

Manual

Ref: Community Resilience Plan Guidance Document_Mar2011

Category

UNCLASSIFIED**Issue****Date****Page**

Version 1.0

April 2011

1 of 32

ISSUES RELATED TO THE DEVELOPMENT OF A COMMUNITY RESILIENCE PLAN

Using Ordinary Skills in Extraordinary Circumstances -
Developing a Framework of Operation

This Document is offered as an introduction to the concerns expressed by Parish Resilience Coordinators. It does not represent or provide legal advice and the reader is encouraged to seek specific legal and insurance expertise before taking any action. It shall be the responsibility of Town/Parish Councils to seek legal and insurance guidance relating to the subject of Corporate, employee and volunteer personal Liabilities.

Prepared by : Herefordshire Public Services' Resilience Team

Manual		Issue	Version 1.0
Ref: Community Resilience Plan Guidance Document_Mar2011		Date	April 2011
Category	UNCLASSIFIED	Page	2 of 32

FOREWORD

Aim

This document is designed to support the reader in the process of developing Community Resilience Plans. It should be read in conjunction with Cabinet Office guidance documentation and the Community Resilience Plan Template. This version is offered as a draft for consultation only and is aimed at opening debate around community resilience preparedness.

Objectives

- To set the scene and case for community resilience planning;
- To open awareness and debate regarding volunteer expose to liability;
- Discuss good practice regarding information management and storage; and
- To offer guidance on the use of hazard identification and risk assessment templates.

Manual		Issue	Version 1.0
Ref: Community Resilience Plan Guidance Document_Mar2011		Date	April 2011
Category	UNCLASSIFIED	Page	3 of 32

Contents

Section	Item	Page
1.0	The Cabinet Office Programme	4
1.1	The importance of community resilience	4
2.0	The Case for Developing a Community Resilience Plan	5
2.1	Why do we need a plan?	5
2.2	How could my community be affected?	6
2.3	What would such an event mean for our communities?	7
2.4	Roles & Responsibilities	7
2.5	What command and control management structures exist?	8
2.6	What role can the community play?	8
2.7	What can communities do to prepare?	9
2.8	What can communities do to support the emergency response phase?	9
2.9	What can communities do to support the emergency recovery phase?	10
2.10	What is the Role of the Parish Council Resilience Coordinator and Working Group?	10
2.11	Let's start Resilience planning – a guide to the process	11
3.0	Introduction to the issues & concerns	13
3.1	The issues and concerns raised by communities	13
3.2	A basic reminder of Sources of Law (England & Wales)	13
3.2.1	Common Law	14
3.2.2	Statute Law	14
3.2.3	Standards of Proof	14
3.2.4	The Frame Work of Law – Contrasting the aims of Criminal & Civil Law	14
3.2.5	Crimes and Torts	15
3.2.6	Negligence and Recklessness	15
3.2	Duties of Care	16
3.3	Corporate & Personal Liability	16
3.4	Insurance & Appropriate Systems of Work	17
3.5	The Unite Sates Experience	17
3.6	Who Are Volunteers?	18
3.6.1	Category 1. Community Volunteers	18
3.6.2	Category 2. Good Samaritans	18
3.6.3	Category 3. Government Sponsored and Managed Emergency Volunteers	18
3.6.4	Category 4. Voluntary organisations and emergency volunteers managed by non-governmental organisations	19
3.6.5	Category 5. Spontaneous Volunteers	19
3.7	Scoping Volunteer Liability - Discussion	19
4.0	Handling Data & Information	21
4.1	Introduction	21
4.2	The Eight Data Protection Principles	21
4.3	Subject Access Requests	22
4.4	Exemptions	23
4.5	Further Information	23
5.0	Risk Assessment – Using Part 2 & 3 the Plan Template	26
5.1	Risk Category Definition	28
6.0	Use of the Village Hall as a Temporary Refuge	29
7.0	Assessing Risk as a Volunteer	30
Appendix 1. Responding to Community Emergencies – Personal Liabilities		32
Appendix 2. Levels of Document Protection		34

Manual

Ref: Community Resilience Plan Guidance Document_Mar2011

Category **UNCLASSIFIED****Issue**

Version 1.0

Date

April 2011

Page

4 of 32

SECTION 1 - THE CABINET OFFICE PROGRAMME

**Preparing for
Emergencies**

Community Resilience

“Community Resilience is about communities and individuals harnessing local resources and expertise to help themselves in an emergency, in a way that complements the response of the emergency services”.

1.1 The importance of Community Resilience

We have seen that emergencies happen when we least expect them, from flooding to Pandemic Flu and also very localised major incidents effecting small groups of our communities. Clearly preparing ourselves, our families and neighbours will make it easier to recover from the impacts of an incident. Being aware of the risks you might face, and who in your community might need your help, could make your community better prepared to cope with an incident.

Professional responders (Emergency Services) will always have to prioritise those in greatest need during an emergency, especially where life is in danger. During these times, you need to know how to help yourself and those around you.

The Cabinet Office leads a programme of work to help build and enhance community resilience across the UK.

In March 2010 the Government launched its vision for resilient communities with the issue of a number of draft consultation documents. These included the following (which may be found at <http://www.cabinetoffice.gov.uk/ukresilience/communityresilience.aspx>):

- **Strategic National Framework for Community Resilience** - A strategic overview of the Government's contribution to building and enhancing community resilience across the UK.
- **Revised Preparing for Emergencies leaflet** – An updated version of the Preparing for Emergencies booklet – aimed at encouraging individuals and households to become better prepared to deal with the impacts of emergencies.
- **Preparing for Emergencies - Guide for communities leaflet** – An introduction for communities who are new to emergency preparedness and want to help their community be better able to cope with emergencies.
- **Community Emergency Plan Guidance and template** – A practical guide and template to help communities create a Community Emergency Plan.

The consultation closed on 1 July 2010 and the Government response to the consultation and finalised documents are hoped to be issued late Autumn 2010.

Manual

Ref: Community Resilience Plan Guidance Document_Mar2011

Category

UNCLASSIFIED**Issue**

Version 1.0

Date

April 2011

Page

5 of 32

SECTION 2 - THE CASE FOR DEVELOPING A COMMUNITY RESILIENCE PLAN

2.1 Why do we need a plan?

Our communities may be faced with many types of incident. Each could have a significant effect on the individuals and infrastructure within them.

Typical examples of such incidents include:

- Flooding;
- Extreme weather events such as wind, snow or heat;
- Transport collisions, road or rail;
- Fire in neighbouring factories or domestic buildings;
- Industrial accidents such as chemical spills;
- Utilities failure;
- Animal disease; and
- Pandemic Influenza.

Emergencies will be dealt with by the Professional Responders; these are the “Blue Light” services such as Police, Fire & Rescue and Ambulance but, depending on the nature and scale of the incident, may include Herefordshire Public Services (HPS (Herefordshire Council and NHS Herefordshire)), Utilities and Voluntary Agencies in a combined “multi-agency response”. However, despite their professionalism and dedication, under extreme conditions, their resources may be severely stretched resulting in professional responders not being able to reach the scene immediately. Factors such as number of victims, communication failures and road blockages may prevent people from accessing the professional responders we have all come to expect at a moment’s notice.

In circumstances such as these the simple reality is that any initial response may rely entirely on local people supporting and caring for themselves. A Community Resilience Plan will help communities to prepare for and support the emergency response so as to minimise its impact should they be affected.

***Being prepared does not mean you are a replacement for the professional responders.
The community members should not place themselves or others in DANGER!***

Although initially developed to assist communities to take care of themselves in the aftermath of a major incident when the professional responders may be overwhelmed, or have restricted access or communications – the Community Emergency Plan should provide a system for:

- preparing the community to initially assist and remain resilient should professional responders be unable to attend immediately;
- promoting community awareness of potential risks so that individuals may protect and prepare themselves;
- identifying and supporting vulnerable members of our communities (forming links with voluntary groups, community resources and skills), thereby forming a community web of intelligence, working relationships and communication links within the community, neighbouring communities and HPS;
- supplementing staff during recovery operations, under the strict direction and control of the professional responders agencies.

Manual		Issue	Version 1.0
Ref: Community Resilience Plan Guidance Document_Mar2011		Date	April 2011
Category	UNCLASSIFIED	Page	6 of 32

Communities, particularly rural communities, tend to know people or resources that may allow them to assist with an incident which has the potential to affect them. The plan is an ideal way of capturing the skills and resources and the role such people may be able to play. In building this intelligence, Parish Council Resilience Working Groups should be mindful of liabilities they and third parties may be exposed to – prior planning and awareness will reduce this risk.

