

Options appraisal

Four options for the delivery of emergency planning and business continuity management services have been considered.

Option 1: Delegate Civil Contingencies to WMFS and CWC retains Public Health emergency planning, business continuity management and the Prepare (counter-terrorism).

Under this option, only those services relating to CWC's responsibility as a category 1 responder under the Civil Contingency Act (2004) would be transferred to West Midlands Fire Service who are also a category 1 responder under the Act.

Option 1 advantages	Option 1 disadvantages
<ul style="list-style-type: none"> • CWC will be able to take advantage of additional expertise and resources for emergency planning services providing additional resilience to a currently small team. • All public health responsibilities will be retained within the public health team. • CWC's will manage in house its duty to maintain all of its own critical services, both during its response to an emergency but also through the recovery period 	<ul style="list-style-type: none"> • The service currently provided by the Resilience Team would be split between CWC and the WMFS. This is likely to result in duplication of effort with emergency planning services delivered by both organisations for CWC. • The splitting of the service would require the team to be restructured and posts to be revised. • Alignment between the development of emergency plans / civic disaster plans and CWC's business continuity plans risk being lost. • Employee relations issues of transferring staff and possible disparities in pay, terms and conditions between CWC and WMFS staff may need to be addressed.

Option 2: Delegate Civil Contingencies and Public Health emergency planning, business continuity management and the Prepare (counter-terrorism) coordination role to WMFS.

All services currently provided by the CWC Resilience Team would be transferred to WMFS. TUPE would apply to the Resilience Team.

Option 2 advantages	Option 2 disadvantages
<ul style="list-style-type: none"> • CWC will benefit from additional capacity, including 24/7 response support, and a wider pool of expertise, taking advantage of the existing synergies between the CWC and WMFS's respective emergency planning functions. • The Public Health team restructure proposed a reduction of 1 FTE to achieve necessary budget reductions. Additional capacity will be achieved from this collaborative arrangement so that at a minimum the current level of service is delivered. • External and expert review and challenge to CWC's emergency plans and business continuity management plans and strengthened 'ownership' of the plans by CWC service managers. • Alignment between the development of emergency plans / civic disaster plans and CWC's business continuity plans will be maintained. • No duplication of resources. • CWC Duty Managers and Directors will be supported by the WMFS Incident Commander and Incident Control Room Manager during an emergency providing 	<ul style="list-style-type: none"> • Robust governance and monitoring would be required to ensure that CWC's statutory duties were delivered on its behalf. CWC would need to act as an 'intelligent client' in this regard, and build sufficient capacity within the Resilience Board to be able to perform this role effectively. • The support provided to the CCG by CWC will need to be either transferred to WMFS or taken back in house by the CCG. This may slightly reduce the level of collaboration between CWC and CCG in this area. • Employee relations issues of transferring staff and possible disparities in pay, terms and conditions between CWC and WMFS staff may need to be addressed.

additional expertise during a response to an emergency.	
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Option 3: Another category 1 responder delivers CWC's Civil Contingencies and Public Health emergency planning, business continuity management and the Prepare (counter-terrorism) coordination role.

Category 1 responders are the organisations at the core of the response to most emergencies, namely the police, fire and rescue service, local authorities, NHS trusts (including ambulance trusts), and the Environment Agency. This option would see the transfer of the service to one of the other category 1 responders.

The WMFS is the only category 1 responder who has proactively offered to deliver this service on behalf of the local authorities in the West Midlands. As part of the development going forward, WMFS will continue discussions with other category 1 responders about expanding the partnership further into a multi-agency delivery unit.

Option 3 advantages	Option 3 disadvantages
<ul style="list-style-type: none"> Greater collaboration on a day to day operational basis would be achieved with other category 1 responders. 	<ul style="list-style-type: none"> WMFS have offered to develop a proposal to deliver a region-wide EPRR and business continuity service which may in time include other category 1 responders. Therefore, pursuing option 3 would delay the exploration of the potential for such a service going forward. In the future, the WMFS may become part of the West Midland Combined Authority governance which may open up further options for the delivery of this service in partnership with other category 1 responders. Employee relations issues of transferring staff and possible disparities in pay, terms and conditions between CWC and WMFS staff may need to be addressed.

Option 4: Retain the status quo and continue to manage Civil Contingencies and Public Health emergency planning, business continuity management and the Prepare (counter-terrorism) in house.

Option 4 advantages	Option 4 disadvantages
<ul style="list-style-type: none"> CWC would retain full responsibility and full control for the delivery of its emergency planning and business continuity duties under the relevant Acts. 	<ul style="list-style-type: none"> The Public Health team restructure proposes a reduction of 1 FTE to achieve necessary budget reductions. Additional capacity will not be achieved from a collaboration at a time when it is proposed that 1 FTE from the Resilience Team is removed risking a reduction in the current level of service. No benefits achieved from increased collaboration with another category 1 responder. At a time when all public services are under pressure to be more effective and efficient, this would be a missed opportunity to identify how CWC could benefit from WMFS expertise and resources. CWC will not benefit from any external challenge and testing of its emergency plans and business continuity plans under this arrangement.

Preferred option

Following consideration by the Executive Team and Strategic Executive Board, option 2 is considered the preferred option.

Under this option, CWC would transfer the day to day management of emergency planning and business continuity management to the West Midlands Fire Service in order to achieve a more resilient, co-ordinated inter-agency and effective service, benefiting from existing synergies between the CWC and WMFS's respective emergency planning functions. CWC would benefit from a wider pool of subject matter expertise from the WMFS within the current budget.

CWC would maintain legal responsibility under the Civil Contingencies Act (2004) and Health & Social Care Act (2015) but would discharge its duties of general Category 1 responders under section 2 of the Act to WMFS.

Consultation

Discussions have been held with CWC Departmental Leadership Teams, CWC and WMFS Human Resources teams, CWC and WMFS legal officers. Resilience team employees are aware that a transfer of the service to WMFS is being considered.

Following a decision by Cabinet a formal consultation period for TUPE transfer with employees affected and their trades union representatives will take place.