



MAJOR EMERGENCY PLAN Version 10.0

Part 10 Recovery

SEVENOAKS DISTRICT COUNCIL
ARGYLE ROAD, SEVENOAKS, KENT. TN13 1HG

Emergency Planning Officer - Jeff Seear
Phone 01732 227000 Ext. 7303
DDI 01732 227303
Fax 01732 227176 or 0870 1914826
e-mail jeff.seear@sevenoaks.gov.uk
emergency.planning@sevenoaks.gov.uk
Web www.sevenoaks.gov.uk/emergencyplanning

This document is un-controlled. Please ensure you have the most up-to-date copy.

**This part MUST be read in conjunction with
The Kent Resilience Forum
*Pan Kent Emergency Recovery Framework***

| Contents | Page |
|--|-------------|
| 1 – RECOVERY | 3 |
| 1.1 – Generally | 3 |
| 1.2 - Involvement and Liaison | 3 |
| 1.3 - Activity Over Time | 4 |
| 2 – PROCESS | 5 |
| 2.1 – Process | 5 |
| 2.1.1 - Impact Assessment | 5 |
| 2.1.2 - Prioritisation of Needs | 5 |
| 2.1.3 – Actions | 5 |
| 2.1.4 – Targets | 5 |
| 2.1.5 – Overriding Themes | 6 |
| 2.1.6 - Exit Strategy | 6 |
| 3 – RESOURCES | 7 |
| 3.1 - Staff Resource | 7 |
| 3.2 – Finance | 7 |
| 3.3 – Management | 7 |
| 4 – SPECIFIC ARRANGEMENTS | 8 |
| 4.1 - Link with STAC | 8 |
| 4.2 - Psycho-Social Welfare | 8 |
| 4.3 - Humanitarian Assistance Centre | 8 |
| 4.4 – Waste | 8 |
| 4.5 – Property | 9 |
| 4.6 - Development/Redevelopment | 9 |
| 4.7 - CBRN/GDS | 9 |
| 4.8 – Commemoration | 10 |
| 5- DISASTER APPEAL FUNDS | 11 |
| 5.1 - Background guidance | 11 |
| 5.1.1 - Setting Up the Fund | 12 |
| 5.1.2 - Patrons & Trustees | 12 |
| 5.1.3 – Payments | 13 |
| 5.1.4 - The British Red Cross Disaster Appeal Scheme (UK) | 13 |
| 5.2 - Disaster Appeal Funds – Attorney General’s Guidelines 1982 | 14 |
| 5.3 – Exit Strategy | 17 |
| 5.4 – Residual Money | 17 |

Recovery

Process of rebuilding, restoring and rehabilitating the community following an emergency or disaster, continuing until the disruption has been rectified, demands on services have been returned to normal levels, and the needs of those affected have been met”

Remediation

Restoration of a built or natural environment that has been destroyed, damaged, or rendered hazardous as the result of an emergency or disaster.

1 - RECOVERY

1.1 – Generally

Recovery an enabling and supportive process in which individuals, families and communities return to a proper level of functioning after the disruption of the emergency.

The psycho-social welfare elements are dealt with by the Health services and Social Care services.

After a major emergency, there is a need to ‘return to normal’ as soon as possible. However, there may be pressure not just to replace like-with-like, but to take the opportunity for improvement or regeneration. This obviously has implications in terms of funding and development control as well as local community acceptability.

There is also the issue of memorials, and careful consultation in the community will be required.

1.2 - Involvement and Liaison

The recovery planning process must involve all stakeholders in the affected area.