This plan template should be an aid to “Community Group leaders” and the communities they serve in developing an understanding of the risks they face.

2.2 How could my community be affected?

A major incident is an event or circumstance that causes, or has the potential to threaten life, cause injuries, or disruption to community infrastructure or damage to property or the environment. Such events are on a scale that requires emergency responders, e.g. Police, Fire & Rescue, Ambulance and HPS to apply special measures to deal with it; measures that are beyond their normal daily activities.

The **Civil Contingencies Act 2004** uses the term “**emergency**” when referencing states of preparedness. NHS Guidance documents refer to the term “**major incident**” indicating an “event whose impact cannot be handled within routine service arrangements, requiring the implementation of special arrangements by one or more of the emergency services”.

The term “**emergency**” and “**major incident**” are taken to be equivalent when discussing a state of preparedness requiring special arrangements.

Major incidents take many forms and arise from many types of unplanned events. The following list gives an outline of the types of incident that could have substantial impact on our communities and provision of services within it:

- Flooding – River Flooding, reservoir inundation and surface water flooding;
- Fire and Explosion – Domestic Fire in a block of flats, residential care homes, factory fires resulting in toxic smoke plumes and contaminating fire debris, breach in an underground pipeline;
- Extreme Weather – Heavy prolonged snow fall, extreme cold, extreme heat, high winds;
- Utility supply failure – Gas, Water, Electricity & Telecommunications;
- Chemical Spills – factory based chemical accidents or spills resulting from road traffic accidents;
- Transport Accidents – Aircraft, Road & Rail;
- Human Disease – Pandemic Flu, other diseases that could potentially spread rapidly in closed communities;
- Animal Diseases – Foot and Mouth, Swine & Avian Flu, Equine diseases;
- Terrorist Attacks – Deliberate release of Chemical, Biological, Nuclear and Radiological material; and
- Other mass casualty events – from planned organised events such as air shows and music festivals, football matches and open air concerts.

Manual		Issue	Version 1.0
Ref: Community Resilience Plan Guidance Document_Mar2011		Date	April 2011
Category	UNCLASSIFIED	Page	7 of 32

2.3 What would such an event mean for our communities?

If any one of the above major incidents were to happen, communities can expect some or a combination of the impacts listed below. These incidents may be short term, however, in many cases the consequences may last for many years – the recovery phase where homes and infrastructure are re-built require long term resource commitment.

Impacts include:

- Injury or loss of life;
- Groups of people of all ages requiring shelter, support, welfare and care – including psychological care;
- Damage to our environment – recreation, green and other living spaces;
- Loss or damage to property – impact on insurance and value of homes and properties;
- Possible evacuation and displacement of whole communities;
- Contamination of the air we breath, the ground on which we grow crops or water sources;
- Loss or disruption of road and rail infrastructure;
- Loss of power – light and heat;
- Loss of potable water;
- Disruption to our daily lives, schools, community hospitals, GP services;
- Loss of communications – telephones/radio/TVs;
- Media intrusion – producing national and global spotlights on our community; and
- Loss/disruption to local business' and economy – the places where we work.

2.4 Roles & Responsibilities

Statutory emergency responders, e.g. Police, Fire & Rescue, Ambulance and HPS, have the overall responsibility for managing the initial response phase to a major incident, whilst the responsibility to manage the recovery phase falls to Herefordshire Council. The Civil Contingencies Act 2004 (CCA) requires such agencies to have developed and exercised their own Emergency Response Plans to deal with identified risks. The CCA ensures emergency responders work together during their planning processes to provide an integrated emergency management approach.

As major incidents have the ability to cross boundaries (administratively, professionally or geographically), it is essential an effective response is achieved through partner organisations understanding each others roles and responsibilities. This integrated emergency management approach is ensured by the West Mercia Local Resilience Forum (WMLRF - <http://www.westmerciaprepared.org>). In major incidents, LRFs focus on the direction and policy formation of emergency response at the local level. Depending on the scale of the incident this may be supported by regional and national management structures.

All emergency planning should focus on saving and protecting life, containing the emergency, and restoring an agreed level of normality as soon as possible. Depending on the major incident there will be a lead agency - this maybe the Fire and Rescue Service. However, although exceptions do exist (e.g. Pandemic Flu), for most major incidents it will be West Mercia Police who will co-ordinate the activities of all those responding at or around the scene of an emergency.

For major incidents affecting human health, other agencies such as HPS or the Health Protection Agency (<http://www.hpa.org.uk/>), will lead on the multi-agency response.

Manual		Issue	Version 1.0
Ref: Community Resilience Plan Guidance Document_Mar2011		Date	April 2011
Category	UNCLASSIFIED	Page	8 of 32

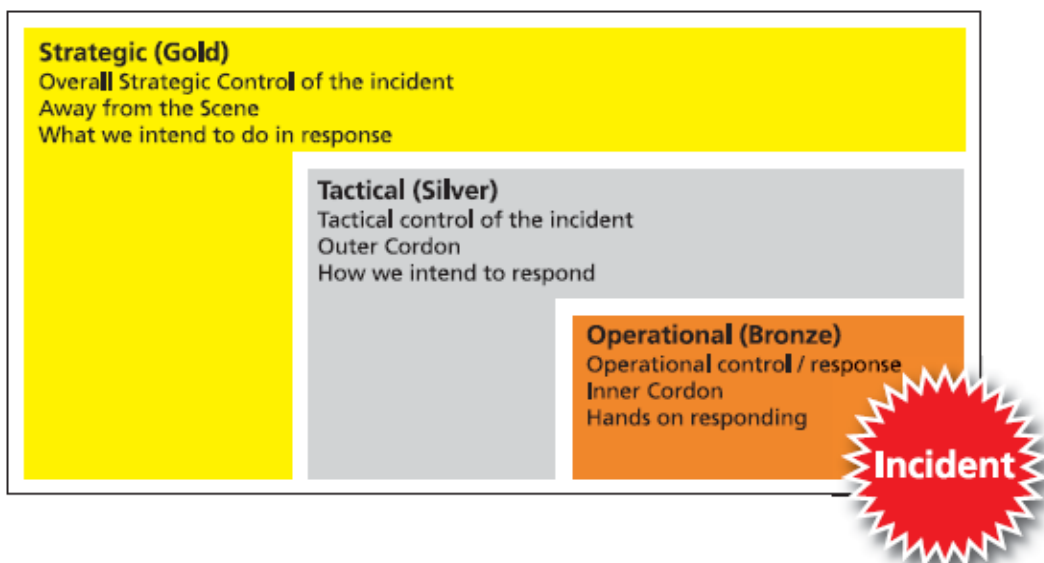
2.5 What command and control management structures exist?

An integrated approach to major incidents requires a generic management framework which has been agreed nationally. This framework defines relationships between different management levels (see Figure 2) and ensures all parties involved understand their roles in a combined response.

Responding agencies establish their own internal Strategic (Gold), Tactical (Silver) and Operational (Bronze) management structures. Depending on the scale of the incident, LRF partner agencies may call for a Multi-agency Command and Control structure to be established. Here nominated representatives from appropriate partner agencies make up multi-agency Gold or Silver groups.

When a major incident happens, the “operational” level is usually activated first. Police or Fire & Rescue commanders work with other partner agencies to effect immediate measures to contain the emergency. At the same time the extent of the problem will be assessed.

Figure 2 Command and Control Levels



2.6 What role can the community play?

The role of the community in any major incident will be to provide support at the operational level under the strict direction of the professional responders. Health and Safety **MUST** be the first consideration for the community members. Safety starts with your personal safety, only then should you consider assisting with an incident - act only if it is safe to do so!

Never:

- Attempt to fight fires;
- Enter unsafe structures that may collapse – you will simply add to the casualties that will need attention;
- Assist with an incident that involves hazardous substances; and
- Perform medical, fire or search and rescue operations beyond the level of your training and insurance liability cover.

Manual**Ref:** Community Resilience Plan Guidance Document_Mar2011**Category** UNCLASSIFIED**Issue**

Version 1.0

Date

April 2011

Page

9 of 32

In addition to supporting professional responders on the ground through providing local intelligence, communities hold local knowledge and can organise themselves to look after their area and the people in their community, particularly any vulnerable members. Local planning will identify places of safety, develop key contact lists and community contract tree.

Remember:

Community members should not attempt to take on the responsibilities of the professional emergency responders.

Community members should not take risks to themselves, or attempt to cope with local incidents for periods without emergency responder support.

