



CabinetOffice

Mutual Aid

A short guide for local authorities



Local Government Association



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Civil Contingencies Secretariat, the Local Government Association,
and the Society of Local Authority Chief Executives and Senior Managers

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1. Our Purpose

- 1.1** This short guide aims to promote the need for well-considered mutual aid arrangements to all local authorities. Concentrating on the issue of human resource mutual aid, it provides practical advice on many of the issues that, to date, have often been viewed as barriers to successful arrangements – employment conditions, health and safety matters, insurance liabilities, and legal powers. It also provides as an appendix a model agreement for authorities to draw upon in the development of their own collaborative arrangements.
- 1.2** This booklet was issued in draft form in the summer for a six-week consultation. We took this step in recognition of the fact that individual local authorities or local government as a whole might have genuine concerns about the issue of mutual aid and we wanted to stimulate a discussion. We also wanted to ensure that the final product was, by and large, approved of and shaped by the local government sector for which it is intended.
- 1.3** The response to the consultation was good, and in publishing this guide in its final form we have attempted to take account of many of the comments and suggestions made by local authority colleagues on matters of both style and content.
- 1.4** While this guide is concerned with enhancing arrangements within the local authority sector, it is of course acknowledged that local authorities may wish to further consider mutual aid across sector boundaries with other statutory local resilience partners and the voluntary sector.

2. Background

- 2.1** Local authorities have a proven track record of responding swiftly and effectively to incidents and emergencies which affect the communities they serve. All local authorities will have plans in place which enable them to do this and most will exercise and practise their response on a regular basis.
- 2.2** Recent incidents, however, have demonstrated that, even for the best prepared authorities, a point will be reached where it becomes difficult, if not impossible, for an authority acting alone to sustain its emergency response given the scale of demand placed upon it. In these circumstances, assistance from other authorities becomes imperative.
- 2.3** Over a number of years, different branches of the emergency services have developed and displayed robust mutual aid arrangements linking up services across the country (the London terrorist attacks in July 2005 and the explosion and fires at the Buncefield oil storage depot in Hertfordshire in December 2005 providing two recent examples), but the picture for local authorities is far less developed. Some areas have well-established protocols to provide support, while others have no more than general agreements to offer assistance at the time and where possible.
- 2.4** This patchy situation was highlighted by the flooding of summer 2007 when the services and resources of many individual local authorities were put under considerable strain and in need of 'horizontal' support from other councils engaging the support of the regional tier and the military in sourcing that support. The interim report of Sir Michael Pitt, *Learning Lessons from the 2007 Floods*, published last December, set down the necessity for structured local authority collaboration to be enhanced. In the final report which came out in June, Sir Michael states:
- Local authorities should establish mutual aid agreements in accordance with the guidance currently being prepared by the Local Government Association and the Cabinet Office (Recommendation 38)
- 2.5** Apart from the obvious benefits to be derived from support given in an emergency, and the vital contribution this can make to the quality of response, working together more collaboratively on all aspects of resilience can bring its own rewards. For example, in many areas across the country, local authorities derive real benefits from joint planning and joint procurement in relation to resilience. Working together can deliver real economies of scale.

3. Context

- 3.1** Defined as Category 1 responders in the Civil Contingencies Act 2004, local authorities are subject to the full range of duties in relation to civil emergencies. In order to discharge those responsibilities effectively every local authority will have in place the appropriate plans and resources, and in developing those plans and resources, it is increasingly common for local authorities to work together, particularly on a sub-regional basis. In areas where this collaboration is most effective, councils are likely to have agreed a simple protocol under which mutual aid between them will be given and received.
- 3.2** Appendix 1 to this guidance contains a simple model agreement which has been adapted from that used by the Northumbria local authorities. Very similar agreements are in place in Norfolk, Cambridgeshire, Lincolnshire, Suffolk, Essex, Merseyside and probably many more areas. Perhaps, more interestingly, a similar agreement is in place covering the local authorities of North London and the adjoining counties of Essex, Cambridgeshire, Buckinghamshire, Bedfordshire and Hertfordshire – those authorities clearly recognising the mutual benefits to be accrued from collaborating across a larger geographical area. Whilst it is acknowledged that there are numerous examples of agreements in use throughout the country, the premise in this guidance is to identify the basic elements required to improve mutual aid agreements between local authorities. The further development of these agreements should be determined at the local level.
- 3.3** The beauty of the agreements mentioned in the previous paragraph lies in their simplicity. Any assistance provided will be paid for by the requesting authority which will also assume full responsibility for the welfare needs of the staff deployed to assist. Authorities who have entered into arrangements of this kind will have recognised and understood the importance of doing so and will at least have begun the process of understanding better how such deployment of resources could take place in a structured and planned way.
- 3.4** The following section of this guidance describes in some more detail the way in which the development of mutual aid support can best be implemented. However, it begins at this simple level of recognition and understanding which we encourage all local authorities to embrace.