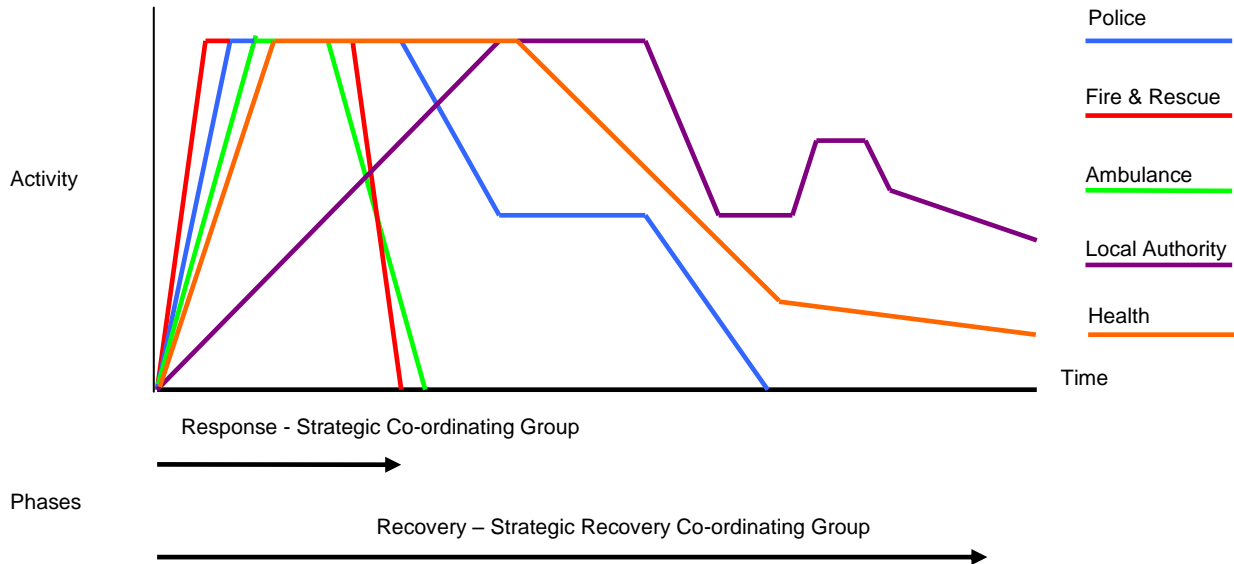
This would include:

- Families of the bereaved
- Survivors
- Individuals and families
- Community groups and faith groups
- Charitable organisations
- Local businesses
- Political involvement
 - Town or Parish Council(s)
 - District Council
 - County Council
 - Parliamentary
- Utilities
- ‘Blue Light’ services
- Insurance industry

From previous incidents, it has been learnt that it is best not to rush the consultation, it is ‘better to be right than inadequate’, and that questionnaires are rarely well received.

1.3 - Activity Over Time

It is recommended that recovery planning activity should start at the onset of a major emergency and for it to run concurrently with the response activity and this is illustrated by the diagram below.



Local Authority activity lasts longer than most 'blue-light' service activity because they lead on the recovery from the emergency, and there may be longer-term housing and social care demands.

2 - PROCESS

2.1 - Process

Recovery planning is an cyclical process including:

- Impact assessment
- Prioritisation of needs
- Actions

2.1.1 - Impact Assessment

This assessment needs to cover impacts on residents, businesses, infrastructure, and environment. This will need to be regularly updated as recovery activity proceeds.

2.1.2 - Prioritisation of Needs

An achievable, affordable, concise and balanced action plan should be compiled based on this assessment.

2.1.3 - Actions

The action plan should be implemented quickly. This plan must involve all relevant agencies.

2.1.4 - Targets

The setting of targets may be useful in driving this process. These may include:

- Demands on services returning to normal levels
- Utilities being fully functional
- Transport infrastructure running normally
- Local businesses trading normally
- Tourism re-established

The impacts will fall broadly into four groups

- Humanitarian assistance
- Infrastructure
- Economic (including business)
- Environmental

and this is reflected in the suggested management structure in Section 4 of the *Pan Kent Emergency Recovery Framework*

2.1.5 – Overriding themes

Recovering from a major emergency may be viewed as exceptional circumstances, but the actions taken as part of this process may give opportunities to advance the themes as detailed in the Community Plan

- Safe and Caring Communities
- A Green and Healthy Environment
- A Dynamic and Sustainable Economy

Recovery activity and also support the priorities as detailed in the *Sevenoaks District Sustainable Community Action Plan*

- Help Communities to feel safe and be safe
- Meeting the needs of an ageing population
- Support vulnerable people
- A better start for our children
- Improve the lives of young people in the District
- A clean and healthy environment
- Energy, resources and climate change
- Improve health and wellbeing
- Use of land and District character
- Strong, active and involved communities
- Keep Sevenoaks District moving
- Housing to meet residents' needs
- A thriving economy

In the event of a need to redevelop or regenerate, the *Local Development Framework* (LDF) must also be considered.

2.1.6 - Exit Strategy

As the recovery process progresses, an exit strategy for each of the management groups and the Recovery Coordination Group must be set, based on the targets and on the completion of required actions.

A debriefing process should be instigated to capture the lessons learnt and to inform future planning. There may be partial debriefs at recovery milestones, as well as a consolidated debrief at the end of recovery activity.