2.7 What can communities do to prepare?

- Establish a local skills and resource matrix – i.e. what specialist skills are available within the community – and document these in the plan;
- Identify and agree suitable local temporary accommodation, this may be a public or private building with the owners agreement. Neighbours willing to open their homes to those affected;
- Establish a local risk register – a possible range of emergencies that might effect our community, communicate this to the professional responders and seek advice on how best to mitigate for those risks;
- Use local knowledge to identify local points for distribution of supplies and services if necessary, e.g. fresh water, food, blankets, medicines and clothing – share this with HPS Resilience Team;
- Know your neighbours, establish who might be vulnerable in an incident;
- Look out for signs or indicators of a potential incident; and
- Share your planning arrangements with professional responders and neighbouring communities.

2.8 What can communities do to support the emergency response phase?

- Have a call out list readily available and contact the professional responders;
- Give clear details to the professional responders control rooms, e.g. location and type of emergency.

Assist the statutory professional responders with their operational tasks; this may include assisting with road closures, placing of suitable signage, set up and support local Rest Centres.

- Ensure effective communications are established locally and to external agencies;
- Support the Warning and Informing process within the community and across neighbouring communities paying particularly attention to those identified as vulnerable members, and;
- Provide support and help to community members without putting themselves or others at risk.

Manual		Issue	Version 1.0
Ref: Community Resilience Plan Guidance Document_Mar2011		Date	April 2011
Category	UNCLASSIFIED	Page	10 of 32

2.9 What can communities do to support the emergency recovery phase?

- Inform and advise the HPS Resilience Team of locations that are affected by the incident, support in the long term monitoring of such affected areas;
- Support the process of recovery through coordinated applications for funding to repair and make good community facilities and amenities;
- Contribute to structured debriefs and learning outcomes;
- Community Resilience Plan improvement;
- Support statutory agencies and organise local recovery initiatives to implement recovery plans; and,
- Arrange community focused activities to promote community reassurance – working together for the benefit of each other.

2.10 What is the Role of the Parish Council Resilience Coordinator and Working Group?

The Resilience Coordinator and Working Group should be:

- responsible for the development, completion and maintenance of the Community Resilience Plan;
- the focal point for the HPS Resilience Team when responding to a community emergency;
- the point of contact for the HPS Resilience Team, other HPS Officers and Statutory Emergency Responders

The Resilience Coordinator should:

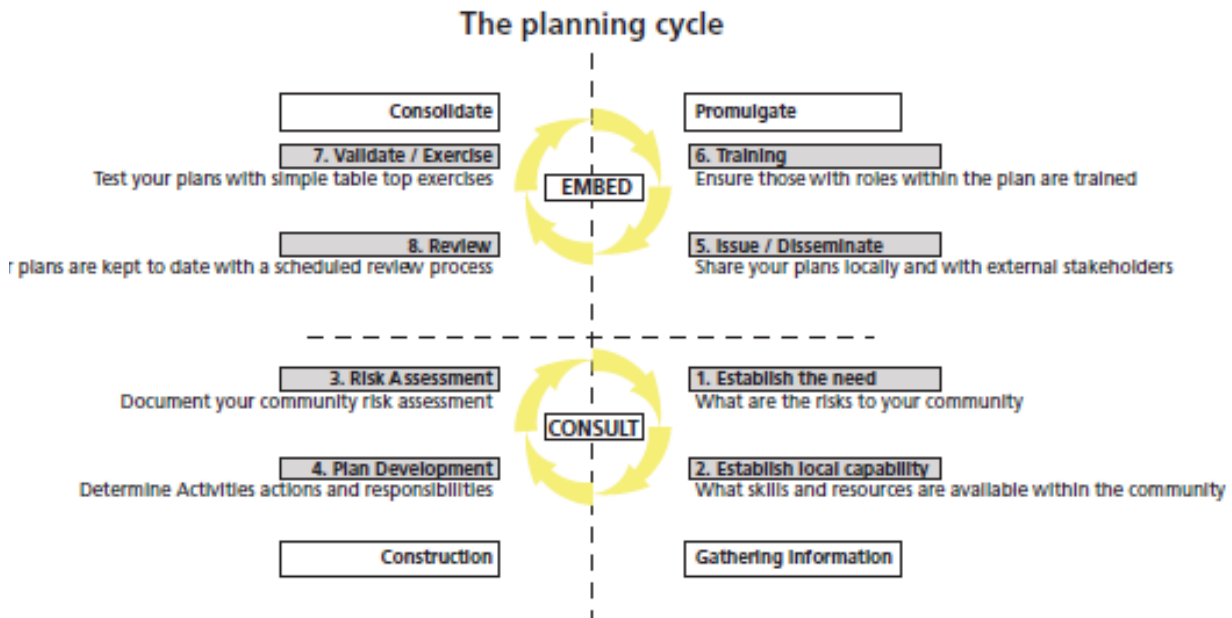
- be a resident in the community;
- enjoy the full support and the backing of the Town/Parish Council to represent the community;
- possess a thorough understanding of the community and surrounding area;
- have the authority to activate the support of, and speak on behalf of the community;
- have the ability to identify the vulnerable;
- ensure means of communications are maintained within the Town/Parish enabling good communications within the community and to the HPS Resilience Team;
- ensure that confidentiality is maintained at all times;
- be covered by Town/Parish Council insurance; and
- know when and have the authority to assemble a “Community Resilience Working Group”.

2.11 Let's start Resilience Planning – a guide to the process

There are a number of key steps when considering the development of a Community Resilience Plan, and as we can see from Figure 3 once started it should be considered as a continuous improvement process.

Manual		Issue Date	Version 1.0
Ref: Community Resilience Plan Guidance Document_Mar2011		Date	April 2011
Category	UNCLASSIFIED	Page	11 of 32

Figure 3. The Planning Cycle



Once you have developed an understanding of the risks that the community may face you are better placed to prepare the community to deal with any emergency that may arise.

The Community Resilience Plan should document these risks and information about skills and resources in the community, who will hold key roles and responsibilities and well as vital cascade contact lists.

The Plan will need an annual review to ensure it reflects the risks and contains accurate information. To develop a Community Resilience Plan you will need a group of enthusiastic people at Town/Parish Council level.

Each Parish Council will need to elect a Community Resilience Coordinator(s) to oversee the planning cycle. The Community Resilience Coordinator will be the key link between the HPS Resilience Team, the community and professional responders.

- HPS Resilience Team will support the Community Resilience Coordinator(s) through the development of Community Resilience Plans. The Plan Template has some useful advice to help complete the plan.

If an emergency occurs your first action should always be to contact the emergency services by dialling **999/112**

Manual

Ref: Community Resilience Plan Guidance Document_Mar2011

Category **UNCLASSIFIED****Issue**

Version 1.0

Date

April 2011

Page

12 of 32

SECTION 3 - INTRODUCTION TO THE ISSUES & CONCERNS

3.1 Issues & concerns raised by communities

This guidance aims to heighten community awareness through the process of preparing simple Community Resilience Plans. An informed community, comprising appropriately-trained volunteers, promotes and strengthens public participation and can be an invaluable supplement in all phases of an incident. This approach emphasises the need for individuals not to place themselves at risk and reminds us that community resilience cannot be a replacement for the work of our professional responders.

The Government acknowledged limitations within its guidance and expected community members to act safely and not to put themselves or others at risk when assisting with an emergency – *“All work done by the community should be safe and appropriate; the Government does not expect the public to take unnecessary risks during an emergency”*.

Implementing the Governments vision in the ever litigious environment of today, will require stakeholders to strike a local goodwill balance; people should not be asked or expected to do work other than that they have willingly agreed to do, received appropriately trained and are aware of the liabilities and risks associated with their actions.

Following training and awareness events promoting the Governments' community resilience vision, we have identified that “liability” (the legal responsibility for the consequences of one’s acts or omissions) is a significant concern and a potential barrier to volunteers’ involvement in community emergency preparedness planning and response.

These concerns extend to:

- claims for damages resulting out of death, personal injury or property damage or other loss;
- penalties for practising a profession or trade without the required license or permit;
- compensation for lost income and medical expenses of an injured volunteer, and;
- damages for any breach of contract.

At the time of writing, the Government recognises the problem but has yet to formulate guidance. As an attempt to open up the debate this document explores the basic issues and potential scenarios that may arise when individuals in our communities use “ordinary skills in extraordinary circumstances”.

3.2 A basic reminder of Sources of Law

In the process of exploring operating boundaries and frameworks the following section is a very basic review of the most simple terms and concepts referred to in English law, it is provided only as a discussion aid. This document summarises the various concepts, it does not purport to give comprehensive legal advice.

The two sources of law discussed here are Common Law and Statute Law. These sources underpin all branches of law, including the Civil Law and Criminal Law.

