



Responding to fuel supply disruption: Supporting the social care sector

1st Edition – October 2022

This resource has been produced by the Local Government Association in partnership with the Care Provider Alliance.

Introduction and objective

In September and early October 2021, England experienced disruption to fuel supplies. The primary cause of disruption to fuel supply was consumer behaviour (eg panic buying) prompted by media reports of a shortage of HGV drivers, rather than an actual shortage of fuel. and not a shortage of fuel. The outcomes however saw similar impacts: 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, including 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 can delay, or even prevent, 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 staff and manager employed by 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 most affected by the disruption. A [survey by the Homecare Association](#) at the time found that 73 per cent of their members had been adversely affected and, of those still affected at the time of the survey, 22 per cent rated the impact as severe, 61 per cent as moderate and just 20 per cent 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 media 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, alongside the other measures that it enacted (such as utilising the reserve tanker fleet and military support). Some filling stations introduced their own prioritisation schemes, although the terms and applicability of these varied (for example, some filling stations gave priority access to health but not social care staff). Social care providers in some areas reported that councils and wider LRFs 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.

This document is not intended to and is not providing legal advice. If required, councils must seek legal advice from their monitoring officers / heads of legal services on the national framework and relevant legislation, and care providers from their own legal teams.

All partners have to operate within the parameters of the national framework, and we will continue to raise concerns with the Government where we think there are challenges with it, including issues affecting social care services. 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. [Sections nine and ten of the National Resilience Standards for LRFs](#) set out steps that LRFs should take to ensure and promote effective business continuity measures among LRF partners and more widely.

The NEP-F is overseen by the Department for Business, Energy and Industrial Strategy (BEIS), which takes decisions about which tools within it to use at appropriate times. It is an official sensitive document setting out priorities and principles for responding to a major incident affecting fuel supply in Great Britain; the [full version of NEP-F is available to relevant officers on resilience direct](#) 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 at or 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 maximum permissible 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

The role of the LRF in relation to fuel emergencies is set out in 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 list of designated filling stations (DFSs) that would operate locally as a way of managing local demand/supply of fuel should BEIS decide to invoke this power. 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.

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: to date, they have not been used. As the NEP-F does not give LRFs specific powers to assist other local organisations, LRFs and councils therefore 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

Stages of local responses to fuel supply disruption



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

- 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.

Some local responders have raised concerns that there is a gap in the 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. The Resilience and Emergencies Division in the Department for Levelling up, Housing and Communities have shared learning from areas that have taken this approach set up so other areas can adopt if needed.

Effective local approaches by councils and LRFs

The LGA recognises concerns that there are clear limitations in using voluntary approaches to do what the NEP-F has the ability to mandate, in terms of prioritising access for key workers; and agree that when there is disruption to fuel supply (whether caused by a shortage of fuel or any other factor), there will be benefits to national coordination and better information sharing from government. It is also important to recognise that voluntary approaches to managing fuel distribution can only work if fuel is reaching petrol stations, which may not be the case during periods of disruption.

However, within that context, the information below sets out examples of local approaches to business continuity and key issues for both councils/LRFs and the social care sector to be mindful of at the pre-NEP-F planning stage. This includes in relation to voluntary arrangements with filling stations, as well as other business continuity measures such as fuel sharing arrangements/mutual aid, use of private fuel suppliers and vehicle sharing.

The NEP-F proposes the following business continuity measures:

- Full profiling of fuel requirements and sources of fuel for your organisation.
- Planning a reduction of service and how non-critical work can be stopped safely.
- Establishing a priority of journeys and plan for best use of vehicles, restricting the use of company/pool vehicles for the most critical services
- Encourage working from home (where possible and practical to do so).
- Rearranging work hours for employees (such as lengthening working days but reducing the number of days worked).
- Encourage the use of car sharing or promoting use of public transport by employees.
- Repurpose usage of company vehicles to pick up employees. Maximise fuel efficiency by planning movement of people from and to places (eg combining pickups and drop offs, distributing vehicles to wider areas).

- Ensure all company vehicles have maximum passenger capacity being utilised.
- Schedule company vehicle refuelling times to avoid queuing and logistics of enabling this, eg overnight.
- Prepare communal travel by hiring taxis, bus or minibus.
- Consider procuring a wide variety of fleet vehicles (petrol, diesel, hybrid, etc).
- Prepare staff to stayover in alternative facilities or in hotels if feasible.

Voluntary measures can help in a period of disruption

Anecdotal evidence from areas that experienced some of the worst disruption in 2021 indicates that where forecourts introduced maximum purchase schemes, this helped to manage stocks better than those that had not done so and provided some stability. However, other areas reported that maximum purchase schemes prompted drivers to visit more than one filling station, increasing queues and disruption. But whether they had a positive or negative impact overall, areas reported a patchwork of different approaches to purchase limits and identifying priority workers, as well as a need in several areas to clarify the importance of frontline care workers alongside health and emergency services personnel.

With some petrol stations having introduced their own prioritisation measures or sale limits, there may be benefits in councils/LRFs seeking to put some structure around the approaches being taken, while recognising the need to manage any competition risks through doing so. The case studies later in this document provide examples of where local areas have done this.

Where voluntary measures are being implemented (coordinated across the LRF or not), it will be helpful insofar as possible to collate and share information about the different schemes being applied at different forecourts, so social care staff are clear on where they may be able to access fuel. Feedback from providers is that the different priority access schemes being applied, and not knowing where to go to access fuel, was a major factor in disruption of service.

Communication – particularly with certain workers and businesses – is key

During the disruption, councils and in some cases LRFs received numerous emails and calls from health and social care providers asking how staff could be identified as key workers able to access fuel. With the Covid pandemic having highlighted the role of key workers, it appears that this created expectations of priority access to

fuel, encouraged by the fact that some forecourts did indeed introduce priority access schemes. 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. As this document sets out, there are limited tools that councils and LRFs have to respond, emphasising the need for prior business continuity planning by all businesses and statutory agencies.

While local areas can consider the scope to introduce priority access through voluntary schemes, it is important that communications with providers and staff build understanding and manage expectations about what can be done. With no legal powers available unless the national plan is activated, the limitations on mandating priority access need to be understood and communicated carefully.

Communications with businesses should highlight the different frontline roles that should be prioritised if voluntary schemes are going to be introduced (including care staff as well as healthcare staff and blue light services). These messages should be shared with key businesses and workers both proactively and reactively: this document can be used to support that process.

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.

Case study: 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.

Case study: 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.

During the disruption in 2021, the Norfolk Care Association and Norfolk and Suffolk Care Support worked with Norfolk County Council's social care team to get communication and information to registered managers of local care providers. This included information about where fuel was reported to be available as well as a 'pass

letter' setting out the work being undertaken by care sector staff, to encourage forecourts to facilitate access to fuel for these individuals if informal prioritisation schemes were in place.

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 directly. Internal business continuity measures however should always be the first port of call. 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

Acknowledgements

With thanks to the [Care Provider Alliance and members:](#)

[Associated Retirement Community Operators ARCO\)](#)

[Association for Real Change \(ARC\)](#)

[Association of Mental Health Providers \(AMPH\)](#)

[Care Association Alliance \(CAA\)](#)

[Care England](#)

[Homecare Association](#)

[National Care Association \(NCA\)](#)

[National Care Forum \(NCF\)](#)

[Registered Nursing Home Association \(RNHA\)](#)

[Shared Lives Plus](#)

[Voluntary Organisations Disability Group \(VODG\)](#)

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