3 - RESOURCES

3.1 - Staff Resource

It is recommended that recovery activity starts during the early stages of the response phase so that the activity of one does not have an adverse effect on the other. However, the District Council has a more limited staff resource than some other responders and may have a significant commitment if the District Emergency Centre (see Part 5.3) is running for an extended period of time (see also Part 5.8 – *HR Plan*)

The management structure suggested would be resource intensive during this overlap period and will need careful management by the HR Team.

Clearly, once the response phase is complete, appropriate staff can be re-deployed from response to recovery activity.

This would be further complicated if the emergency had additional business continuity effects requiring a separate business continuity response.

3.2 - Finance

See Part 5.6 - *Finance, Insurance and Legal Emergency Plan*

For information regarding finance including the effect of the Bellwin Scheme.

In the broadest general terms, response expenditure is eligible, but recovery expenditure is not. However, the definition of response expenditure is such that some recovery works may be eligible.

3.3 - Management

See the management structures in Section 4 of the *Pan Kent Emergency Recovery Framework*.

These groups and sub-groups will need representation from the District Council and this has an implication on the available staff resources.

4 – SPECIFIC ARRANGEMENTS

4.1 - Link with STAC

The Recovery Coordination Group will have close links with the Science and Technical Advisory Cell (STAC) in connection with public health and decontamination issues.

It is probable that Sevenoaks District Council will be represented at STAC.

For information on STAC, see Part 6.1 – *Environmental Health Response Plan*.

4.2 - Psycho-Social Welfare

The psycho-social welfare of people affected by the emergency are dealt with by:

- NHS Community Health Services
- Kent County Council Adult Social Services Directorate (KASS)
- Kent County Council Children Families & Education Directorate (CFE).

This includes

- Specialist care for vulnerable people
- Educational psychology service
- Bereavement support service

4.3 - Humanitarian Assistance Centre

If assistance to the public is facilitated through a one-stop-shop, called a Humanitarian Assistance Centre, see Part 10.1 and the Kent Resilience Forum *Humanitarian Assistance Centre Plan*.

4.4 - Waste

Site clearance of waste from 'public' areas, irrespective of the ownership of the 'public' area (defined as any area to which the public has general access), including highways that are not managed by the Highways Agency, is the responsibility of Kent County Council. See Part 7.3 - *KCC Environment, Highways and Waste Directorate Emergency Plan*.

They will ensure that waste arising is transported and disposed of in accordance with the relevant legislation. As required, they will purchase waste disposal and salvage services so that waste can be disposed of safely and economically

The removal of debris from Sevenoaks District Council (SDC) owned property is the responsibility of SDC as owner and/or landlord.

4.5 - Property

For the making-safe of dangerous buildings and structures generally, see Part 6.3 – *Dangerous Structures & Building Control Plan*

The remediation of Sevenoaks District Council (SDC) owned property is the responsibility of the Property Team. This includes the removal of debris from SDC owned property as owner and/or landlord.

The remediation of Kent County Council (KCC) owned property is the responsibility of KCC. This includes the removal of debris from KCC owned property as owner and/or landlord.

4.6 - Development/Redevelopment

The District Council retains its responsibilities in development, including:

- Development Control and Planning
- Listed buildings, conservation areas etc.
- Regeneration
- Building Regulations
- Tree preservation

4.7 - CBRN/GDS

In the event of a chemical, biological, radiological or nuclear (CBRN) material incident, advice in recovery and remediation can be sought from the Government Decontamination Service (GDS). GDS is part of FERA (The Food and Environment Research Agency).

For radiological emergencies, the Health Protection Agency publishes the Available at www.hpa.org.uk/HPA/Publications/Radiation/

For information on CBRN response and details of GDS, see Part 6.1 – *Environmental Health Response Plan*.

4.8 - Commemoration

The nature and severity of the emergency will determine the degree of media interest and extent of public reaction, locally and nationally. There may be calls for the establishment of some form of memorial or other form of remembrance.

It is now customary for people to deposit wreaths, flowers and other tributes at a location (which often becomes identified spontaneously) adjacent to the incident scene. This in turn becomes a focus for further visits. If this site is situated where it causes difficulty or public inconvenience (for example traffic management problems) then it may be desirable to relocate it somewhere close by where access can be managed - this transfer itself may require delicate handling in order not to cause offence. In the longer term this ad-hoc memorial will need to be cleared away. It is essential that all the memorial cards are preserved and stored. The flowers themselves may be composted and eventually put on any memorial garden which may be created.