Manual		Issue	Version 1.0
Ref: Community Resilience Plan Guidance Document_Mar2011		Date	April 2011
Category	UNCLASSIFIED	Page	13 of 32

3.2.1 Common Law

Common law dates back to the eleventh century when William I attempted to develop a unified system of law (a “Common Law”) across the land. It is a law based on judgments, made by judges in courts. In general, lower courts are bound by earlier judgements made on similar points of law by superior courts, the rule of “**binding precedent**”). It therefore follows that lower courts are bound by the decisions of higher courts; Judgments made by Judges of the Supreme Court (formerly known as the “House of Lords”), The Court of Appeal and the High Court form the basis of most common law currently in force.

The concepts of “**Negligence**”, “**Duty of Care**”, “**Practicable**”, and “**as far as reasonably practicable**” are all issues which have been formulated and refined over the years from Court judgments. They form part of the Common Law.

3.2.2 Statutory Law

These are laws enacted by Parliament in Statutes (popularly known as “Acts of Parliament”. Acts provide a legal framework with Regulations and specific Statutory Instruments providing detail on specific issues. A comprehensive example of this is the Health & Safety at Work Act covering the duties of employers and employees in the work place. Underpinning this Act is an array of Statutory Regulations and Statutory Instruments, many of which have their origins in the European courts. The Statutory Instruments and Statutory Regulations provide the detail to the wider aims expressed in the Statute.

Statutory law takes precedence over that of Common Law, however, as with common law, judges are left to interpret statutory law when it appears ambiguous or when novel circumstances are presented to the Courts

3.2.3 Standards of Proof

When a prosecution under health & safety law is brought it is done so under criminal law, facilitated by the appropriate Act. However, it should be borne in mind that if an organisation or employer is found guilty in criminal law of an offence contrary to the provisions of the Health & Safety Act (Statute Law) they are most likely to also be open to a successful private civil action for damages. The standards of proof between the criminal and civil courts are different. In criminal law, the courts can only properly convict if the prosecution proves its case to a very high level (beyond any reasonable doubt). In the civil courts, a claimant can succeed on a much lower level of proof (the balance of probabilities or the “51% rule”). It follows that even if a Health and Safety prosecution fails to secure a conviction in the criminal courts to the “beyond reasonable doubt” standard of proof, that the Claimant may still succeed in a claim for damages to the lower “on the balance of probabilities” standard of proof in the civil courts.

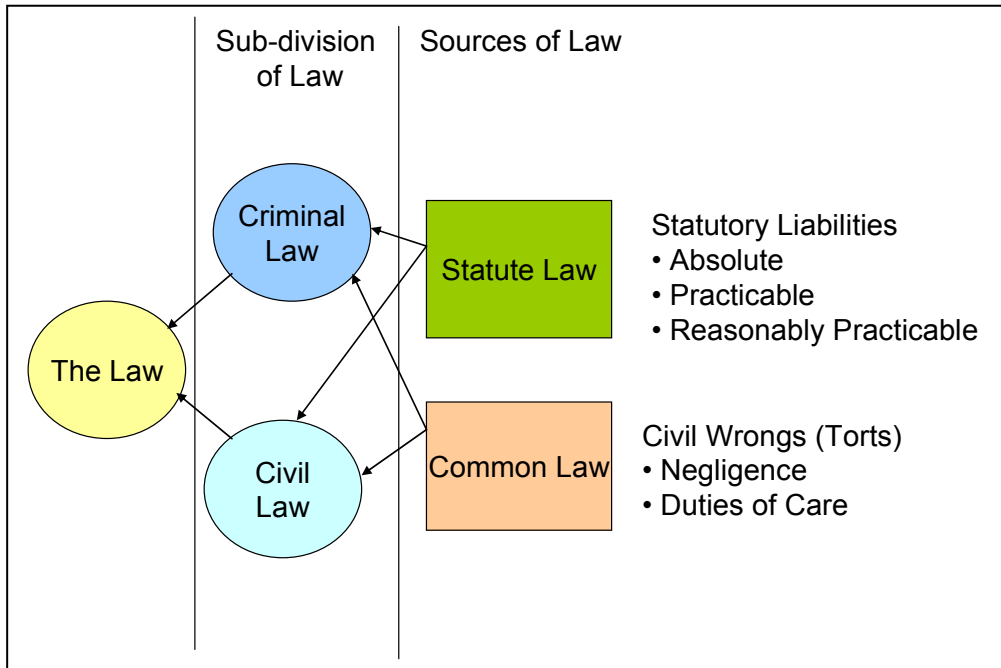
3.2.4 The Framework of Law - Contrasting the aims of Criminal & Civil Law

There are two principal sources of law - Statute & Common Law. These form the bedrock of both Criminal Law & Civil Law (see figure 1).

Criminal Law seeks to protect all members of society by imposing punishments on wrongdoers. Civil Law seeks to provide a framework of compensation and redress to those who make claims. Criminal Law is concerned with punishment. Civil Law is primarily a tool to seek damages.

Manual		Issue	Version 1.0
Ref: Community Resilience Plan Guidance Document_Mar2011		Date	April 2011
Category	UNCLASSIFIED	Page	14 of 32

Figure 1. Sources of Law



3.2.5 Crimes and Torts

In Criminal Law, wrongdoings are called “offences” (popularly known as “crimes”). In Civil Law, wrongdoings are known as “torts”. For the purposes of this document we shall look at a particular type of tort, namely the tort of negligence. Where it can be established that a person (or body) owes a duty of care to a third party and breaches that duty causing the third party to sustain a loss, the tort of negligence applies. A negligent act need not be deliberate. It may arise from either an action or an omission. The remedy for negligence is invariably **damages** (financial compensation) ordered by the Court to compensate for the loss. Damages may range from a few thousands of pounds for a basic whiplash injury resulting from a motor accident, to tens of thousands of pounds for serious injuries or causing economic loss to a company resulting from the disruption of their power supply.

3.2.6 Negligence and Recklessness

Whilst Civil Law is often concerned about “negligence”, Criminal Law has a similar concept where a serious event happens through gross oversight of danger, known as “recklessness”. Manslaughter is a statutory offence which arises from a situation involving the death of an innocent party, through a reckless lack of care for that person by the Defendant. An example would be a fatality resulting from a person throwing a brick off a building, not intending to kill anyone in particular, but nevertheless fatally injuring a passer-by. Such an action would result in a prosecution for Manslaughter. The similar concept of *Corporate* Manslaughter has evolved for situations where companies fail to adequately safeguard customers, employees or third parties from lethal danger.

Manual		Issue	Version 1.0
Ref: Community Resilience Plan Guidance Document_Mar2011		Date	April 2011
Category	UNCLASSIFIED	Page	15 of 32

3.2 Duties of Care

Common law expects us, as a reasonable person, to act with watchfulness, attention, caution and prudence towards others and the public. To do otherwise is a breach of duty of care towards them and may be considered negligent.

Courts have been quick to develop the modern law of Negligence. Nowadays, it is relatively easy to establish that people owe one another a duty of care. Drivers owe a duty of care to each other and also to pedestrians. Neighbours owe duties of care to each other and homeowners and businesses owe duties of care to lawful visitors to their premises.

Parish Councils, as an employer, owe a duty of care to their employees and this will extend to contractors and volunteers when acting under their control. Under Health & Safety law they have a duty to provide, amongst other things, a safe system of work and competent fellow employees delivered through adequate supervision, instruction and training. Whilst employees have a duty of care to their employer and fellow employees, the employer can be found responsible for the actions of their employees through Vicarious Liability, if employees were to act negligently during the normal course of their employment (this is typified in accidents caused through “horseplay” at work).

3.3 Corporate & Personal Liability

Generally speaking we are all personally liable in Law for our actions whether in or outside the work place. Companies and Corporate Bodies (including Government Departments and Local Authorities) can be held liable for their actions in both Civil and Criminal Law. Companies can be fined under Statute Health & Safety Law and if their actions cause death may be prosecuted for Corporate Manslaughter as described above. For a successful Corporate Manslaughter prosecution, the Court looks for a “controlling mind” (usually failings at Board of Director level). In such circumstances it is the Company that faces prosecution, not the Directors. The penalty in such cases is invariably a fine as the company is a conceptual legal person that cannot be imprisoned; however, as described above the Company would also be open to a civil action for damages.

There are various types of liability:

- **absolute** – the highest level of liability occurs when the risk of injury is inevitable unless safety precautions are in place e.g. there is an absolute need for the employer to prepare written safety policies and risk assessments when employee numbers are above five or more;
- **practicable** – next level of liability. Where risks demand the employer provides safeguards irrespective of cost or inconvenience, and;
- **reasonably practicable** - most common level of duty where the risk is low, the cost of controlling the risk grossly outweighs the probability of the risk occurring.