4. The Way Forward

- 4.1** We have seen how many local authorities have begun the process of developing mutual aid arrangements. Generally this begins on a sub-regional or even more local basis, with neighbouring local authorities undertaking to provide mutual help and support when needed on a simple uncomplicated basis. Local authorities who have reached this stage of development will have given at least some thought as to the practicalities of deployment and reception of aid when this becomes necessary.
- 4.2** It is also the case that these authorities will have political support from their elected members for the provision of mutual aid in appropriate circumstances. It is clearly important that this issue is raised at a political level and that authority for entering into such arrangements is obtained.
- 4.3** To give effect to the development of mutual aid arrangements, a number of authorities have identified a lead officer responsible for dealing with requests. This seems a sensible way of beginning to develop a network of expertise which can only be beneficial.
- 4.4** Once all local authorities have embraced the principle of accepting shared mutual aid responsibilities, only practical considerations can prohibit the deployment of support to or from a local authority anywhere in the country. It was the case that during the 2007 summer floods a number of local authorities were unable to receive assistance from neighbouring authorities as these authorities were either affected themselves or feared that an escalation of the emergency would bring flooding to their areas. The Pitt report suggests that the wide-area impact seen in 2007 is unlikely to be unique:
- It is inevitable that wide-area emergencies will occur in the future, especially in view of climate change predictions (11.27)
- To counter this, the report suggests that, ideally, mutual aid arrangements should have regard to the extent of disruption from wide-area emergencies, and that:
- Mutual aid agreements might be based on the systematic consideration of different emergency scenarios described in community or regional risk registers (11.31v)
- 4.5** In our earlier draft document we asked how wide-area mutual aid might be co-ordinated. It is our view that commonsense and practicality dictate that the movement away from purely local arrangements to the realisation of a national network is best developed on a regional basis, co-ordinated through the already established regional resilience tier. Appendix 2 gives a diagrammatic depiction as to how this network might be developed. This would build on the network of lead officers at sub-regional level engaging the regional tier in region wide or national requests for mutual aid.
- 4.6** That the response and recovery phases do not happen sequentially, but overlap is an important point to remember. For the purposes of mutual aid, local authorities – who take the lead role in recovery – are encouraged to maintain a list of officers who have developed experience and expertise in this phase so that advice and assistance can be made available to other authorities dealing with recovery from an emergency.

5. Perceived Barriers to Action

5.1 It has already been recognised in this guidance just how far some authorities have progressed their simple yet practical mutual aid arrangements. For many though no such arrangements are in place and, perhaps as a consequence, little thought has been given as to how mutual aid may be given, or perhaps more importantly, received, in response to an emergency.

5.2 There will be many reasons why this is the case, however some will relate to the practical issues involved which have often been seen to make mutual aid either not possible or, at least, inadvisable. This section deals with a number of those issues in turn.

(a) Responsibilities as an Employer

Quite rightly, local authorities will be concerned to ensure that any staff they deploy under a mutual aid agreement are cared for and supported by the requesting authority. It should be a key principle that any staff deployed in the assistance of others must be on the basis that those deployed are treated in exactly the same way as the employees of the local authority that receives them. In receiving seconded staff, an organisation will assume the responsibilities it holds for its existing workforce. We make the assumption that any council will recognise and understand its responsibilities as an employer and, accordingly, we do not see that this, in itself, should present any insuperable difficulties to the development of mutual aid arrangements.

(b) Health and Safety

As in (a) above, the health, safety and welfare of seconded employees is of primary importance. In accordance with established legal principles, the health and safety of seconded staff will be shared between both local authorities and the employee him or herself. In accepting responsibility for seconded staff, the requesting authority will be under an obligation to ensure that they are deployed in a safe and responsible way. Once again, the responsibilities here to seconded staff will be no different to those of the host's own employees and, once again, we do not believe that this is an issue which in itself ought to preclude mutual aid support being provided.

