public and therefore this would put more emphasis on the role LAP play prior to reporting to Leaders.

If this is the case, then the reporting tool to the Leaders Committee becomes more straightforward as it will be a standard report with a set of agreed headings. I will work on the basis that the detail, including performance information, will go to LAP which can then be formatted into a report to Leaders.

## **3. Conclusion**

Agreeing the recommendations in this report will provide a good foundation for the three areas of work I have been asked to lead on. It is recognised that the recommendations could be revisited following completion of the development phase and then again after the consultation phase. LAP will make the final decision on the new Resilience Standards for London, the peer review process and the reporting mechanism for Leaders before the assurance process goes live.

It is anticipated that the long term assurance approach will be piloted in selected boroughs in May/June 2019 and rolled out across all boroughs in September 2019.

Further details of the peer review process and reporting mechanism for LAP and Leaders will be presented to LAP at the next meeting.

## GOVERNANCE ARRANGEMENTS – POLITICAL LEADERSHIP

### Resilience Standard for London #1

Desired Outcome
A Borough that operates with effective political governance which enables the organisation to meet their duties under the Civil Contingencies Act, and to achieve local resilience objectives.
Summary of legal duties (mandatory requirements)
The Civil Contingencies Act (CCA) establishes the legislative framework for Category 1 responders, which includes LBC's. Further detail is set out in: Contingency Planning, Duty to Assess, Plan and Advise (Section 2); Advice and Assistance to the Public (Section 4); and General Measures (Section 5). <i>Emergency Preparedness</i> provides guidance on part 1 of the CCA and its associated regulations and non-statutory arrangements. <i>Emergency Response and Recovery</i> sets out guiding principles for emergency response and recovery (Section 2.2), defines roles and responsibilities (Section 5.2).
How to achieve good practice in this area
<p>A Borough should:</p> <ul style="list-style-type: none"> <li>a) Define roles and responsibilities for political leaders, ensure the role of scrutiny is clearly defined and supported through induction, training and development and exercises.</li> <li>b) Establish arrangements to enable political scrutiny of governance arrangements.</li> <li>c) Have a clear definition of the purpose, authority, responsibility, resourcing and organisation of any groups established to support activities.</li> <li>d) Make key policy decisions and consider recommendations from senior officers prior to, during or following a civil emergency</li> <li>e) Ensure lessons are identified, addressed and shared with other appropriate bodies</li> <li>f) Discuss with the Chief Executive and senior officers the main risks to communities so key actions can be promoted and supported, which will increase resilience</li> <li>g) Support the work of the LRF in planning for emergencies and helping them to be aware of the particular needs of discrete groups and issues within communities seek assurance that the borough not only has developed sufficient plans in conjunction with partners on the LRF, but also tests those plans and trains personnel by participating in regular exercises</li> <li>h) Encourage all councillors to participate in training and exercises so they are prepared to respond to an emergency and get involved in the recovery from it</li> <li>i) Explore with the Chief Executive and senior officers whether contracts with suppliers include clear provisions requiring comprehensive plans for continuing service provision in the event of a civil emergency and for assisting with the response to and recovery from an emergency as appropriate</li> </ul>

### How to achieve leading practice in this area

A Borough may consider adoption of some or all of the following:

- a) A policy framework has been developed and published, signed off by the Leader or directly elected Mayor, Portfolio Holder and Chief Executive setting out the Council's statutory duties, responsibilities and expectations for the public in the event of a civil emergency.
- b) Engage with Government departments, Devolved Administrations, agencies and other authorities to shape national policy development and other initiatives that build more resilient communities.
- c) The council is conducting active horizon scanning for new risks and working with the LRF to regularly update the risk register.
- d) Arrangements have been made to enable close working with other borough councils in the event of an emergency (e.g. information sharing, shared communications plan, joint spokespeople, etc.)

### Guidance and supporting documentation

#### ***Statutory and overarching multi-agency guidance and reference from Government***

- Emergency Preparedness (2011-12)
- Emergency Response and Recovery (2013)
- Central Government's Concept of Operations (2013)

#### ***Relevant British, European and International Standards***

- BSI 13500: 2014 Code of practice for delivering effective governance of organisations, British Standards Institution

#### ***Supporting guidance and statements of good practice from professional authorities***

- Delivering Good Governance in Local Government, CIPFA (SOLACE) (2016)

## GOVERNANCE ARRANGEMENTS – MANAGERIAL LEADERSHIP

### Resilience Standard for London #2

Desired Outcome
A Borough that operates with effective managerial leadership which enables the organisation to meet their duties under the Civil Contingencies Act, and to achieve local resilience objectives.
Summary of duties (mandatory requirements)
The Civil Contingencies Act (CCA) establishes the legislative framework for Category 1 responders, which includes LBC's. Further detail is set out in: Contingency Planning, Duty to Assess, Plan and Advise (Section 2); Advice and Assistance to the Public (Section 4); and General Measures (Section 5). <i>Emergency Preparedness</i> provides guidance on part 1 of the CCA and its associated regulations and non-statutory arrangements. <i>Emergency Response and Recovery</i> sets out guiding principles for emergency response and recovery (Section 2.2), defines roles and responsibilities (Section 5.2).
How to achieve good practice in this area
<p>A Borough should have:</p> <ul style="list-style-type: none"> <li>a) A coherent work programme that has specific, achievable, realistic and timely objectives, supported by appropriate validation and review arrangements that can be adapted to meet changing priorities.</li> <li>b) An emergency planning and resilience function that is appropriately funded through an agreed resourcing model, which enables it to support the strategy, work programme and wider organisation.</li> <li>c) An agreed and resourced training programme for the managerial leadership to support EP&amp;R objectives.</li> <li>d) Inclusive, flexible and effective engagement at appropriate levels with Category 1 responder organisations, the business and voluntary sectors, neighbouring boroughs and other stakeholders whose support and participation are necessary to achieve the organisation's objectives.</li> <li>e) A clearly defined process to determine the required levels of security clearance to enable information sharing in preparedness, response and recovery.</li> <li>f) A clearly defined and thorough risk assessment and management process that drives EP&amp;R business and is communicated effectively through the publication of a local community risk register.</li> <li>g) Arrangements for sharing and reviewing the activities which may be recognised as good or leading practice.</li> <li>h) Arrangements to proactively, and in a timely manner, identify and share lessons following major incidents and exercises with the wider resilience community using?</li> </ul>