Manual		Issue	Version 1.0
Ref: Community Resilience Plan Guidance Document_Mar2011		Date	April 2011
Category	UNCLASSIFIED	Page	16 of 32

3.4 Insurance & Appropriate Systems of Work

We have seen that acting as a Parish Council volunteer when preparing Community Resilience Plans or assisting to a local emergency can open you up to claims for damages arising from Negligence or indeed Criminal Liability in particular circumstances.

Notwithstanding the point that we are personally liable in Law for our actions, the benefit of developing Community Resilience Plans within the Town/Parish Council is the provision of appropriate insurance cover.

The Town/Parish Council has a duty to take out insurance to insure themselves against third party and employee claims of negligence. A scope of works should be conducted by the Town/Parish Council which details what the boundaries of activity of the Parish Resilience Coordinator and Community Resilience Working Group shall be. Where concern exists, written confirmation should be obtained from Insurers that certain contemplated risks are covered by policies already in force.

The cardinal rule is to act in *advance* of any claims. A session of risk planning using a simple emergency scenario often quickly identifies risks. These can then be discussed with Insurers to determine whether existing cover is adequate.

3.5 The United States Experience

The issues of personal liability have already been tackled by the USA's Federal Emergency Management Agency (FEMA) who commissioned a study to develop the Citizen Corps Volunteer Liability Guide (CCVLG) to provide an overview of liability which gave some guidance and suggestions on approaches to addressing these concerns.

"An Overview of Legal Issues and Approaches to Address Liability for Emergency Volunteers" This document may be found at:

http://www.citizencorps.gov/councils/volunteer_mgmt.shtm

Of course this references a different legal system at state as well as federal level but points to an interesting set of sources of civil liability protection for emergency volunteers, these include:

- The Volunteer protection acts
- The Good Samaritan laws
- The Emergency management and homeland security statutes; and governmental immunity laws and tort claims acts
- Interstate and other mutual aid arrangements

Elements of this FEMA sponsored document shall be used to raise awareness and discussion.

Manual		Issue	Version 1.0
Ref: Community Resilience Plan Guidance Document_Mar2011		Date	April 2011
Category	UNCLASSIFIED	Page	17 of 32

3.6 Who Are Volunteers?

Volunteers are individuals who willingly give their time and effort to an activity without compensation; they are unpaid workers. The FEMA report grouped volunteers into five categories, each may have different liability protection based on their affiliation (or lack of affiliation) and functions.

3.6.1 Category 1. Community volunteers

We are concerned with community volunteers who are individuals who agree to perform unpaid work for their Parish Council, or under the direction of the professional responders. The approach by the USA to encourage such valuable work resulted in the State and federal volunteer protection statutes (codes of laws enacted by the elected members of the legislatures of federal, state, territorial and local governments) are designed to encourage volunteers by protecting them from liability of **negligence**. Volunteer protection statutes will limit protection to volunteers who are affiliated with government or non-profit organisations.

Parish Council Insurance Schemes: Scope out your activities during the plan preparation and information gathering phase including site visits. Extend this to reasonably foreseeable volunteer activities during an incident eg:

- Warning and informing your neighbours by door knocking;
- Observing local river and surface water levels and reporting back to the HPS Resilience Team;
- Support the distribution of bottled water and or food to vulnerable groups;
- Erection of temporary signs or barriers to prevent road users driving into flood waters unaware;
- Erection of simple flood defences and deployment of sand bags following appropriate training.

3.6.2 Category 2. Good Samaritans

The FEMA report notes that Good Samaritans are people who volunteer/provide assistance to a victim at the scene of an incident or sudden emergency where there is no ready access to professional care or assistance. Good Samaritans often act independently and may or may not be affiliated with an official organisation. The FEMA reports the operation of Good Samaritan laws in the USA which are designed to reduce the barrier of liability by providing immunity from liability for **negligence**.

Parish Council Awareness: Parish Councils should seek legal expertise for Good Samaritan defences against negligence or omissions.

3.6.3 Category 3. Government Sponsored and Managed Emergency Volunteers

With increasing pressure on finances across the public sector, the need to do more with less, coupled with the desire to improve community outreach programmes leads to emergency management increasingly falling towards trained groups of volunteers that supplement professional responders. An example of this is the Herefordshire Police Community Support Volunteer and Volunteer Special Constable initiatives. The two roles are separated by activity and powers in the community. However, as volunteers they are part of the Police family and enjoy professional and public liability cover that salaried Officers do. In the USA many emergency management statutes now protect registered emergency

Manual		Issue	Version 1.0
Ref: Community Resilience Plan Guidance Document_Mar2011		Date	April 2011
Category	UNCLASSIFIED	Page	18 of 32

volunteers from civil liability, provide emergency volunteer injury benefits, and recognise licenses, certificates, and permits from other states.

3.6.4 Category 4. Voluntary organisations and emergency volunteers managed by non-governmental organisations

Voluntary agencies protect their volunteer staff through well defined roles and activities supported by risk assessment as appropriate and liability insurance commensurate with the activities they are engaged in.

The FEMA report states that non-governmental organisations in the USA (business and not-for-profit) demonstrate the value of volunteers in the emergency context extends far beyond unpaid individuals who are co-opted to support emergency services at the scene of an incident; include:

- hospitals permitting volunteer healthcare providers to provide disaster medical assistance at its facilities;
- not-for-profit organisations may screen and train volunteers to respond in an emergency, and;
- businesses who donate supplies, equipment and the time of their employees (e.g. the Herefordshire Council external volunteering policy). However, unless special arrangements are made, for the most part these arrangements will leave volunteers unprotected from liability for their emergency preparedness and response activities. However, the FEMA report suggests efforts are underway to increase their protection at federal level.

3.6.5 Category 6. Spontaneous volunteers

Spontaneous volunteers include individuals who come to the scene of an incident to offer help and assistance. However, the vast majority are likely to be members of the public and not affiliated with any emergency response or volunteer agency.

Spontaneous or unaffiliated volunteers are at greatest risk of liability claims and may not enjoy injury protection benefits depending on the activity they are carrying out. The FEMA report points out that the issue of liability protection is one of many factors that make the management of spontaneous volunteers at the scene of an incident so difficult.

3.7 Scoping Volunteer Liability - Discussion

It can be seen that when Town/Parish Councils are preparing their Community Resilience Plans, they need to be mindful of the liabilities they are subject to and be able to give re-assurance to those who volunteer to become Community Resilience Working Group members that they are not increasing their personal liability.

For the most part, the tasks and responsibilities are the collation and holding of local information. Town/Parish Council Insurance policies are likely to provide cover for these activities. However, the Town/Parish Council should establish a scope of work/terms of reference for the Working Group and share this with their insurance provider.

They should also explore the limits of liability with their insurance providers to cover reasonably foreseeable activities in the preparation of the resilience plan and during a local emergency, e.g.

- Warning and informing your neighbours by door knocking;
- Observing local river and surface water levels and reporting back to the HPS Resilience Team;
- Support the distribution of bottled water and or food to vulnerable groups;

Manual		Issue	Version 1.0
Ref: Community Resilience Plan Guidance Document_Mar2011		Date	April 2011
Category	UNCLASSIFIED	Page	19 of 32

- Erection of temporary signs or barriers to prevent road users driving into flood waters unawares;
- Erection of simple flood defences and neighbourly deployment of sand bags following appropriate training.

The Community Resilience Working Group should familiarise themselves with their Health & Safety Policies and Management arrangements and have an understanding of their duties and responsibilities within it.

Appendix 1 attempts to explore limits and boundaries of liability when the community is faced with assisting in a local emergency.

Manual		Issue	Version 1.0
Ref: Community Resilience Plan Guidance Document_Mar2011		Date	April 2011
Category	UNCLASSIFIED	Page	20 of 32

SECTION 4 - HANDLING DATA & INFORMATION

Data Protection Act 1998 - Quick Reference Guide for Staff

Document Reference IMDPA001. Version 1.0 January 2008

Author: Anthony Sawyer, Senior Archivist – Records Management, Herefordshire Council

4.1 Introduction

The Data Protection Act 1998 gives guidance on how to handle personal and sensitive data. Personal data includes any information about a living individual who can be identified from that data or from other information in or likely to come into the possession of the Data Controller (the Town/Parish Council) that is processed:

- automatically (including by computer, electronically, via e-mail)
- manually
- or that forms part of an accessible record (a health, school, housing tenancy or social services record)

Examples of personal data include name, address, date of birth and NI number. Processing is anything done with the data including holding and viewing data. If you have personal data assume you are processing it. Sensitive data is:

- The racial or ethnic origin of the data subject(s)
- Their political opinions
- Their religious beliefs or beliefs of a similar nature
- Whether they are members of a Trade Union
- Their physical or mental health or condition
- Their sexual life
- The commission or alleged commission by them of any offence
- Any proceedings for any offence committed or alleged, the disposal of such proceedings or the sentence of any court

4.2 The Eight Data Protection Principles

- Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless certain conditions for processing are met.
- Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.
- Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
- Personal data shall be accurate and, where necessary, kept up to date.
- Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
- Personal data shall be processed in accordance with the rights of data subjects.
- Appropriate technical and organisational measures shall be taken against unauthorised or lawful processing of personal data and against accidental loss, or destruction of, or damage to, personal data.