(c) Insurance

All of the model agreements currently being used provide that the requesting authority will ensure that staff (and also equipment) loaned to it are covered by adequate policies of insurance. Individual authorities will need to make enquiries about the adequacy of their own arrangements, although it may be the case that many existing policies will already provide cover to staff seconded to that authority's workforce.

(d) Impact on Service of the Responding Authority

It is an inevitable prerequisite of responding positively to a request for mutual aid that an authority does not believe its own services will be diminished below an acceptable level. While it is clearly true that the secondment of any member of staff in circumstances such as we envisage will impact to some degree, this will have been

accepted by the local authority when agreeing a mutual aid protocol in the first place. Once again, we do not believe that this ought to be an issue that prevents the development of mutual aid across the local government sector.

It is vitally important, however, that the responding authority undertakes a proper and adequate risk assessment before responding and the importance of being clear at the outset with the requesting authority as to the terms upon which mutual aid support is being provided is obvious.

(e) Legal Powers

The fundamental question has been raised as to whether a local authority can lawfully provide help and support in these circumstances. It is our contention that mutual aid arrangements are legally supported by a range of provisions. Section 2(1) of the Local Government Act 2000 empowers local authorities to do anything they consider likely to achieve the promotion or improvement of the economic, social or environmental well-being of their area. This is commonly referred to as the 'well-being power'. Section 2(4) expressly provides that the well-being power includes the power to enter into arrangements or agreements with any person, co-operate with or facilitate or co-ordinate the activities of any person, and provide staff, goods, services or accommodation to any person. Although it is a power to make provision for the well-being of the authority's area, section 2(5) provides that it includes the power for a local authority to do anything in relation to, or for the benefit of, any person or

area situated outside their area, if they consider this likely to achieve any of their well-being objectives. It is clear that the outward-inward benefits of mutual aid are likely to place such agreements within this power.

Additionally, powers for the making of arrangements for mutual aid can be found in sections of the Local Government Act 1972. For example, section 113 (dealing with the placing of staff of local authorities at the disposal of other local authorities) and section 111 (dealing with powers of expenditure and the acquisition or disposal of any property or rights in the discharge of functions).

In the case of certain categories of local authority employees, for example Animal Health Officers and Environmental Health Officers, special conditions apply to their deployment with other authorities. Pre-agreement discussions will need to look at these instances with the awareness that while they may be special cases they are not intractable problems. East of England local authorities, in handling this issue, have produced a cross-border toolkit, and advice will also be available from Local Authorities Coordinators of Regulatory Services (LACORS).

6. Summary

- 6.1** It is a certainty that there will be instances when the ability of a single local authority to respond to an emergency will simply not be possible without additional help and support. It may be argued that recent events have demonstrated that the frequency of such circumstances is also likely to increase. It is also certain that there will be other local authorities out there who have the will and resources to provide this help at least for an initial period of time. Mutual aid provides the answer by bringing the parties together.
- 6.2** This document has sought to promote arrival at this answer and the development of mutual aid support between local authorities by examining the issues and providing a very general framework for taking the work forward.
- 6.3** The work, however, does not stop with the publication of this short guide. The Government is committed to a continuing process of strengthening local authority mutual aid provision and will be considering appropriate methods of measuring progress, possibly through future versions of the 'Civil Protection Self Assessment Tool' that the Cabinet Office is developing, or the National Capability Survey. The involvement of professional bodies to whom local authority employees are reliant upon to undertake their professional duties will also be required to ensure that a consistent and appropriately regulated approach is adopted in the identification and use of this important resource.

Appendix 1: Model Agreement for Local Authority Mutual Aid Provision

Statement of Purpose

This document concerns the provision of mutual aid during an emergency between the following local authorities:

- Authority A
- Authority B
- Authority C
- Authority D
- Authority E

Each of the named authorities will endeavour to provide assistance (as a Responding authority) to another of the named authorities (as a Requesting authority) in the form of provision of personnel in the event of an emergency and when asked to do so in accordance with the guidelines agreed.

