

## **Responding to fuel supply disruption: supporting the social care sector**

July 2022

## Introduction and objective

In September and early October 2021, a number of parts of England experienced disruption to fuel supplies. Although these were caused by the well-documented lack of HGV drivers rather than by a shortage of fuel, the outcomes were the same: filling stations ran dry in areas where fuel deliveries could not be made and increased demand for fuel exacerbated the issues, causing long queues at forecourts and in some cases prompting traffic disruption nearby.

Lack of access to fuel has serious consequences for many sectors, but particularly so in the social care sector. Alongside the additional stress and challenge placed on individual staff members in a workforce already stretched by the pandemic and wider crisis in social care, being unable to access fuel delays, or even prevents, the provision of care to some of our most vulnerable residents. This has a particular impact on the provision of home care services, but also impacts the ability of care home and other location based services to travel to their workplaces.

As was widely reported at the time, providers of home care services were among those affected by the disruption. A [survey by the Homecare Association](#) at the time found that 73% of their members had been adversely affected and, of those still affected at the time of the survey, 22% rated the impact as severe, 61% as moderate and just 20% as low. Providers report home care visits being delayed by staff needing to queue for petrol – meaning people could not be assisted to get out of bed, or meet other basic care needs, for several hours later than usual. In some cases, visits had to be cancelled altogether.

While the issues were ongoing, there were a number of calls for the Government to activate emergency measures enabling local resilience forums to prioritise access to fuel for those working in vital services such as social and health care. Some filling stations introduced their own prioritisation schemes, although the terms and applicability of these varied. Social care providers in some areas reported that LRFs, including councils, had supported them in other ways, but others felt that there had been limited support available to them.

This document has been developed to support councils, LRFs and care providers in responding to future challenges around fuel supply. It aims to:

- clarify the national framework for responding to fuel disruption
- create shared understanding and expectations about the actions that can be taken in the event of future disruption to fuel supplies, as well as the limitations of these, and
- highlight examples of the type of local support that has worked well within that context.

All partners have to operate within the parameters of the national framework, and we will continue to raise with the Government where we think there are challenges with it. However, it is hoped that this document will assist local areas and providers in understanding the options and in planning for future disruption.

## Context: the National Emergency Plan for Fuel

Local resilience forums (LRFs) are the multi-agency partnerships tasked with preparations for responding to emergencies in their areas. Although LRFs are constituted under the Civil Contingencies Act 2004 (CCA), which sets out the UK's architecture for emergency preparedness, response and recovery, it is the Energy Act 1976 that governs the National Emergency Plan for Fuel (NEP-F). However councils (rather than LRFs or other first responders) have a general legal duty under the CCA to provide advice and assistance to businesses and voluntary organisations about business continuity management.

The NEP-F is overseen by the Department for Business, Energy and Industrial Strategy. It is an official sensitive document setting out priorities and principles for responding to a major incident affecting fuel supply in Great Britain, although [a summary of response tools](#) in the plan is publicly available.

The NEP-F details a range of statutory and non-statutory measures that can be implemented by government to support industry in responding to any disruption. Its principal aim is to maintain fuel supplies as close to normal levels as possible, while recognising that the fuel supply company or companies whose operations are affected by the disruption have primary responsibility for maintaining supplies to their customers.

The plan sets out two main ways in which government can take action:

- measures to maintain fuel supply (such as relaxing driver hours, mutual aid, deploying the government's reserve tanker fleet or deploying military drivers to undertake fuel deliveries), and
- measures to control the supply and demand of fuels (for example through implementing priority access for certain users at designated filling stations, initiating a maximum purchase scheme, directing the bulk distribution of fuel etc).

### The role of LRFs under the NEP-F

LRFs are covered by the NEP-F. One area of focus is preparedness: the NEP-F sets out that local responders (including councils and LRF partners) should have business continuity plans in place for dealing with fuel disruption which are regularly reviewed. Plans should include identifying critical functions and services and reallocating fuel to them as necessary during a shortage, bunkering fuel and effective communications to support an incident response.

One tool within the NEP-F, set out in the Energy Act 1976, is the national emergency power giving government or local areas powers to prioritise fuel supplies. Local areas are required under the NEP-F to maintain a local fuel plan that identifies designated filling stations (DFSs) that would operate locally as a way of managing local demand/supply of fuel. DFSs are retail filling stations legally required to supply

road fuel solely for priority users during an emergency. LRFs are encouraged to undertake annual site visits to ensure the DFS scheme is kept up to date and to develop their own local lists of priority users.

**It is important to note that to date these local fuel plans have never been activated, and that the NEP-F explicitly states that measures to control the supply and demand of fuels - such as the enactment of the DFS scheme, or introduction of a maximum purchase scheme - would only be implemented in the most severe national shortage.** Beyond this never used power, the NEP-F does not give LRFs specific powers to assist other local organisation. Therefore, LRFs and councils cannot mandate approaches such as maximum purchase or priority access to specific groups and any schemes of this nature that are activated locally will be voluntary rather than having legal force.