Manual		Issue	Version 1.0
Ref: Community Resilience Plan Guidance Document_Mar2011		Date	April 2011
Category	UNCLASSIFIED	Page	21 of 32

- Personal data shall not be transferred to a country or territory outside the European Economic Area, unless that country or territory ensures an adequate level of protection for the rights and freedoms of individuals in relation to the processing of personal data.

4.3 Subject Access Requests

Subject to certain exemptions, data subjects have a right:

- to be told by Town/Parish Council whether it or someone else on its behalf is processing his/her personal data and if so
- to be given an intelligible description of the personal data, the purposes for which it is being processed and the likely recipients and sources of that personal data
- to receive a copy of the personal data

Key steps to take for handling requests:

- Ask the requester to complete the Subject Access Request form and collect the fee
- Satisfy yourself of the identity of the person making the request
- Check that you have all the information necessary to locate the information the applicant is looking for
- Determine whether any information is exempt from the right of subject access
- Respond within 40 days

The Fair Processing Code requires certain information be given to the people to whom the data relates (data subjects):

- The identity of the data controller (Town/Parish Council)
- The name and address of the Data Protection Officer
- What the information will be used for, particularly any non obvious uses
- Any other information to ensure fairness.

Always make it optional for any use of personal information for direct marketing purposes.

4.4 Exemptions

Information requested can be exempted if:

- A reasonable period has elapsed since the last request and there is no new data
- Information has been processed for reasons of national security; prevention or detection of crime; certain regulatory functions; securing health, safety and welfare of persons at work or others; management forecasts and business planning; certain aspects of corporate finance; negotiations, where disclosure would prejudice these functions
- The information is journalistic, literary or artistic material which is in the public interest, subject to certain conditions; processed exclusively for research, statistical and historical purposes, and the information is not processed to support measures or make decisions relating to particular individuals and it does not cause substantial damage or distress to the individual and they cannot be identified from the results; required to be made public under any Act subject to legal professional privilege; confidential employment references given by the Town/Parish Council.

Manual		Issue	Version 1.0
Ref: Community Resilience Plan Guidance Document_Mar2011		Date	April 2011
Category	UNCLASSIFIED	Page	22 of 32

In deciding if disclosure is nevertheless reasonable in the circumstances, the Act requires that you should have regard to consent from any third party whose data is included in the information.

4.5 Further Information

The topics in this leaflet are seldom straightforward. If you are in any doubt about how to handle an issue or situation contact Herefordshire Council's Legal Department:

Freedom of Information Compliance Team

Geoff Hardy

email: ghardy@herefordshire.gov.uk

Sam Smith

email: samsmith@herefordshire.gov.uk

Document Information – See Appendix 2

Information Governance - Information Must Be:

- Held securely and confidentially
- Obtained fairly and efficiently
- Recorded accurately and reliably
- Used effectively and ethically
- Shared appropriately and lawfully

Guidelines on Confidentiality

Receive and store information securely

- Never leave your computer unattended without locking it
- Never save confidential information on a hard drive of a PC
- Don't save confidential information on laptops which have not been encrypted,
- Don't save confidential information on portable media such as memory sticks, CDs, floppy disks etc
- Store confidential paper information in lockable filing cabinets or drawers
- Never leave confidential paper information on your desk when you are not present

Only allow access by authorised individuals who have a need to know that information

Encryption

Encryption is the conversion of data into a form which cannot be understood by unauthorised people

Transferring data

Email:

- Use encrypted email systems
- Do not include names in the subject line of emails

Post:

- Confirm the name, job title, department and organisation and address of the recipient
- Ensure that the recipient is entitled to receive the information

Manual		Issue	Version 1.0
Ref: Community Resilience Plan Guidance Document_Mar2011		Date	April 2011
Category	UNCLASSIFIED	Page	23 of 32

- Provide the minimum necessary information
- Seal in a robust envelope marked “Private and Confidential – To be Opened by the Addressee Only”
- Send by recorded delivery, asking the recipient to confirm receipt

Fax:

- Use only if no other secure method is available
- Only send to a fax machine located in a known secure and private area (Safe Haven)
- Telephone the intended recipient to advise them that you are going to send confidential information, and ask them to acknowledge receipt
- Double check the fax number
- Use a fax cover sheet stating who the information is for, and marking it “Private and Confidential”
- Print a fax transmission report to confirm that transmission was OK

Phone:

- Confirm the name, job title, department and organisation of the person requesting the information
- Confirm that there is an appropriate reason for the request
- Obtain a contact telephone number (main switchboard or a number already known to you)
- Check that the information can be provided – call the person back if you are unsure
- Provide the minimum necessary information only to the person who has requested it – don’t leave a message
- Keep a record of the disclosure

Manual

Ref: Community Resilience Plan Guidance Document_Mar2011

 Category **UNCLASSIFIED**
Issue

Version 1.0

Date

April 2011

Page

24 of 32

SECTION 5 - RISK ASSESSMENT (USING PART 2 & 3 OF THE PLAN TEMPLATE)

The Community Resilience Plan template offers a basic 'Plan-Do-Check-Review' Template designed to be used by Community Resilience Working Group in the process of reviewing and communication of parish level hazards and risks.

The template is offered as a discussion tool at parish level to support better understanding of the hazards and vulnerabilities that may exist. It is expected that Community Resilience Working Groups will predominately use Part 2 of the template, as given in Figure 2.

Figure 2 Part 2 Hazard/Vulnerability Identification

Part 2 - Hazard / Vulnerability Assessment: Identify Community Hazards / Vulnerabilities ☺ If YES			
Community Hazards / Vulnerabilities	Awareness	Additional Assessment (If YES go to Part 3)	Notes / Who might be harmed
River Flooding	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	Specific areas effected by river and surface water flooding.
Surface Water Flooding	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	
Domestic Structures - Fire Risk	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	
Industrial Sites - Fire Risks	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	
Industrial Sites – Chemicals / Biological Risk	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	
Agriculture Site – Fire Risk	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	
Road Traffic Accidents (Heightened Risk Only)	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	
Water Pumping Station	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	
Sewage Treatment Works	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	Local sewage treatment works, historical flooding
Telephone exchanges / junction box	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	
Poultry farming unit	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	Long establish Poultry farm – risks associated with road closures and restriction following an animal disease outbreak.

The Work Group feels this may benefit from a further local risk assessment.

This simply identifies a community vulnerability given a specific set of circumstances and does not represent a comment on facility management. Expert advice should be requested from the HPS Resilience Team who in turn may need to contact the facility owners if appropriate.

NOTE: Should the Community Resilience Working Group feel that an additional risk assessment needs to be carried out on an identified vulnerability/hazard, they should contact the HPS Resilience Team who will support them in completing Part 3 of this 'Plan-Do-Check-Review' document. The general risk assessment process is discussed below.