There may be a call for the establishment of a book of remembrance for people to enter their condolences, and a likely location for this may be the Council Offices. When entries decline, a permanent location for it will need to be considered.

A memorial service may be held, to which family and friends of the deceased will be invited together with survivors, responders, representatives of the responding agencies and of the community in general. Depending upon the scale of the incident other VIPs may also attend, which in turn will generate increased security concerns as well as raise the media profile of the event. The Council will be expected to play a major part in the organisation of this event, which will need very careful consideration, covering such aspects as timing, invitations, representation and conduct.

Preparations should involve all relevant faith communities, representatives of the bereaved, advisors on media coverage, the community, dignitaries and responders.

5- DISASTER APPEAL FUNDS

A common feature of disasters is often the spontaneous financial donations made by the general public for the relief of distress or hardship suffered by the victims. Often these donations have been a precursor to the setting up of an official fund-raising appeal. The British Red Cross Society offers comprehensive guidance on the setting up and administration of such schemes, and this should be consulted at an early stage. See: <http://www.redcross.org.uk/standard.asp?id=82677>

Experience has shown that financial hardship on the part of the victims may need help at the earliest opportunity. It is important to decide early in the incident whether the local authority will establish a fund to receive and distribute monies to those affected.

In a widespread incident it would be advisable for the Chief Executive and Leader of the Council to discuss the issue with the County Chief Executive and Chairman of the County Council. Whether it is a District or County issue, the following points should be considered:

- The extent of fatalities and serious injuries
- Public reaction to the incident
- The extent of other “unofficial” funds

If a fund is established it is recommended that it should be based at one of the “High Street” Banks close to the incident area, and that it should be administered by the County or District Council, as appropriate. This will underline the local nature of the fund, albeit donations may come from a much wider area.

The scheme needs to have a single and transparent mechanism for channelling relief to those affected. It needs good administrative systems and adequate staffing resources to make it work promptly. Delays and bureaucracy are the keys to dissatisfaction.

5.1 - Background guidance

The Attorney General has issued Guidelines concerning the relative merits of Charitable and Non-Charitable funds. In the light of this guidance, but subject to any special conditions that might apply at the time of an incident, it is recommended that it be established as a Non-Charitable Fund.

The HM Revenue & Customs should be informed about the appeal to avoid any future problems. They have issued a document “Guidelines on the Tax Treatment of Disaster Funds”. See: <http://www.hmrc.gov.uk/afg/afg.htm> The main points from this document are also appended to this document.

5.1.1 - Setting Up the Fund

Once it has been decided to establish an appeal fund there should be a meeting of:

- County and/or District Chief Executive
- Director responsible for finance
- Media Team representative
- Legal Team Representative

They should jointly:

- Define the objectives of the fund, particularly in respect of intended beneficiaries
- Agree a suitable name for the fund
- Instruct the County or District Solicitor to commence the procedures to establish the appeal as a Non-Charitable Fund
- Instruct the council's Finance Team to open an account with the chosen bank to receive donations
- Consider the following methods of receiving donations:
 - by post direct to the chosen bank
 - by post to a suitable administrative address
 - through the Central Clearing Banks Disaster Fund arrangements, whereby donations can be made at any bank
 - telephone and/or internet credit or debit card payment
 - through Girobank Trans-Cash facilities at Post Offices
- Suitable people to be invited to be patrons or trustees. Four is the recommended number
- Arrange a media conference when the fund can be officially launched and an appeal for donations made.

5.1.2 - Patrons & Trustees

When Patrons/Trustees have been appointed for the Fund, meet with them to discuss:

- The provision of suitable accommodation for administration functions
- The appointment of:
 - Agents - Officers to provide a link between the fund and the recipients
 - Assessors - Officers, preferably with medical or insurance assessment expertise to assess individual cases and recommend suitable payment levels
 - Secretary
 - Manager
 - Temporary Support Staff (particularly in the initial stages when the majority of donations will be made)
- A policy for acknowledging the receipt of donations – it is suggested that 'thank you' letters are signed by someone local to the incident (e.g. the Leader or the Chief Executive).