#### **A tiered response: how councils and LRFs respond to fuel disruption**

The local approach to fuel supplies and any disruption can be divided into four main stages:

#### **Stages of local responses to fuel supply disruption**



- business as usual - when fuel is available normally
- business continuity – when there may be some disruption to fuel supplies but organisations are able to manage this within the scope of business continuity plans and approaches
- local plans – approaches that can be introduced where business continuity approaches have been exhausted but the powers under the NEP-F have not been invoked
- NEP-F – use of the emergency powers set out in the Energy Act 1976 enabling the Government (and sometimes local areas) to direct distribution and supply of fuel.

In the view of many LRFs there is a gap in the guidance and tools available between standard business continuity approaches and the ultimate power of invoking the DFS/priority user aspect of local fuel plans. As noted, local areas do not have the ability to mandate prioritisation or distribution schemes. Nevertheless, some areas have developed local plans with a range of measures including voluntary approaches that seek to achieve similar outcomes to the NEP-F, and the Resilience and Emergencies Division in the Department for levelling up, housing and communities have indicated that more areas should do this.

## Effective local approaches by councils and LRFs

The LGA recognises LRF concerns that there are inherent limitations in using voluntary approaches to do what the NEP-F has the ability to mandate and agrees that when there is disruption to fuel supply (whether caused by a shortage of fuel or any other factor) there are benefits to national coordination and better information sharing from fuel suppliers and by government. It is also important to recognise that voluntary approaches to managing fuel distribution can only work if fuel is reaching petrol stations, while the experience of 2021 highlights that fuel distribution can be uneven at points of challenge. However within that context, the information below sets out some key issues to be mindful of and examples of local approaches to business continuity and pre-NEP-F planning by both councils/LRFs and the social care sector.

### Voluntary measures can help in a period of disruption

Feedback from areas that experienced some of the worst disruption in 2021 indicates that where forecourts introduced maximum purchase schemes, this helped to manage stocks far better than those that had not done so and provided some stability. However, many areas reported a patchwork of different approaches to purchase limits and identifying priority workers. With petrol stations seemingly taking it upon themselves to develop their own schemes, there may be benefits in seeking to put some structure around the approaches being taken, while recognising the need to manage any competition risks through doing so.

**Commented [EG1]:** Reference reducing the strength approach: fine to do it just don't agree to it collectively??

### Communication – particularly with certain workers and businesses– is key

During the disruption, LRFs received numerous calls from workers in sectors such as health and social care asking how they could be identified as key workers able to access fuel. There were complaints from social care providers that some councils or LRFs were unwilling or unable to help them when they sought help about access to fuel.

It is likely that the Covid pandemic, with its focus on key workers, has created expectations of priority access to fuel that do not apply outside of the NEP-F. While local areas are thinking about the scope to replicate this through voluntary schemes, it is equally important that communications build understanding / manage expectations of the options that are, and are not, available during an incident, and that messages are shared with key businesses and workers both proactively and reactively. This document can be used to support that process.

**Commented [EG2]:** Any other broad principles to add after this one?

### Council business continuity measures

Councils in areas impacted by disruption to fuel supplies reported a number of business continuity measures, operating internally and via mutual aid with partners, that helped maintain service delivery. These included:

- Identifying priority staff needing to be mobile and prioritising pool car use by those staff.

- Distributing pool cars at more varied locations to people could make their way to them and access bunkered fuel.
- Implementing local fuel sharing arrangements across different councils.
- Using voluntary sector partners to support with transport and accessing fuel.
- Exploring the options for accessing fuel via non-retail sites regulated by trading standards teams.

#### **Suffolk Resilience Forum fuel plan**

The Suffolk Resilience Forum (SRF) fuel plan is divided into two parts. Part one is for use prior to the introduction of emergency powers/ NEP-F by government, while part two is for use following their introduction and includes the various schemes/demand calming measures. Part one of the plan is based on the following provisions:

- Thirteen identified filling stations countywide with local (verbal) agreements to close to the public and supply the emergency services, life critical/critical services (such as health & social care services) identified in single agency business continuity plans.
- A process for the production and distribution of windscreen logos, for life critical/critical non-logoed vehicle users identified within single agency business continuity plans. However, to avoid counterfeit logos this would need time/resources.
- Activation of a Fuel Information Cell to gather intelligence/coordinate all multi-agency fuel disruption activity.

The plan is based on goodwill by local filling stations. Suffolk experienced minimal fuel disruption during Autumn 2021, and therefore the focus of the established fuel cell was to expand the number of fillings stations receptive to supporting the LRF countywide via liaison with regional/local filling station managers. Filling station management contact details were captured to request their assistance should there be a similar event in the future, and filling stations were also asked to advise the Fuel Cell if they were 'stock out' on fuels /expected date/time of next delivery. A number of filling stations agreed to support the LRF in future.