Manual		Issue Date	Version 1.0
Ref: Community Resilience Plan Guidance Document_Mar2011		Date	April 2011
Category	UNCLASSIFIED	Page	25 of 32

Figure 3. Additional Risk Assessment Details

Part 3 - Additional Assessment						
Hazard / Vulnerability	Community Impact / Location at Risk	Impact Rating	Likelihood Description	Likelihood Rating	Control Measures / Precautions	Overall Rating
Flooding: List the hazards that have been identified in your community. AS part of the systematic review process you will need to keep this list updated.	List the physical disruption that may be caused. Consider any vulnerable members of the community i.e. Care homes, Schools etc. e.g. Flooding <ul style="list-style-type: none"> Loss of access and utilities (electricity, phones, etc.) Water damage to homes, and buildings, 	Moderate - 3	Watery Lane prone to flooding every year including the location of the care home. Local sewage plant has experienced historical flooding.	Possible - 3	List what you currently do that prevents or reduces the likelihood and or the impact of the hazard on your community e.g. Flooding <ul style="list-style-type: none"> Monitoring Flood warnings issued by the Environment Agency Sand Bags Made Available via Local Authority Consider what additional control could be put in place.	High Risk - 9

Likelihood	Consequence				
	1 Insignificant	2 Minor	3 Moderate	4 Major	5 Catastrophic
5 Certain	5	10	15	20	25
4 Likely	4	8	12	16	20
3 Possible	3	6	9	12	15
2 Unlikely	2	4	6	8	10
1 Rare	1	2	3	4	5

The following Risk assessment matrix should be used to assess locally identified risks:

Risk Rating:

- Low Risk 1 to 3
- Moderate Risk 4 to 6
- High Risk 8 to 12
- Extreme Risk 15 to 25

Description and definitions of LIKELIHOOD of RISK occurring:

Description	Descriptor	Level
Cannot believe this will happen or recur.	Rare	1
Do not expect it to happen or recur.	Unlikely	2
Might happen or recur occasionally.	Possible	3
Will probably happen or recur, but is not a persistent issue.	Likely	4
Will undoubtedly happen or recur, probably frequently.	Almost Certain	5

Manual
Ref: Community Resilience Plan Guidance Document_Mar2011
Category UNCLASSIFIED
Issue

Version 1.0

Date

April 2011

Page

26 of 32

Consequence Types	1 Insignificant	2 Minor	3 Moderate	4 Major	5 Catastrophic
Health	No or insignificant impact	Small number of people affected, no fatalities some minor injuries	Some fatalities and casualties requiring hospitalisation.	Significant numbers of people affected, multiple fatalities	Very large numbers of people affected, significant numbers of fatalities/casualties.
Social	No or insignificant disruption to community services, no or insignificant displaced persons	Minor damage to properties. Some disruption to community services and minor displacement of people.	Damage to specific locations – requires additional resources. >100 people displaced. Disruption of infrastructure	Significant damage requires support from local responders. 100 – 500 people displaced for longer than a week.	Extensive damage to property and the built environment. Displacement of >500 people for prolonged.
Economic	No or insignificant economic impact	Negligible impact, costs can be absorbed locally.	Limited impact on local economy, some loss of production and additional clean up costs needed	Significant impact on local economy, medium to longer terms effects	Serious impact on local regional economy long term permanent effect
Environment	No or insignificant environmental impact	Minor environmental impact – no lasting effects	Limited impact on the environment, short term to longer term impacts.	Significant impact on the environment, medium to longer term impacts.	Serious impact on the environment, longer term/ permanent impacts.

5.1 Risk Category Definition

Extremely high risk 15–24

These are classed as primary or critical risks requiring immediate attention. They may have a high or low likelihood of occurrence, but their potential consequences are such that they must be treated as a high priority. This may mean that strategies should be developed to reduce or eliminate the risks, but also that mitigation in the form of (multi-agency) planning, exercising and training should be put in place and the risk monitored on a regular frequency. Consideration should be given to planning being specific to the risk rather than generic.

High (H) risk 8–12

These risks are classed as significant. They may have a high or low likelihood of occurrence, but their potential consequences are sufficiently serious to warrant appropriate consideration after those risks classed as 'very high'. Consideration should be given to the development of strategies to reduce or eliminate the risks, but also mitigation in the form of (multi-agency) generic planning, exercising and training should be put in place and the risk monitored on a regular frequency.

Moderate Risk (M) risk 4-6

These risks are less significant, but may cause upset and inconvenience in the short term. They should be monitored to ensure their appropriate management.

Low (L) risk 1-3

These risks are both unlikely to occur and not significant in their impact. They should be managed using normal or generic planning arrangements and require minimal monitoring and control unless subsequent risk assessments show a substantial change, prompting a move to another risk category.

(Source: http://www.cabinetoffice.gov.uk/media/131933/ep_ann_04f.pdf).

Manual		Issue	Version 1.0
Ref: Community Resilience Plan Guidance Document_Mar2011		Date	April 2011
Category	UNCLASSIFIED	Page	27 of 32

SECTION 6 - USE OF COMMUNITY BUILDINGS AS A PLACE OF SAFETY

HPS Resilience Team regularly reviews and maintains the HPS Rest Centre Activation Guide. This plan has some 23 predetermined rest centre locations several of which include the use of community buildings and the Police will invariably call for its activation. However, short of the full activation of a rest centre they may decide to commandeer a place of safety depending on the situation or numbers of people to be accommodated.

Community buildings can make ideal temporary places of safety during an emergency as they are well known by the community. They can also be used as a central point for distribution of information, bottled water and food supplies. However, before nominating these buildings, the community building management committee must be consulted to ensure that they have the power to provide these services from the building. Planning restrictions or covenants may prohibit over night accommodation or certain activities.

The HPS Resilience Team will be able to advise and support you in the following:

- The appropriate location, layout and facilities of the structure for this activity;
- How costs and funding can be recovered in the event that the facility be used in an emergency;
- Insurance issues – is the building insurance appropriately covered for the proposed activities;
- The development of suitable and sufficient risk assessments for use as a place of safety, including access and egress, mobile phone signals, internet access, landlines, walkie-talkie reception, people capacity etc.
- Development of a floor plan highlighting the location of water mains, gas mains, heating supply etc.

Halls should have in place:

- Storage facilities – assess whether the hall has the facility to house emergency supplies, or act as a distribution point for bottled water;
- First Aid provided by a recognised provider (such as British Red Cross or St John Ambulance) as their volunteers are appropriately trained, insured and CRB cleared;
- Provision for users in the hall at the time of emergency (catering, toiletries etc);
- Appointing a member of the building management committee to act as a communication point. This person will need to be part of the Contacts Tree.

Manual

Ref: Community Resilience Plan Guidance Document_Mar2011

Category

UNCLASSIFIED**Issue**

Version 1.0

Date

April 2011

Page

28 of 32

SECTION 7 - ASSESSING RISK AS A VOLUNTEER

Risk Assessment is a term that permeates our daily lives. As a discipline it can become a very complicated subject. However, on a basic level it is a systematic study of what could cause you, others or the environment harm. It will allow you to weigh up whether you have considered all the necessary precautions that need to be taken to keep you safe.

Risk Assessment is recognising what activities can be undertaken and those that are too hazardous.

We all have a right to be protected from harm which may be caused by a failure of ourselves or others to take reasonable care and control of hazards.

When responding to a community emergency **safety first**

NEVER PUT YOURSELF OR OTHERS AT RISK.

IS IT CRUCIAL THAT THE WORK/ACTIVITY BE UNDERTAKEN BY COMMUNITY MEMBERS?

IF NOT, LEAVE IT TO THE PROFESSIONALS!

It is extremely unlikely that the Emergency Services will not be able to respond and take charge of the response, which includes the rescue of people and protecting them from harm. The community must be very clear as to the risks and liabilities they place themselves and others under by acting under self determination.

IF CIRCUMSTANCES FORCE COMMUNITY ACTION - IDENTIFY THE HAZARDS

What activities are taking place, what danger do they present? Consider things such as:

- The use of equipment – diggers, motor vehicles including 4x4, ladders and ropes, etc.
- Environment – fast flowing rivers, heavy rain, high wind, snow and icy conditions.
- Safety of structures – stability of bridges, roads, falling masonry and loose tiles, unstable structures including walls.
- Inherent skills and experience of community volunteers e.g. off-duty Police Officer, Firefighter, Red Cross or St John Ambulance first aiders/volunteers. These volunteers may need to inform their respective organisation that they are assisting.
- A member of the public with no prior skills/training or affiliation to a registered organisation, therefore, not benefiting from liability insurance.
- The general health and fitness of the volunteer.
- Will the activity represent a risk to members of the public or their property e.g. felling a tree close to a house, digging a ditch near water/power/communication lines?
- Potential exposure to dangerous chemicals or fumes e.g. attempting to support the evacuation of community members near to a chemical fire.
- Risk of explosion, e.g. supporting the evacuation of community members near a gas leak.
- Exposure to chemicals – long term effects of exposure to chemicals including asbestos fibres.

Manual		Issue	Version 1.0
Ref: Community Resilience Plan Guidance Document_Mar2011		Date	April 2011
Category	UNCLASSIFIED	Page	29 of 32

WHO MIGHT BE HARMED AND HOW?

- Think about those members of the public in immediate danger
- Those untrained volunteers who might take it upon themselves to effect a response or rescue.
- Onlookers watching an unfolding incident.
- Road hazards faced by those warning others or attempting to clear debris, e.g. fallen trees.