5.1.3 - Payments

Experience following past disasters demonstrates that the policy for the distribution of appeal funds (which will at the sole discretion of the trustees) has the potential to generate considerable controversy, and will need to be very carefully thought out. It should be in accordance with the following general principles:

- Funds will be distributed in proportion to the hardship suffered
- Details of recipients and sums received will not be made public
- Capital sums will be paid as opposed to regular income payments
- Initial payments (e.g. for funeral expenses and short term needs) will be made as soon as possible
- There will be no personal contact between the Trustees and the recipients (including potential recipients)
- Administration costs will be kept to a minimum.

5.1.4 - The British Red Cross Disaster Appeal Scheme (United Kingdom)

Based on their wide experience of overseas disaster funds, the British Red Cross Society has devised a “Disaster Appeal Scheme” (DAS) for the United Kingdom. This service is free to any local authority as and when required. The scheme is national and appeals will be made nation-wide, but it is designed to be launched and managed locally with local sponsors and trustees. See: <http://www.redcross.org.uk/standard.asp?id=82677>

5.2 - DISASTER APPEAL FUNDS

ATTORNEY GENERAL'S GUIDELINES 1982

Action to set up a public appeal following some tragic accident or disaster, or an occasion on which some special misfortune is brought to the public eye, is generally taken with little time to prepare the ground. The community may well feel urgent need to give practical expression to its sorrow and respect; and the response may well exceed expectations.

In these circumstances it is not unnatural for questions to arise over the precise status of appeals after they have been set up; and events following the tragedy of the loss of the Penlee Lifeboat show how much unhappiness can be caused by these questions.

The Attorney General is anxious that doubts about the nature of appeals should be avoided if at all possible, and that those who answer an appeal should know that their generosity will have the results which they intend.

Accordingly, the Attorney General, after consultation, has prepared the following Guidelines which might usefully be taken into account by those faced with the responsibility for making appeals in the future.

The Making of the Appeal

Those who use these guidelines must remember that no two appeals can ever be quite the same, and should do all they can to ensure that their own appeal is appropriate to the particular circumstances of their case, and runs into no unforeseen difficulties whether personal, administrative or fiscal. Amongst the important and urgent decisions which must be made will be whether or not a charitable appeal is called for, and it may well be desirable to take advice on such questions before the appeal is issued. Generally speaking, the terms of the appeal will be all- important in deciding the status and ultimate application of the fund.

Once the terms are agreed, it will generally be desirable to publish the appeal as soon as possible and as widely as appropriate in the circumstances. Some gifts may be sent before publication of the appeal. If there are more than can be acknowledged individually the published appeal should indicate that gifts already made will be added to the appeal fund unless the donors notify the organisers (say within ten days) that this is not their wish.

Pros and Cons of the Types of Appeal

Charitable Funds attract general tax reliefs; donations to them may do so (and in particular be exempt from inheritance tax). But Charitable Funds, being essentially public in their nature, cannot be used to give individuals benefits over and above those appropriate to their needs, and the operation of a Charitable Trust will be subject to the scrutiny of the Charity Commissioners.

Non-Charitable Funds attract no particular tax reliefs. However, for example, for inheritance tax it is unlikely in practice that tax will actually be payable, either on donations to, or payments out of, the Trust Fund. But under a Non-Charitable Trust there is no limit on the amount which can be paid to individual beneficiaries if none has been imposed by the appeal; and only the Court, acting on behalf of the beneficiaries will have control over the Trust which will not be subject to scrutiny by the Charity Commissioners

The terms of the non-charitable appeal must be prepared with particular care to ensure that there is no doubt who is to benefit, whether or not their benefit is to be at the discretion of the Trustees, and whether or not the entire benefit is to go to the beneficiaries and, if not, for example because specific purposes are laid down and the funds may be more than is required for the purposes, or because the beneficiaries are only to take as much as the Trustees think appropriate, what is to happen to any surplus. If specific purposes are laid down, and after they have been fulfilled a surplus remains for which no use has been specified, the surplus will belong to the donors, which may lead to expensive and wasteful problems of administration.

Forms of Appeal

If a Charitable Fund is intended then the appeal could take the following form:

“This appeal is to set up a Charitable Fund to relieve distress caused by the accident/disaster at on The aim is to use the funds to relieve those who may be in need of help (whether now or in the future) as a result of this tragedy in accordance with charity law. Any surplus after their needs have been met will be used for charitable purposes designed:

- *to help those who suffer in similar tragedies;*
- *to benefit charities with related purposes; and*
- *to help the locality.”*

If a Non-Charitable fund is intended and those affected are to take the entirety of the Fund in such areas as the Trustees think fit, the appeal could take the following form:-

“This appeal is to set up a fund, the entire benefit of which will be used for those injured or bereaved in the accident/disaster at on or their families and dependants as the Trustees think fit. This fund will not be a charity and donations are subject to no special tax treatment (and will have to be taken into account for capital tax transfer purposes, as is likely to be the case for the bulk of donations, they are within the normal reliefs)”.