#### **Norfolk Resilience Forum: pre-NEP-F filling stations approach**

Norfolk Resilience Forum (NRF) has a similar approach in place. Its local fuel plan recommends early activation of a fuel information cell to share key information, and sets out that individual organisation business continuity plans should pre-identify priority staff eligible to receive fuel under the plan's arrangements. These staff are broadly based on the critical services list in the NEP-F, but tailored to Norfolk, and includes social care. The county has recognised a need to review and update this list following changes to working patterns during Covid.

The local plan is based on the assumption that the NEP-F is unlikely to be activated, but that there would be a benefit in voluntarily operating a plan to keep fuel available for anyone displaying a critical service marker. Around 20 filling stations have been identified as part of the work to develop this plan but the NRF used the fuel

disruption in 2021 ( which did not impact the county significantly) to encourage other filling stations to sign up and remind businesses of the breadth of the critical service list.

### **Advice for care providers: Care Provider Alliance**

The Care Provider Alliance (CPA) – the alliance of national social care provider trade associations – has produced a [series of guides and top tips for adult social care services in England to help them improve their business continuity planning](#).

As well as core resources including a template business continuity plan, the CPA has also developed a guide specifically on [managing disruption to fuel for transport supplies](#).

The full guide is available on the CPA website, but key messages for care providers are summarised below.

In the event of a **minor fuel disruption**, you should continue to apply the normal rules of responsible fuel use. You should:

- remind staff about responsible fuel buying and fuel conservation.  
Messages, which already apply in normal circumstances, could include:
  - buy fuel normally. This is responsible behaviour that will avoid creating problems. Keeping a fuel tank topped up could lead to unnecessary shortages.
  - drive considerately, helping conserve fuel
  - avoid using the car where possible, taking public transport, walking or cycling
  - prioritise fuel for work travel over personal use.
- consider temporary accommodation on site or within walking distance for residential service staff
- consider if a home care services carer should stay overnight with clients. You would, of course, have to negotiate this with the client and/or their family or next-of-kin
- monitor the impact on staff ability to attend work – particularly for home care staff
- ensure central government and local authority messages are cascaded to staff.

As part of your business continuity planning, you should ensure you have a good understanding of the fuel products you rely on and your supply chain.

If a fuel disruption becomes more significant, government may implement measures that are directed towards supporting the fuel industry in ensuring the impact on the public is minimal. However, health and social care services need to consider all eventualities, including the possibility that fuel supply unavoidably falls below the level of demand.

During this time, it would be advisable that organisations start to consider the following measures:

- **car sharing:** develop a plan with your staff so they can coordinate car sharing based on their journeys and shifts.
- **flexible shifts:** a degree of flexibility on start and finish times is likely to be needed. For staff who don't deliver direct care, consider home working if possible.
- **mutual aid:** it may be possible to pool home care visits between providers to make 'runs' more fuel efficient.
- **reduced frequency of visits:** it may be possible to reduce the number of times in a day/week that an individual client receives care visits.

When issuing communications, messages need to be communicated sensibly, proportionately and in co-ordination with those being issued by the LRF and Government.

In the highly unlikely event of a **national fuel disruption**, the government would issue more detailed guidance, and the CPA would share relevant information with its members.

Any changes to the care received by a person, whether the duration, frequency, or the provider, should be agreed, where possible, in advance between the local authority commissioning team, the provider, and the person receiving care and support.

In the event of a sudden and unexpected significant increase in the price of fuel, you might consider whether to compensate your staff for any additional travel costs. If this might involve a significant pressure on your finances, you should consider talking with your local authority commissioning team to explore whether there is scope for these additional costs to be recognised. Under the 1976 Energy Act, the government has powers to regulate fuel prices in emergency situations. However, in the majority of cases, competition within the sector is sufficient to keep fuel prices under control, even in the event of a disruption.

### Escalation process

The CPA advises care services that "if you can't address service issues because of fuel shortages, then you should approach your local authority commissioning team. The local authority will be able to advise on local fuel supply resilience measures that are in place, for example coordinating mutual aid from other local providers. You should be prepared to be called on to support other local providers in the same way."

CPA also provides a [general escalation process on business continuity issues](#): details are summarised below. If you are still unable to resolve the issue *and* it will impact on your ability to deliver your service, you should notify:

- your local authority and/or health commissioner (even if they do not commission services from you, as they have a general responsibility to ensure local people's needs are met)
- the Care Quality Commission.

The local authority may also raise issues with your [Local Resilience Forum](#), or you may jointly agree that you should contact the Local Resilience Forum direct. If



issues cannot be resolved at local or regional level, you may wish to raise issues with the Department of Health: **[ASCContingencyHub@dhsc.gov.uk](mailto:ASCContingencyHub@dhsc.gov.uk)**

Acknowledgements:

Victoria Buyer and Iris Steen, Care Provider Alliance and members,  
<https://careprovideralliance.org.uk/list-of-members>  
ARCO, ARC, AMHP, Care England, NCA, NCF, RNHA, Shared Lives Plus,  
Homecare Association, VODG, CAA