Agreement Conditions

1. A formal request for aid shall only be made by a chief executive or designated lead officer with the authority of the chief executive to a chief executive/designated lead.
2. A chief executive/designated lead who receives a request for assistance shall take the appropriate action to respond to the request without delay and, in the case of a lead officer, shall inform their chief executive at the earliest opportunity. As part of the decision process, the chief executive of the Responding authority must consider whether the resource requested can be made available without putting at risk the authority's service delivery obligations or ability to respond to an emergency of its own.
3. The Responding authority undertakes, so far as is reasonably practicable, to provide suitable staff for the task to be performed.
4. Responsibility for co-ordinating aid and for meeting all legal requirements for the supervision, training, and health and safety of loaned staff rests with the Requesting authority or, where more than one authority area has been affected by the emergency, by the authority that requested the aid.
5. A Requesting authority shall bear the financial costs associated with the provision of aid, and shall reimburse the Responding authority on a cost recovery basis upon the termination of the aid and within a reasonable period of time following the receipt of a fully documented statement.
6. All of the authorities named in this agreement shall maintain adequate insurance arrangements to cover mutual aid circumstances and any liabilities arising from the deployment of staff to another authority area.
7. The Responding authority should make arrangements to ensure that regular contact is maintained with its employee(s) working for the Requesting authority and ensure that management issues are dealt with appropriately. The chief executives or lead officers of the Responding and Requesting authorities should maintain regular contact throughout the loan period.

8. Any disputes between the Responding and Requesting authorities should be resolved through negotiations between the lead officers or chief executives with a view to early resolution. An unresolved dispute should be referred to an independent chief executive, that is, the chief executive of an authority named in the mutual aid agreement but uninvolved in the emergency, or if all named authorities are involved, then the chief executive of an authority which is not a party to the agreement who shall suggest a solution to the dispute within 14 days of the referral.
9. This agreement is not intended to be a legally binding contract.

SIGNED:

.....
on behalf of A

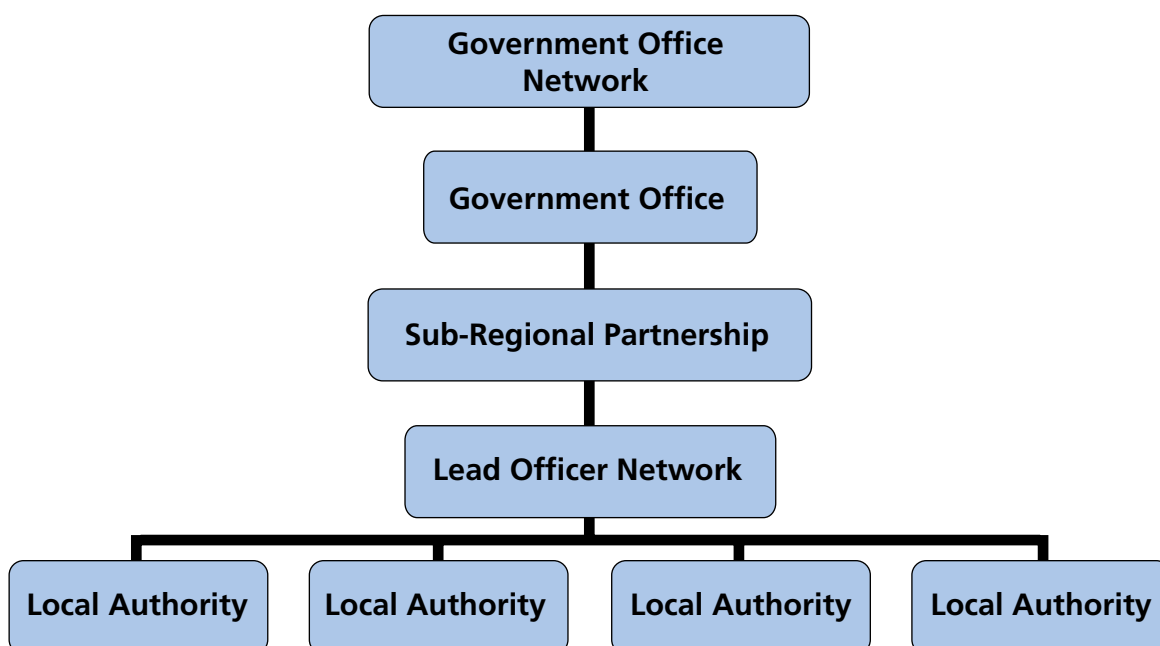
.....
on behalf of D

.....
on behalf of B

.....
on behalf of E

.....
on behalf of C

Appendix 2: Developing a National Network



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