EVALUATE RISKS AND DECIDE ON SUITABLE CONTROL MEASURES

- Wait for the Emergency Services
- Warn & Inform your neighbours
- Do we/I have appropriate insurance cover?
- This task is far too risky – leave it to the professionals
- If we are asking community volunteers to do some activities, provide/arrange training
- Equipment – ensure properly trained and insured people only, make sure they have safety equipment and protective clothing, work in pairs or teams buddy up!
- Stay away from Chemicals – leave it to the professionals.
- Communicate and keep records of what/when and where things take place.
- Maintain communication – use mobile phones, walkie-talkies if you have them.
- Be aware of the general health and wellbeing of volunteers undertaking activities.
- Daylight hours are best – provide suitable portable and safe lighting.

RECORD YOUR FINDINGS

Record all your communications and activities and actions you have taken. These recordings will prove very valuable when briefing emergency responders, in any debriefing and as evidence in any subsequent inquest or court proceedings. Your records should be clear and accurate.

RECOVERY PHASE

- Stay clear until told otherwise by the emergency services – the site should be cleaned and cleared up and should not create a hazard to the community before you enter.
- Check with the emergency services before people re-enter their homes.
- Check and ensure any potentially dangerous areas are clearly signed – e.g. structure made unsafe by flooding. Seek advice from the emergency services.
- Do not cross cordons/signs etc until they have been removed.

REVIEW YOUR ASSESSMENT AND UPDATE AS NECESSARY

Review your assessment throughout the unfolding emergency, things can get worse as well as better!

Manual	Issue	Version 1.0
Ref: Community Resilience Plan Guidance Document_Mar2011	Date	April 2011
Category	Page	30 of 32
UNCLASSIFIED		

APPENDIX 1 - ASSISTING IN A COMMUNITY EMERGENCY

Assisting to Community Emergencies - Scenario based Guidance to Personal Liabilities

(The following table aims to explore the boundaries of personal liabilities when communities come together to assist to an emergency)

Town/Parish Council Resilience Coordinator - referred to in the table as **Party A** shall be a Town/Parish Council employee

Community Resilience Working Group – referred to in the table as **Party B** likely to be volunteer members of the community and or Parish Councillors; open to all ages.

Role / Scenario	Activity	Community Insurance Considerations	Civil Law Implications	Criminal Law Implications
1. The role of a volunteer Town/Parish Resilience Coordinator <i>(a volunteer employee of the Town/Parish Council).</i>	The canvassing of others within the community to become part of the Community Resilience Working Group.	Be clear how your insurance covers Party A in the process of canvassing and recruiting Party B in the process of building a Community Resilience Working Group. Seek legal advice relating to the presence of a contract being formed either written or implied.	A Duty of care is owed by Party A to Party B to ensure they are fully aware of the duties they may be asked to take part in.	
2. The role of a volunteer Town/Parish Community Resilience Group member in the preparation and maintenance of the Community Resilience Plan.	A group of Town/Parish Council and community volunteers who come together for the good of the community to: <ul style="list-style-type: none"> • prepare a Community Resilience Plan; • support emergency responders through the provision of information and support as directed; and • support the community through self determination as required. 	Be clear of how your insurance policy covers Party B members during the discharge of their duties, namely; <ul style="list-style-type: none"> • plan preparation; • working under the direction of professional responders; • physical response to an emergency when acting under self determination, e.g. use of privately owned vehicles and equipment, and; • represent the community in media interviews – advice for dealing with the Media is available via the Resilience Team. 	A Duty of Care is owed by any member of the Parish Community Resilience Working Group to another member of the community or external agency, e.g. torts relating to Defamation of character, e.g. slander or libel.	
3. Party A & B use of motor vehicles and other personal equipment items in the discharge of their duties.	In the preparation of the emergency plan Party A & Party B members may be expected to travel to locations to gather information or use IT or mobile phones in the recording or communication of information.	Seek assurance how your insurance policy covers party A & B's personal items and effects in the process of collating and dissemination of information.	Party A & B would be subject to Civil Law and will owe a Duty of Care to other road users and pedestrians. If deemed to have caused the accident Party A or B may be pursued under Civil Law of which negligence would be the most likely claim in which another Party A or B, or third party were injured.	The Police would be responsible for determining who had committed an offence under Statute Law , namely the Road Traffic Act.
4. Preparation and retention of information within the Community Resilience Plan.	The Community Emergency Plan shall hold personal contact details for Part A & B members as well as other skill and equipment holders within the community. It may extend to contact details for vulnerable people/groups where deemed necessary. Holding of all contact details shall be under the explicit permission of the data subject (contactee).	Be clear how the insurance policy covers Party A & Party B if these contact details are lost through failure to keep a written document safe or through electronic losses e.g. a hacked home or Town/Parish Council PC. <ul style="list-style-type: none"> a) where no known loss or impact has occurred; and b) where a third party claims damages in relation to their details being fraudulently used. 	Party A & Party B or the Town/Parish Council may be subject to a Civil Law claim for damages by a third party who was owed a duty of care and can demonstrate material loss as a result of their contact details being released into the public domain.	Party A, B the Town/Parish Council are subject to the Data Protection Act and may be prosecuted if found guilty of committing an offence under the Act.

Manual		Issue	Version 1.0
Ref: Community Resilience Plan Guidance Document_Mar2011		Date	April 2011
Category	UNCLASSIFIED	Page	31 of 32

<p>5. The Community Resilience Coordinator/Community Resilience Working Group members directing or asking third parties to carry out certain response activities.</p>	<p>Consider a situation where the community was faced with responding to an emergency without the benefit of the professional responders. A situation may arise where the community acts directly or through implied direction of Party A or Party B.</p>	<p>Seek assurance on the liability under the policy if Party A or Party B directs others to act. Be clear how your insurance covers the use of vehicles or equipment by members of Party A or Party B that subsequently results in loss, damage or injury to individuals, structures, property, businesses or the environment. The actions of third parties who are deemed to be volunteering to support Party A or Party B may include:</p> <ul style="list-style-type: none"> • The attempted recovery of people using 4x4 or other vehicles; • The use of chainsaws and other cutting equipment by persons with and without relevant training, qualifications and experience; • The use of heavy machinery such as tractors, diggers and snow ploughs by persons with and without relevant training, qualifications and experience; and • The temporary closure of roads and bridges using vehicles or signs. 	<p>Party A & B may be subject to a Civil Law claim for damages by a third party who was owed a duty of care and can demonstrate material loss as a result of the actions of Party A or B.</p>	
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As a general rule:

- 1) Volunteers that are under the direct control and supervision of the Town/Parish Council are likely to be covered under their Public Liability cover providing that the Town/Parish Council is deemed liable of a claim, subject to the policy wording, terms and conditions. Depending of the activity and size of the event, an additional premium may apply.
- 2) A Claims Technician/Solicitor would confirm the legal liability at the time of any claim.
- 3) Employees will be covered under the Employers Liability cover, again subject to the above.
- 4) If a person uses another persons vehicle with the express permission to do so (and the user has their own Insurance), the Town/Parish Council will need to ensure that suitable insurance covers this activity/use.
- 5) Ensure that all procedures are clear, understood and used by all individuals involved in the event of an emergency.
- 6) Queries are best answered by your Legal Advisor, or if appropriate Herefordshire Council's Legal Team.

Manual	Issue	Version 1.0
Ref: Community Resilience Plan Guidance Document_Mar2011	Date	April 2011
Category	Page	32 of 32
UNCLASSIFIED		

Appendix 2. Levels of Document Protection

	NOT PROTECTIVELY MARKED	PROTECT	RESTRICTED	CONFIDENTIAL
Where can it be stored?	Lockable cabinet/drawer etc	Lockable cabinet/drawer etc	Lockable cabinet/drawer etc	Class 4 SEAP approved cabinet
Can it be emailed?	Yes – to secure domains (eg: .pnn, .gov)	Yes – to secure domains (eg: .pnn, .gov)	Yes – to secure domains (eg: .pnn, .gov)	Not unless encrypted service available
Can it be faxed?	Yes, if recipient has been identified	Yes, if recipient has been identified	Yes, if recipient has been identified	Not unless encrypted service available
How can paper be disposed of?				SEAP approved cross-cut shredder
How can magnetic media be disposed of?	Details available from your Facilities Manager	Details available from your Facilities Manager	Details available from your Facilities Manager	Details available from your Facilities Manager
How can it be sent internally?	Sealed envelopes showing Protective marking. Transit envelope may be used of sealed with a security label	Sealed envelopes showing Protective marking. Transit envelope may be used of sealed with a security label	Sealed envelopes showing Protective marking. Transit envelope may be used of sealed with a security label	New sealed envelope showing Protective marking. Transit envelope may be used of sealed with a security label
How can it be sent externally?	Sealed envelope showing return address. Do not show protective marking	Sealed envelope showing return address. Do not show protective marking	Sealed envelope showing return address. Do not show protective marking	Double enveloped showing return address. Do not show protective marking