### How to achieve leading practice in this area

- a) Proactive engagement across local authority boundaries, and national boundaries as appropriate, to plan jointly for emergencies, share relevant information, train and exercise, hold joint development workshops and develop mutual aid arrangements.
- b) Challenge themselves to continuously improve through commissioning peer reviews or other means of independent validation of capabilities and emergency readiness.
- c) Looking to extend its focus and influence beyond its usual partnership boundaries to engage with related agendas, which may include security, safety, sustainability, social cohesion, and engagement within wider national and international resilience initiatives.

### Guidance and supporting documentation

#### ***Statutory and overarching multi-agency guidance and reference from Government***

- Emergency Preparedness (2011-12)
- Emergency Response and Recovery (2013)
- Central Government's Concept of Operations (2013)

#### ***Thematic multi-agency guidance from Government***

- The role of Local Resilience Forums: A reference document (2013)

#### ***Relevant British, European and International Standards***

- BSI 13500: 2014 Code of practice for delivering effective governance of organisations, British Standards Institution

#### ***Supporting guidance and statements of good practice from professional authorities***

- Delivering Good Governance in Local Government, CIPFA (SOLACE) (2016)

#### ***Other recommended points of reference***

Version 2 of the standard will include links to local examples of good and leading practice on *Resilience Direct*.

## BUSINESS CONTINUITY

### Resilience Standard for London #3

Desired Outcome
Boroughs are able to demonstrate a high level of resilience in their critical functions and emergency response and recovery capabilities.
Summary of legal duties (mandatory requirements)
The Civil Contingencies Act (CCA) requires Category 1 responders to maintain plans to ensure that they can continue to deliver their functions in the event of an emergency as far as is reasonably practicable, and this duty relates to all critical functions, not just their emergency response functions. Category 1 responders must have regard to assessments of both internal and external risks when developing and reviewing business continuity plans. These may take the form of generic plans which set out the core of a Category 1 responder's response to an emergency or disruptive challenge; or specific plans dealing with particular risks, sites or services. In both cases, there must be a clear procedure for invoking the business continuity plan. Category 1 responders must include arrangements for reviewing and exercising to ensuring the plan is current and effective, arrangements for the provision of training to those involved in implementing the plan. They are also required to publish aspects of their business continuity plans making this information available for the purposes of dealing with emergencies.
How to achieve good practice in this area
<p>The Borough should have:</p> <ul style="list-style-type: none"> <li>a) Oversight arrangements to ensure that the borough has business continuity plans and arrangements in place that are current and aligned to the ISO 22301 standard.</li> <li>b) Oversight arrangements to ensure that business continuity is appropriately embedded within the organisation in order that their critical functions, emergency response and recovery capabilities are highly resilient. Taking account of links and interdependencies between Services across the organisation, recognising the need for any associated learning and development to achieve this.</li> <li>c) Key business continuity personnel who are suitably qualified and experienced, having due regard to relevant professional standards and competence frameworks.</li> <li>d) Ensured that they share information with other responder organisations in order to understand their respective business continuity plans and arrangements, and also vulnerabilities and dependencies that may become relevant in the event of disruption.</li> <li>e) Ensured that they have robust arrangements for the validation of the business continuity plans and arrangements for their critical functions and emergency response and recovery capabilities. The approach to validation should complement self-assessment with peer review and/or independent external scrutiny.</li> </ul>

- f) Promoting business continuity to businesses and voluntary organisations.
- g) Clearly defined arrangements to learn from local and national incidents in order to improve local business continuity plans and arrangements, with agreed mechanisms for recording and sharing lessons identified.

#### How to achieve leading practice in this area

The Borough may consider adoption of some or all of the following:

- a) Invest in the professional qualification and continuous professional development of key business continuity personnel.
- b) Facilitating independent assurance, and where appropriate certification, of their business continuity plans and arrangements against ISO22301.
- c) Sharing good practice in relation to the integration of a wider set of strategic and operational resilience disciplines with business continuity, as set out in BS65000 Organisational Resilience.
- d) Enable other boroughs to have access to assets and resources in the event of disruption such as loss of premises.
- e) Incorporating business continuity elements and considerations into exercises in order to robustly test vulnerabilities and validate the resilience of local capabilities.
- f) Participating beyond the borough and through a wide range of institutions, networks or forums to seek and share lessons and leading practice to inform critical continuous improvement.

#### Guidance and supporting knowledge

##### ***Statutory and overarching multi-agency guidance and reference from Government***

- [Emergency Preparedness](#) (Cabinet Office, 2011-12) (especially [Chapter 6](#))
- [Emergency Response and Recovery](#) (Cabinet Office, 2013)

##### ***Relevant British (BSI), European (CEN) and International (ISO) Standards***

- [ISO 22301 Business Continuity Management](#)

##### ***Supporting guidance and statements of good practice from professional authorities***

- [Business Continuity Institute Good Practice Guidelines](#) (2018)
- [British Standards Institution Business Continuity Management resources](#)