Non-Charitable Fund in which the Trustees would have a discretion to give as much as they think fit to those who have suffered, with any surplus going to charity, could be set up on the basis of the following form:-

“This appeal is to set up a fund for those injured or bereaved in the accident/disaster at on and their families and dependants. The Trustees will have a discretion how and to what extent, to benefit individual claimants; the fund will not itself be a charity but any surplus will be applied for such charitable purposes as the Trustees think the most appropriate to commemorate those who died”.

Appeals for Individuals

It sometimes happens that publicity given to individual suffering moves people to give. In such a case it is particularly desirable for those who make appeals to indicate whether or not the appeal is for a charitable fund. It is also desirable for those who give to say whether their gift is meant for the benefit of the individual, or for charitable purposes, including helping the individual so far as that is charitable; if no such intention is stated then the donation should be acknowledged with an indication how it will be used if the donor does not dissent. Those who make appeals should bear in mind the possibility that generous response may produce more than is appropriate for the needs of the individual, and should be sure to ask themselves what should be done with any surplus.

Thus, if a child suffers from a disease there are two alternatives, to appeal for the benefit of the child, or to appeal for charitable purpose relating to the suffering of the child, such as may help him and others in the same misfortune, for example by helping find a cure. It may be that the child will not live long, and so may not be able to enjoy generosity to him as an individual; alternatively, he may be intended to receive as much as possible, because he faces a lifetime's suffering. Once again the pros and cons of setting up a Charitable or Non-Charitable Fund should be considered before the appeal is made, and the appeal should indicate which alternative is intended; once again, even if a non-charitable appeal is made it may be thought right to make it on terms that any surplus can be used for charity.

Generally

The suggestions made in this memorandum are only examples of forms which can be used; and before making an appeal it is always wise to seek advice on what form to use. The Charity Commissioners will always be ready as a matter of urgency to advise on the terms of any intended charity appeal, or to consider whether a proposed appeal is likely to be charitable and, if so, to advise on the likely consequences.

In conclusion, the Attorney General would like to emphasise that those organising the appeal should do all they can to make sure that the purpose of the appeal is clear and that donors know how their gifts will be used. This will do much to reduce the risk of confusion and distress. It is considered undesirable to make a general appeal postponing, until the size of the Fund is known, decisions whether the Fund ought to be charitable, and whether those affected should take the entire benefit; this can all too easily lead both donors and beneficiaries to form the view that the ultimate result is not what was intended, as well as giving rise to legal problems.

This memorandum is provided to Local Authorities Associations, the Law Society and major banks, amongst other bodies, in the hope that it may become available to all those who may be concerned with making public appeals.

Guidelines on the Tax Treatment of Disaster Funds

See: <http://www.hmrc.gov.uk/afg/afg.htm>

The main points are:

- The usual way to organise an appeal is by setting up a Trust Fund.
- A Trust Fund can be set up as either a Charitable Trust or a Non-Charitable Discretionary Trust.
- Whichever type of Trust is used, donations of cash are completely free of income tax and capital gains tax.
- A Charitable Trust has tax advantages, but Charity Law means that there can be limits on what is done with the money.
- In England and Wales the Charity Commission should be consulted before setting up a Charitable Trust; it will probably have to be registered as a Charity.
- A Non-Charitable Discretionary Trust has no particular tax benefits but it gives the Trustees greater freedom on how to use the money.
- An appeal which uses two trusts – one charitable the other non-charitable – can combine the tax advantages of the first with the flexibility of the second.
- Fund raising events can involve VAT or other tax liabilities, so professional advice should be taken as quickly as possible to ensure that the right arrangements can be made to prevent any unnecessary tax liabilities.

These notes are intended to supplement the guidelines published by the Attorney General in 1982 which have been updated to take account of changes in inheritance tax legislation

5.3 – EXIT STRATEGY

An exit strategy should be formulated to determine when the activity of the fund should finish. This may be time-limited, driven by demand or when the fund is exhausted, or a combination of these.

5.4 – RESIDUAL MONEY

As part of the exit strategy, and at an early stage, it should be decided what will be done with any residual money when the activity of the fund finishes.

This page intentionally blank